



## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

**For: EID-0683-2022**

**1. Project Title:**

Whale Rock Stilling Basin Dewatering and Inspection Project

**2. Lead Agency Name and Address:**

City of San Luis Obispo (on behalf of the Whale Rock Commission)  
990 Palm Street  
San Luis Obispo, CA 93401

**3. Contact Person and Phone Number:**

Noah Evans, Whale Rock Supervisor, Public Utilities  
[nevans@slocity.org](mailto:nevans@slocity.org)  
805.995.3701

Shawna Scott, Special Projects Manager, Public Utilities  
[sscott@slocity.org](mailto:sscott@slocity.org)  
805.781.7176

**4. Project Location:**

Whale Rock Reservoir spillway basin  
Near terminus of 13<sup>th</sup> Street, Cayucos, California.  
APNs: 073-093-005, 073-095-001, and 073-095-006

**5. Project Sponsor's Name and Address:**

City of San Luis Obispo  
Public Utilities Department  
879 Morro Street  
San Luis Obispo, CA 93401-3218

**6. General Plan Designations:**

Open Space\*

**7. Zoning:**

Open Space\*

*\*NOTE: The project site is located on parcels owned by the State of California outside of the San Luis Obispo City limits in the unincorporated area of San Luis Obispo County. The General Plan and Zoning designations are based on information in the San Luis Obispo County Coastal Zone Land Use Ordinance (Title 23); however, the project does not require discretionary or ministerial permits from the County and any references to County planning documents are provided for informational purposes only.*

## 8. Description of the Project:

The proposed project includes dewatering, sediment removal, and visual inspection of the spillway basin below Whale Rock Reservoir located east of the community of Cayucos in San Luis Obispo County, California (see Figure 1: Project Location and Vicinity Map).

As it currently exists, the concrete spillway conveys water from controlled dam releases when the reservoir has reached its capacity, as well as local precipitation which directly enters the channel, into a rip-rap lined energy dissipation basin. The spillway and rip-rap basin are an extension of Old Creek, a USGS blue line drainage. Vegetation within the spillway, where present, is dominated by dense patches of common tule (*Schoenoplectus acutus* var. *occidentalis*). The majority of the project site's upland area consists of ruderal grassland habitat that is regularly mowed and tilled.

The City of San Luis Obispo (City) is required by the Division of Safety of Dams to inspect the integrity of the spillway basin below Whale Rock Reservoir. In order to conduct the visual inspection, the City must first dewater the lower section of the basin, then remove accumulated sediments and vegetation from the area for an engineer to gain and see the basin bottom. The proposed project includes the use of submersible pumps to dewater the area, discharging the water to the adjacent disturbed upland terraces, 50 feet or greater from the spillway and top of bank, on either side of the spillway bank (see Figure 2: Proposed Dewatering Plan). Temporary sediment catchments and dissipation devices, such as straw bales and plastic sheeting, will be used to slow down and settle turbid water before it is allowed to run overland. Additional devices (e.g., sandbags, silt fence, straw wattle, hay bales) will be implemented around the perimeter of the sediment discharge area as needed to ensure no erosion or sedimentation occurs to the creek below.

Once the area is dewatered, equipment such as a backhoe or skid steer will be lowered down from the 13th Street/access road bridge above the spillway. A container will also be lowered down. Sediment and vegetation will be scooped up and placed in the container, and once filled, it will be pulled back up to the bridge and emptied onto either of the disturbed upland terraces, 50 feet or greater from the spillway and top of bank, on either side of the spillway. Sediment and vegetation removed from the channel will be spread locally in the disturbed upland terrace, where the materials will not wash back into the spillway or downstream to the creek (see Figure 2). Once the area is accessible and the concrete channel visible, an engineer or engineers will conduct the required inspection.

The project would result in approximately 0.10-acre and 160 linear feet of temporary impacts to waters of the state, including 0.10-acre and 160 linear feet of temporary impacts to waters for the U.S. Specifically, temporary impacts are expected as a result of dewatering and excavating accumulated sediment and vegetation. No permanent impacts are proposed. As such, impacts to the spillway would require permits from California Department of Fish and Wildlife (CDFW), Central Coast Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (USACE) (see Figure 3: Jurisdictional Delineation Map).

## 9. Project Entitlements:

N/A

## 10. Surrounding Land Uses and Settings:

Surrounding land uses are summarized below:

- North – open space and open waters of Whale Rock Reservoir
- South – open space, including riparian corridor of Old Creek
- East – open space and open waters of Whale Rock Reservoir
- West – City of San Luis Obispo Utilities Department maintenance yard, agricultural accessory structures, and single-family residences along 13<sup>th</sup> Street

- 11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

Native American Tribes were notified about the project on July 15, 2022 consistent with City and State regulations including, but not limited to, Assembly Bill 52. See Section 18, Tribal Cultural Resources, for further information on correspondence and consultation with California Native American Tribes.

- 12. Other public agencies whose approval is required:**

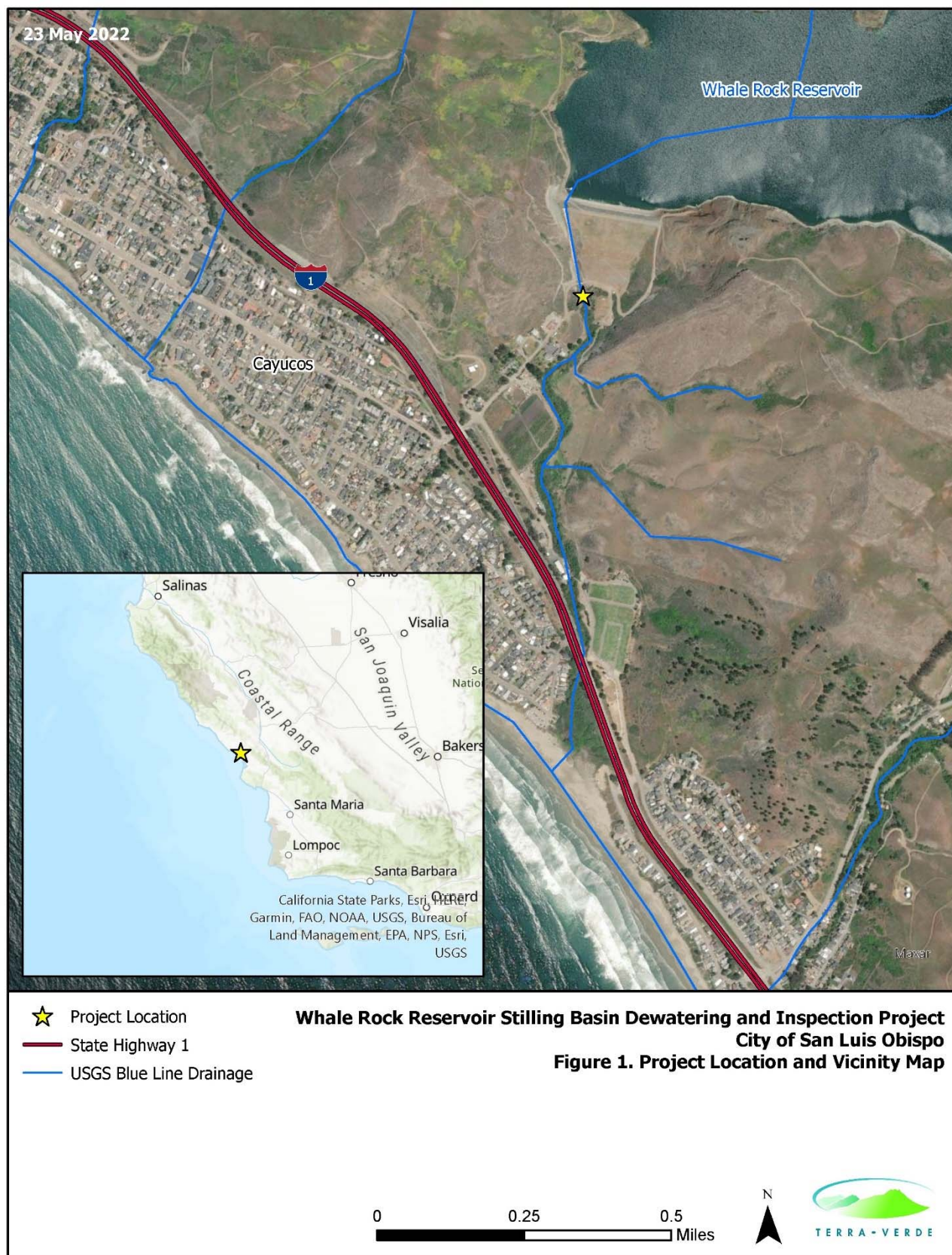
U.S. Fish and Wildlife Service (USFWS), if needed

National Oceanic Atmospheric Administration (NOAA) Marine Fisheries Service (NMFS), if needed

California Department of Fish and Wildlife (CDFW)

Regional Water Quality Control Board (Central Coast)

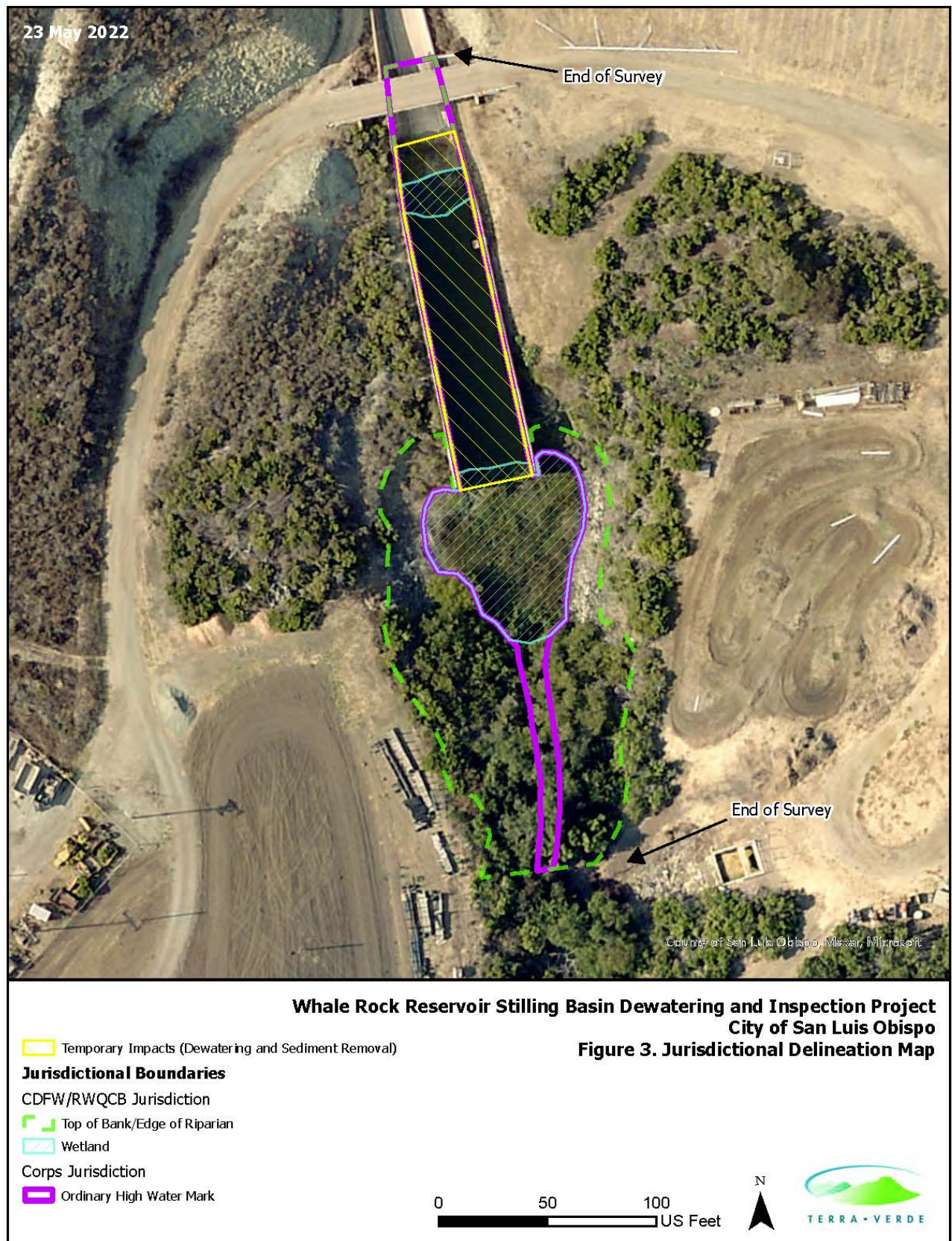
U.S. Army Corps of Engineers (USACE)











## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

## FISH AND WILDLIFE FEES

<input type="checkbox"/>	The California Department of Fish and Wildlife has reviewed the CEQA document and written no effect determination request and has determined that the project will not have a potential effect on fish, wildlife, or habitat (see attached determination).
<input checked="" type="checkbox"/>	The project has potential to impact fish and wildlife resources and shall be subject to the payment of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code. This initial study has been circulated to the California Department of Fish and Wildlife for review and comment.

## STATE CLEARINGHOUSE

<input checked="" type="checkbox"/>	This environmental document must be submitted to the State Clearinghouse for review by one or more State agencies (e.g. Cal Trans, California Department of Fish and Wildlife, Department of Housing and Community Development). The public review period shall not be less than 30 days (CEQA Guidelines 15073(a)).
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## DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

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



Signature

January 3, 2023

Date

Shawna Scott

Printed Name

For: Michael Codron,

Community Development Director



## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 19, "Earlier Analysis," as described in (5) below, may be cross-referenced).
5. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063 (c) (3) (D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they addressed site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance

## 1. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	1, 2, 3	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, open space, and historic buildings within a local or state scenic highway?	1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	1, 2, 3	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1, 2, 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Evaluation

The project site is located approximately 0.3-mile east of State Route 1, an officially designated Federal Scenic Byway. The project site is accessed from 13<sup>th</sup> Street, which is lined intermittently with single family residences, agricultural row crops, and mature stands of trees. Topography at the base of the of the Whale Rock Reservoir's dam consists of two relatively flat terraces to the east and west of the spillway, with elevations ranging from 9 to 18 meters (30 to 60 feet). Vegetation within the spillway, where present, is dominated by dense patches of common tule (*Schoenoplectus acutus* var. *occidentalis*). The majority of the project site's upland area consists of ruderal grassland habitat that is regularly mowed and tilled. Downstream from the spillway, Old Creek includes an intact riparian corridor with mature trees and shrubs.

- a) A scenic vista is generally defined as a high-quality view that can be seen from public viewpoints. A substantial adverse effect on a scenic vista would occur if the proposed project would significantly degrade the scenic landscape as viewed from public roads or other public areas. The existing vegetation and intervening topography provide a highly filtered view of the stilling basin to travelers on surrounding roadways. The proposed project is temporary in nature and would not result in the modification of views. The project would not change or obstruct views from public vantage points and would be consistent with surrounding land uses; therefore, potential impacts associated with adverse effects on a scenic vista would be *less than significant*.
- b) Although the project is located approximately 0.3-mile from a designated Scenic Byway (State Route 1), the project activities would not be visible from State Route 1 due to intervening vegetation and topography. Additionally, the project activities do not include any modifications to scenic resources such as trees, rock outcroppings, open space, and historic structures; therefore, potential impacts would be *less than significant*.
- c) The project is located in a non-urbanized, publicly accessible area. The project would not substantially degrade the character or quality of the views from surrounding roads. However, heavy equipment, vehicles, and construction materials located within the project site and sediment spreading areas would be visible from the immediate surrounding areas during project construction. These construction-related visual impacts would be temporary and limited to the construction window, and therefore impacts would be *less than significant*.
- d) The project does not include any new source of light or glare, therefore there would be *no impact*.

### **Mitigation Measures**

Mitigation measures are not required.

### **Conclusion**

The project would not be highly visible from nearby public roadways designated as having high scenic value and does not include any permanent or built features. Therefore, no potentially significant impacts associated with aesthetic resources would occur and mitigation measures are not required.

## **2. AGRICULTURE AND FORESTRY RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	3, 5, 6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	3, 5, 6, 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	3, 5, 6, 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	3, 5, 6, 7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Evaluation**

The California Department of Conservation (CDOC) classifies and maps agricultural lands in the state in the *Farmland Mapping and Monitoring Program* (FMMP). The FMMP identifies five farmland categories: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Farmland of Local Potential. The project site is designated as Grazing land by the FMMP. The project site is in the Cayucos Agricultural Preserve Area. There are lands under Williamson Act Contract in the vicinity (northwest and southeast of Whale Rock Reservoir) but not within the project area. There are agricultural fields located adjacent to 13<sup>th</sup> Street; however, these lands are not located within a Williamson Act Contract.



According to Public Resources Code (PRC) Section 12220(g), forest land is defined as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Timberland is defined as land, other than land owned by the federal government and land designated by the State Board of Forestry and Fire Protection, as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. The project site does not support any forest land or timberland and is not surrounded by forest land or timberland.

- a) According to the FMMP, the project site and surrounding land uses are designated as Grazing land. Since the project site is not located on or adjacent to designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, implementation of the project would not result in the conversion of Farmland to non-agricultural use; therefore, *no impacts* would occur.
- b) While there are lands in agricultural use and under Williamson Act contract in the general vicinity of the project site, the project is temporary and would not affect zoning, access to, or use of these properties; therefore, impacts are considered *less than significant*.
- c) The project does not conflict with the existing zoning for, or cause rezoning of, forest land or timberland zoned for Timberland Production as there are no designated forest land or timberlands within the project area; therefore, there are *no impacts*.
- d) The project would not result in the loss or conversion of forest land to non-forest use as there are no designated forest lands within the project area; therefore, there are *no impacts*.
- e) The proposed project would be consistent with surrounding land uses and with existing zoning designation for the project site and would not adversely affect agricultural water supplies or other agricultural support facilities. Placement of sediment and vegetation removed from the spillway on upland terraces would not be located on or adjacent to Farmland. Therefore, the project would not result in substantial changes in the environment that could result in conversion of nearby agricultural land or forest land to non-agricultural or non-forest use, and impacts are considered *less than significant*.

### **Mitigation Measures**

Mitigation measures are not required.

### **Conclusion**

The project is consistent with surrounding land uses and would not adversely affect surrounding agricultural areas. The project would not result in impact to or conversion of Prime Farmland, Unique Farmland, Farmland of Local or Statewide Importance, timberlands, or forest lands. Therefore, no significant impacts to agricultural and forest resources are anticipated, and no mitigation measures are necessary.

## **3. AIR QUALITY**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	10, 11	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	8, 9, 10, 11, 12	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c) Expose sensitive receptors to substantial pollutant concentrations?	9, 10, 12, 13	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	11, 13	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Evaluation**

The project is located within the South Central Coast Air Basin (SCCAB), which includes San Luis Obispo, Santa Barbara, and Ventura Counties. Air quality within the SCCAB is regulated by several jurisdictions, including the U.S. Environmental Protection Agency (EPA), California Air Resources Board (CARB), and the San Luis Obispo County Air Pollution Control District (SLOAPCD).

San Luis Obispo County is currently designated as “nonattainment” for the state standards for ozone, partial nonattainment (in eastern San Luis Obispo County, outside of the project area) for federal ambient standards for ozone, and nonattainment for the state standards for particulate matter 10 microns or less in diameter (PM<sub>10</sub>).

The SLOAPCD has developed a *CEQA Air Quality Handbook* (most recently updated with a November 2017 *Clarification Memorandum*) to evaluate project-specific impacts and determine if potentially significant impacts could result from a project. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, the 2001 San Luis Obispo County *Clean Air Plan* (Clean Air Plan) was prepared and adopted.

Some land uses are considered more sensitive to changes in air quality than others depending on the population groups and the activities involved. The CARB has identified the following groups as most likely to be affected by air pollution (i.e., sensitive receptors): children under 14, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. The nearest sensitive receptor to the project site is a rural residence located approximately 400 feet southwest along 13<sup>th</sup> Street.

Naturally occurring asbestos (NOA) has been identified as a toxic air contaminant by the CARB. Any ground disturbance proposed in an area identified as having the potential to contain NOA must comply with the CARB *Airborne Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations*. The SLOAPCD *Naturally Occurring Asbestos Map* indicates that the project site is located within an area identified as having a potential to contain NOA.

- a) The project involves temporary construction methods, including dewatering and sediment removal, and would not generate new traffic or increase vehicle miles. Therefore, the source control measures in the *Clean Air Plan* are not directly applicable to the project, and the project does not conflict with the *Clean Air Plan*. The project is consistent with the applicable SLOAPCD *CEQA Air Quality Handbook* and therefore impacts are considered *less than significant*.
- b) San Luis Obispo County is currently designated as non-attainment for ozone and PM10 under state ambient air quality standards. Construction of the project would result in emissions of ozone precursors including reactive organic gasses (ROG), nitrous oxides (NOx), and fugitive dust emissions (PM10). The project is temporary in nature and there are no operational emissions associated with project implementation.

Project construction would require removal of up to 100 cubic yards of sediment and organic materials (e.g., tule plants) and spreading on the surface of two previously disturbed upland areas totaling 36,475 square feet (0.84 acre). This would result in the generation of construction dust as well as short-term construction vehicle emissions, including diesel particulate matter (DPM), ROG, NOx, and PM10. The estimated construction related emissions are included in Table 1 below.

**Table 1. Estimated Emission Rates for Construction Operations**

Pollutant	Emission Rate <sup>1</sup> (Lbs/Cubic Yard of Material Moved)	Project Quantity	Project Emissions	APCD Threshold of Significance for Construction Operations <sup>2</sup>
Diesel Particulate Matter (DPM)	0.0049	100 cubic yards	0.49 lbs total	7 lbs (daily)
Reactive Organic Gases (ROG)	0.0203	100 cubic yards	2.03 lbs total	ROG + NO <sub>x</sub>  137 lbs (daily)
Oxides of Nitrogen (NO <sub>x</sub> )	0.0935	100 cubic yards	9.35 lbs total	
Fugitive Dust (PM <sub>10</sub> )	0.75 tons/acre/month <sup>3</sup>	0.84 acre	0.63 tons/month	2.5 tons (quarterly)

Pollutants may occur during the proposed dewatering and sediment removal project; however, pollutant producing work would be temporary and compliant with the APCD Air Quality Guidelines. The use of diesel engines, diesel idling, diesel fuel, and portable equipment 50 horsepower (hp) or greater, if required for construction, would comply with relevant State laws to reduce ozone precursors and diesel particulate matter (Section 2485 of Title 13 of the California Code of Regulations (for on-road vehicles) and Section 2449 of the CARB In-Use Off-Road Diesel regulation (for off-road equipment)). In addition, standard measures for reducing DPM and fugitive dust are required and have been included as Mitigation Measures **AQ-1** and **AQ-2**. These requirements would help ensure the project does not contribute to a considerable net increase of criteria air pollutants; therefore, potential air quality impacts from criteria pollutants related to project construction would be *less than significant with mitigation*.

- c) Construction activities such as dewatering, sediment removal, and sediment spreading would result in temporary construction vehicle emissions and fugitive dust that may affect nearby sensitive receptors. SLOAPCD's *CEQA Air Quality Handbook* recognizes special conditions, such as proximity to sensitive receptors (e.g., residential dwelling units), that require implementation of standard construction mitigation measures to reduce diesel idling (DPM) and fugitive dust. Since the project is located within 1,000 feet of residential dwelling units, standard measures for reducing DPM and fugitive dust are required and have been included as Mitigation Measures **AQ-1** and **AQ-2**. Therefore, potential air quality impacts associated with project construction would be *less than significant with mitigation*.
- d) Construction of the proposed project would generate odors associated with construction smoke, dust, and equipment exhaust and fumes. Proposed construction activities would not differ significantly from those resulting from any other type of construction project. Any effects would be short-term in nature and limited to the construction phase of the proposed project and would not be expected to disturb nearby land uses.

The SLOAPCD *Naturally Occurring Asbestos Map* indicates the project site is located within an area identified as having a potential for NOA to be present. Typically, projects that have the potential for NOA must either: 1). Submit a NOA ATCM exemption along with a supporting geologic evaluation that confirms the project materials do not contain NOA; or, 2). Assume that NOA could be present within the sediment and implement Mini Dust Control Measures (as outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations Section 93105[e]) during project activities. Mitigation Measure **AQ-3** requires the submittal of an NOA Construction and

<sup>1</sup> Based on APCD CEQA Air Quality Handbook Table 2-2: Screening Emission Rates for Construction Operations

<sup>2</sup> Based on APCD CEQA Air Quality Handbook Table 2-1: Thresholds of Significance for Construction Operations

<sup>3</sup> Assuming 22 days of operation per month



Grading Project Form, a Dust Control Measure Plan, and required fees. Therefore, potential NOA impacts associated with project construction would be *less than significant with mitigation*.

### **Mitigation Measures**

**AQ-1** At the time of building and/or grading permit submittal, the following idling control techniques shall be shown on all applicable plans and implemented during all construction activities and use of diesel vehicles:

1. **Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment**
  - a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors if feasible;
  - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
  - c. Use of alternative fueled equipment shall be used whenever possible; and
  - d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.
2. **California Diesel Idling Regulations.** On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
  - a. 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
  - b. Shall not operate a diesel-fueled auxiliary power system 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 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: <https://ww2.arb.ca.gov/capp-resource-center/heavy-duty-diesel-vehicle-idling-information>.

**AQ-2** At the time of building and/or grading permit submittal, the following particulate matter control measures shall be shown on all applicable plans and implemented during all construction and ground-disturbing activities:

1. Reduce the amount of disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo Air Pollution Control District's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants:  
<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>.
3. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed.
4. 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, soil binders or other dust controls are used.
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code Section 23114.
6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the

point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

7. All fugitive dust mitigation measures shall be shown on grading and building plans.
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo Air Pollution Control District's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the San Luis Obispo Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition (Contact the Compliance Division at 805-781-5912).
9. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities.
10. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established.
11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical binders, jute netting, or other methods approved in advance by the San Luis Obispo Air Pollution Control District.
12. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

**AQ-3** Prior to the commencement of construction and grading activities, the City Public Utilities Department shall submit the NOA Construction and Grading Project Form and a Mini Dust Control Measure Plan (as outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations Section 93105.e.A-F), and the associated fees to the SLOAPCD for review and approval.

### **Conclusion**

Mitigation Measures **AQ-1** through **AQ-3** have been identified to address potential impacts associated with the project and sensitive receptors' exposure to air pollutants. Upon implementation of these measures, residual impacts associated with air quality would be *less than significant with mitigation*.

#### 4. BIOLOGICAL RESOURCES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	3, 14, 15	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	3, 14, 15	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	3, 14, 15	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	14, 15, 16, 17	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	3, 14, 15	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

##### Evaluation

The following section is primarily based on the *Biological Survey Results Memorandum for the Proposed Whale Rock Reservoir Stilling Basin Dewatering and Inspection Project*, prepared for the City by Terra Verde Environmental Consulting, LLC, in June 2022 (included as Attachment 1). For the biological survey, a reconnaissance-level biological constraints report (BCR) and jurisdictional delineation were performed to determine the expected level and extent of environmental effects of the project on biological resources. The survey area included the entire proposed project area, and an approximate 100-foot buffer, where access was feasible.

**Jurisdictional Waters.** The project is located within the Cayucos USGS 7.5-minute topographic quadrangle. Topography at the base of the of the Whale Rock Reservoir's dam consists of two relatively flat terraces to the east and west of the spillway, with elevations ranging from 9 to 18 meters (30 to 60 feet). As it currently exists, the concrete spillway conveys water from controlled dam releases when the reservoir has reached its capacity, as well as local precipitation which directly enters the channel, into a rip-rap lined energy dissipation basin. The spillway and rip-rap basin are an extension of Old Creek, a USGS blue line drainage. Vegetation within the spillway, where present, is dominated by dense patches of common tule (*Schoenoplectus acutus* var. *occidentalis*). The majority of the project site's upland area consists of ruderal grassland habitat that is regularly mowed and tilled.

Old Creek is a USGS blue line drainage that historically flowed into traditionally navigable waters (i.e., Pacific Ocean) from its headwaters in the Santa Lucia Mountains, northeast of the proposed project site. The Whale Rock Reservoir was formed by construction of the Whale Rock Dam in 1961 which impounded Old Creek, approximately 0.95-mile upstream from its outlet to the Pacific Ocean. During the field surveys, standing water was observed within the stilling basin and its outlet, the rip-rap energy dissipator. The jurisdictional limits within the stilling basin are defined by the vertical concrete channel walls. The natural channel



bottom of Old Creek, downstream of the constructed features, is higher in elevation and was dry at the time of the surveys. At this location, the dense patch of common tule transitions into an arroyo willow (*Salix lasiolepis*) thicket within the channel. Connectivity between the stilling basin and the waters of Old Creek occurs during water releases from the reservoir. It was determined that the waters within the proposed project site would likely be considered waters of the U.S. and waters of the State under the jurisdiction of CDFW, RWQCB, and the USACE.

In addition to evidence of waters, portions of the stilling basin and energy dissipator channel bottom support a dominance of hydrophytic vegetation, indicating presence of a potential in-channel wetland. Due to the design of the constructed features on site, water appears to pond at the constructed outlet and potentially flow underground through the rip-rap energy dissipator structure. The dominant vegetation, common tule, observed in five patches within the channel feature, is considered a typical wetland indicator. It was determined that due to the constructed nature of the concrete stilling basin and rip-rap outlet structure, that hydric soils, a required parameter for federal wetlands, were not present. It was concluded that no federal wetlands are on site; however, based on the single parameter criteria for state wetlands, portions of the areas mapped as state waters are also considered state wetlands.

As part of the biological constraints report, desktop-level background review was conducted and included a review of the CDFW *California Natural Diversity Database* (CNDDDB), maps of the project area, and other literature and online resources to identify special-status plant and wildlife species that have been previously documented within the project region. An initial habitat assessment field survey of the project site and daytime survey for special-status amphibians was conducted on August 26, 2021. A nighttime survey for special-status amphibians was conducted on August 30, 2021. A field survey to conduct a jurisdictional delineation and botanical and wildlife inventory was conducted on April 12, 2022, during the appropriate bloom period for regionally occurring special-status plant species. Based on the habitat conditions of species known to occur in the region and conditions observed at the project site, the BCR identified the following special-status plant species and special-status wildlife species that have the potential to occur within the project site.

**Special-Status Plants.** During an appropriately timed 2022 botanical survey, no special-status plant species were observed on the project site. According to the BCR, no other special-status plant species known to occur within the region are expected to occur on-site due to the high degree of land manipulation and ongoing disturbance (i.e., frequent mowing) occurring within the proposed project site.

**Special-Status Wildlife.** According to the BCR, no special-status wildlife species were detected during the 2021 or 2022 surveys; however, there is potential to occur on-site, due to presence of suitable habitat, for the following special-status animal species known to occur in the area:

- **California red-legged frog (*Rana draytonii*):** This species is listed as federally threatened and is a CDFW State Species of Special Concern (SSC). California red-legged frogs require permanent or semi-permanent bodies of water such as lakes, streams, and ponds with plant cover for foraging and breeding. Reproduction occurs in aquatic habitat from late November to early April. Egg masses are laid in the water following breeding, often on emergent vegetation. Following metamorphosis, juvenile frogs may remain in the breeding ponds or disperse into uplands regardless of topography. California red-legged frogs have been documented dispersing over two miles from aquatic habitat. Dispersing frogs may seek refuge in small mammal burrows or soil fractures. The presence of aquatic habitat and dense wetland vegetation provides suitable habitat for this species within and directly below the stilling basin. As such, this species has potential to occur on site.
- **Southwestern pond turtle (*Actinemys pallida*):** This species is a CDFW SSC. This species inhabits many types of permanent and ephemeral aquatic habitats, including sloughs, rivers, ponds, lakes, vernal pools, and marshes, as well as human-constructed water bodies such as irrigation ditches and impoundments that provide adequate basking sites (e.g., logs, rocks, mats of floating vegetation, or open mud banks), emergent vegetation, and underwater refugia (e.g., rocks or submerged vegetation). The turtles also spend significant time on land, frequently moving between aquatic and upland habitats to nest, aestivate, and overwinter. Nests are usually partially or completely concealed beneath soil, moss, detritus, and leaf and needle litter and located within 165 feet of the water's edge. Though, females have been observed moving overland more than 1,300 feet to find suitable nesting sites. The presence of aquatic habitat and dense wetland vegetation provides marginally suitable habitat for this species within and directly below the stilling basin. As such, this species has potential to occur on site.

- **South-Central California Coast Steelhead DPS (*Oncorhynchus mykiss*):** This species is listed as federally threatened. These fish live in the ocean as adults but migrate to freshwater streams or creeks that have cool flowing water, access to the ocean, and available food sources for spawning. Adults in San Luis Obispo County enter freshwater systems for spawning from December to March, depending on specific stream conditions. Specific habitat requirements for south-central California coast steelhead vary by life stage. In general, the crucial requirements of steelhead habitat include adequate substrate, water quality, water quantity, water temperature, water velocity, and cover from riparian vegetation. This distinct population segment of steelhead tends to utilize perennial streams dominated by woody debris with relatively stable water flows. Local biological knowledge supports the presence of steelhead in the waters of the Whale Rock Reservoir and downstream in Old Creek. As such, there is a low potential for south-central California coast steelhead to occur in the waters of the stilling basin.
- **Tidewater goby (*Eucyclogobius newberryi*):** This species is listed as federally endangered and is a CDFW SSC. Tidewater goby generally inhabits cool, brackish water in lagoons, estuaries, marshes, and coastal streams that are protected from the Pacific Ocean by sand bars. They preferentially occur in areas with nearby emergent vegetation with salinities less than 10 parts per thousand. This species may occur in groups under a dozen or in large aggregations of several hundred. Habitat with sandy bottom substrate is preferred to allow subsurface burrowing by males prior to mate selection. Tidewater goby has an annual life cycle, with adults rarely exceeding two inches in length. Tidewater goby has been locally extirpated from Old Creek since the 1980s, and there is a lack of regular connectivity between the stilling basin and the Pacific Ocean. As such, tidewater goby is not expected to occur.
- **Migratory nesting birds:** In addition to those species protected by the state or federal government, all native avian species are protected by state and federal legislature, most notably the Migratory Bird Treaty Act and the CDFW Fish and Game code. Avian species can be expected to occur within the project area during all seasons and throughout implementation of the proposed project. The potential to encounter and disrupt avian species is highest during their nesting season (generally February 1 through August 31) when nests are likely to be active, and eggs and young are present. The patches of common tule, arroyo willow thicket, and man-made structures within the survey area may provide suitable habitat opportunities for a variety of common passerine and raptor species during the typical avian nesting period. Raptors are particularly drawn to large trees and structures, and they are less tolerant of disturbances than other species. As such, migratory and nesting birds have potential to occur on site.

**Critical Habitat and Sensitive Communities.** USFWS-designated critical habitat for California red-legged frog and NMFS-designated critical habitat for south-central California coast steelhead occurs within the proposed project area. Critical habitat designation supports the continued conservation of endangered species, but this designation only affects federal agency actions or federally funded or permitted activities.

- a) The project site consists of a concrete spillway and rip rap dissipation basin that are an extension of a USGS blue line drainage as well as ruderal grassland that is regularly mowed and tilled. Based on the conditions of the project area, there are four special-status wildlife species with potential to occur on site. The proposed project would cause temporary impacts to the aquatic and upland ruderal habitats on the project site. Potential impacts to special-status plant and wildlife species are discussed in detail below.

**Special-Status Plants.** During the appropriately timed botanical survey in 2022, no special-status plant species were detected on site, and none are expected to occur as suitable habitat is not present on site due to human alteration of the landscape such as mowing and tilling. As such, *no impacts* to special-status plants are expected to occur.

**Special-Status Wildlife.** No special-status wildlife species were detected during the 2021 or 2022 surveys; however, there is potential for various wildlife species to occur on-site, due to presence of suitable habitat, as described below.

**California red-legged frog.** There is potential for this species to utilize the project area for breeding, foraging, or upland habitat. Federally designated critical habitat for CRLF overlaps with the project site. The nearest CNDDDB occurrence of this species is approximately one mile southeast of the project site, documented in 1999. However, this species was not observed during amphibian-focused field surveys, and bullfrogs (*Lithobates catesbeiana*), a non-native predatory species that preys on and often outcompetes CRLF, were observed.

Project construction could result in the injury or mortality of California red-legged frog (if present) during dewatering and sediment removal. The potential need to capture and relocate this species could subject individual frogs to stresses (e.g.,

temporary removal from aquatic habitat, relocation to unfamiliar aquatic habitat) that could result in adverse effects. Injury or mortality could also occur via accidental crushing by worker foot-traffic or construction equipment. However, the potential for these impacts is anticipated to be low due to no observations of the species within the project area during surveys. Mitigation measures **BIO-4** through **BIO-5** have been identified to reduce impacts to CRLF specifically by ensuring there is no incidental take of this species and by requiring a preconstruction survey as well as monitoring for this species during construction. With implementation of these measures and the other mitigation measures listed below, impacts to CRLF are expected to be *less than significant with mitigation incorporated*.

**Southwestern pond turtle.** There is potential for this species to utilize aquatic habitat present on the project site. The nearest CNDDDB occurrence of this species overlaps with the project site and was documented in 1989. However, this species was not observed during the field surveys and has low potential to occur on site in the stilling basin.

Project construction could result in the injury or mortality of southwestern pond turtle (if present) during dewatering and sediment removal. The potential need to capture and relocate this species could subject individual turtles to stresses (e.g., temporary removal from aquatic habitat, relocation to unfamiliar aquatic habitat) that could result in adverse effects. Injury or mortality could also occur via accidental crushing by worker foot-traffic or construction equipment. However, the potential for these impacts is anticipated to be low due to no observations of the species within the project area during surveys. Mitigation measure **BIO-3** has been identified to reduce impacts to southwestern pond turtle specifically by requiring a preconstruction survey for this species as well as monitoring during construction activities for the proposed project. With implementation of this measure and the other mitigation measures listed below, impacts to southwestern pond turtle are expected to be *less than significant with mitigation incorporated*.

**South-Central California Coast Steelhead DPS.** There is potential for this species to utilize the aquatic habitat present within the project area. Federally designated critical habitat for south-central California coast steelhead is present within the project site. The nearest CNDDDB occurrence of this species is approximately 2 miles southwest of the project site documented in 1988. However, this species was not observed during field surveys and local biological knowledge suggests there is low potential for this species to occur on site in the stilling basin.

In addition to avoidance and minimization measures related to jurisdictional features, which would avoid, minimize, and mitigate for impacts to aquatic habitats, additional measures have been identified to further minimize potential project-related impacts to south-central California coast steelhead, including conducting a worker environmental training program, limiting work to occur within the seasonal minimum creek flow period, and use of fine mesh screening to prevent steelhead and other aquatic species from entering the pump system during dewatering. These measures are detailed as mitigation measures **BIO-2**, **BIO-6**, and **BIO-7**. Upon implementation of these measures and compliance with federal and state policies, impacts to south-central California coast steelhead would be reduced to *less than significant with mitigation incorporated*.

**Tidewater goby.** There is potential for this species to utilize the aquatic habitat present within the project area. The nearest CNDDDB occurrence of this species overlaps with the project site and was documented in 2004. However, this species was not observed field surveys and local biological knowledge suggests there is low potential for this species to occur on site in the stilling basin.

In addition to avoidance and minimization measures related to jurisdictional features, which would avoid, minimize, and mitigate for impacts to aquatic habitats, additional measures have been identified to further minimize potential project-related impacts to tidewater goby, including conducting a worker environmental training program, limiting work to occur within the seasonal minimum creek flow period, and use of fine mesh screening to prevent tidewater goby and other aquatic species from entering the pump system. These measures are detailed as mitigation measures **BIO-2**, **BIO-6**, and **BIO-7**. Upon implementation of these measures and compliance with federal and state policies, impacts to tidewater goby would be reduced to *less than significant with mitigation incorporated*.

**Migratory nesting birds.** The patches of common tule, arroyo willow thicket, and man-made structures within the survey area may provide suitable habitat opportunities for a variety of common passerine and raptor species during the typical avian nesting period (February 1 through August 31). Although no nesting bird species were observed during the biological surveys, there is potential for species to occur. Mitigation measure **BIO-8** has been identified to protect migratory nesting birds with requirement of a preconstruction survey and implementation of non-disturbance buffers if nesting birds should

be observed. Upon implementation of these measures, impacts to migratory nesting bird species would be reduced to *less than significant with mitigation incorporated*.

- b) **Jurisdictional Waters.** The project would result in approximately 0.10-acre and 160 linear feet of temporary impacts to waters of the state, including 0.10-acre and 160 linear feet of temporary impacts to waters for the U.S. Specifically, temporary impacts are expected as a result of dewatering and excavating accumulated sediment and vegetation. No permanent impacts are proposed. As such, impacts to the spillway would require permits from CDFW, Central Coast RWQCB, and the USACE. Mitigation measures **BIO-2** and **BIO-10** have been identified to protect jurisdictional water features within the project area. These measures include, but are not limited to, the development of a Spill Contingency Plan for the project and the implementation of storing vehicles and equipment away from the spillway and creek at the end of the day to the maximum extent feasible. With the implementation of these mitigation measures along with the necessary permits from the appropriate agencies, impacts to jurisdictional water features are expected to be *less than significant with mitigation incorporated*.

**California Red-Legged Frog USFWS Critical Habitat.** California red-legged frog critical habitat overlaps with the project site. Implementation of the project would result in temporary impacts to this habitat as a result of construction activities, including dewatering the stilling basin and sediment removal. Approximately 0.10-acre and 160 linear feet of temporary impacts would occur to this critical habitat located within the stilling basin from dewatering and sediment removal. Mitigation measures **BIO-2** and **BIO-10** have been identified to avoid or minimize impacts to jurisdictional water features within the project area and would effectively reduce and compensate for impacts to CRLF critical habitat. Upon implementation of these measures, impacts to CRLF critical habitat would be reduced to *less than significant with mitigation incorporated*.

**South-Central California Coast Steelhead DPS USFWS Critical Habitat.** South-central California coast steelhead DPS critical habitat is present within the project site in the stilling basin, spill way, and waters of Old Creek below the project site. Implementation of the project would result in temporary impacts to this aquatic habitat as a result of construction activities, including dewatering the stilling basin and sediment removal. Loss of service in steelhead critical habitat, while dewatering, would be an adverse effect to the primary functions of steelhead critical habitat, but only temporary in duration. Approximately 0.10-acre and 160 linear feet of temporary impacts would occur to this critical habitat located within the stilling basin from dewatering and sediment removal. Mitigation measures **BIO-2** and **BIO-10** have been identified to avoid or minimize impacts to jurisdictional water features within the project area and would effectively reduce and compensate for impacts to steelhead critical habitat. Upon implementation of these measures, impacts to south-central California coast steelhead critical habitat would be reduced to *less than significant with mitigation incorporated*.

- c) A jurisdictional determination was conducted for the project and potential federal and state jurisdictional areas were identified within the survey area based on historical aerial imagery and field observations of the OHWM and top of bank. Due to the constructed nature of the concrete stilling basin and rip-rap outlet structure, it was determined that hydric soils, a required parameter for federal wetlands, were not present. Because of the lack of hydric soils, it was concluded that no federal wetlands are on site; however, based on the single parameter criteria for state wetlands, portions of the areas that were mapped as state waters are also considered state wetlands. Dewatering and sediment removal of the proposed project occurs partially within the identified state wetlands. Permits from CDFW and RWQCB will be required. Mitigation measures **BIO-2** and **BIO-10** have been identified to protect jurisdictional water features within the project area. These measures include, but are not limited to, the development of a Spill Contingency Plan for the project and the implementation of storing vehicles and equipment away from the spillway and creek at the end of the day to the maximum extent feasible. With the implementation of these mitigation measures along with the necessary permits from the appropriate agencies, impacts to state wetlands are expected to be *less than significant with mitigation incorporated*.
- d) Although a portion of the project site is considered NMFS designated south-central California coast steelhead critical habitat, the stilling basin and spillway are man-made structures with inconsistent levels of water. These factors indicate that this waterway would not serve as a suitable nursery for native or migratory fish. Proposed dewatering and sediment removal activities could result in increased erosion and other pollutants that could run into downstream portions of Old Creek and other waterways. Mitigation measures **BIO-2** and **BIO-10** has been included to minimize the potential for increased erosion or other pollutants to run from the site and disturb downstream waterways and interfere with off-site areas that may provide connectivity for wildlife movement.

The project site is subject to frequent disturbance such as mowing and tilling and is adjacent to some rural development and active agriculture. Further, the project site is within 0.25 mile of Highway 101. As a result, the project site does not provide connectivity to other natural areas, and the implementation of the proposed project would not interfere with any terrestrial wildlife movement or connectivity. With implementation of mitigation to minimize the potential to disturb wildlife connectivity associated with off-site waterways, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors. Therefore, impacts would be *less than significant with mitigation*.

- e) According to San Luis Obispo Municipal Code Chapter 12.08, projects must identify best management practices (BMPs) for any project with potential to degrade, pollute, or contaminate storm water, the storm drain system, or waters of the U.S. Mitigation measures **BIO-2** and **BIO-10** require implementation of BMPs, including sediment and erosion control to protect aquatic resources present on site, including jurisdictional water features. As such, the project would be consistent with San Luis Obispo Municipal Code Chapter 12.08. Upon implementation of the identified mitigation measures, the project would not result in a conflict with local policies or ordinances; therefore, the potential impacts associated with conflicts with local policies would be *less than significant with mitigation*.
- f) The project is not located within an area under an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with the provisions of an adopted plan and *no impacts* would occur.

### **Mitigation Measures**

**BIO-1** An environmental awareness training shall be presented to all construction personnel by a qualified biologist prior to start of project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, including but not limited to CRLF, south-central California coast steelhead, and southwestern pond turtle, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by any discretionary permits, an overview of the Endangered Species Act, implications of noncompliance with the Endangered Species Act, and required avoidance and minimization measures.

**BIO-2** The following measures shall be incorporated into the project to protect wetlands/waterways and special-status species:

1. No refueling or maintenance of vehicles or equipment shall occur within 100 feet of the spillway/Old Creek.
2. Spill clean-up kits and secondary containment shall be made available and used to prevent spills or leaks from entering the drainage.
3. Secondary containment such as drop pans shall be used to prevent leaks and spills of potential contaminants.
4. Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas.
5. Sandbags and/or absorbent pads shall be available to clean up any spilled fuel, as needed.
6. Any chemicals used shall be prevented from entering the jurisdictional areas.
7. Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
8. Plastic monofilament netting (erosion control matting) or similar material will not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.
9. During project activities, all trash that may attract predators or scavengers shall be properly contained, removed from the work site, and disposed of at the end of each work week. Following construction, all trash and debris shall be removed from work areas.

**BIO-3** The following protection measures will be incorporated into the project to protect southwestern pond turtle during project operations:



1. A qualified biologist shall complete a pre-construction survey for southwestern pond turtle within 48 hours prior to the start of all work within 100 feet of suitable habitat. Surveys shall include an inspection of all work areas, staging areas, and access routes. Further, daily site inspections shall be completed each morning prior to the start of work within all work areas, throughout the dewatering and sediment removal phases. All vehicles, equipment, and materials staged on site overnight shall be inspected during pre-activity surveys and daily site inspections.
2. A qualified biologist shall monitor all initial equipment mobilization and staging activities within 100 feet of the creek. If southwestern pond turtles are discovered in the work areas, they shall be allowed to leave the area on their own volition or be relocated by a qualified biologist with appropriate authorization from CDFW to pre-determined suitable habitat areas located outside the immediate impact area.

**BIO-4** The following protection measures will be incorporated into the project to protect California red-legged frog during project operations:

1. To avoid the potential for take of CRLF that may disperse through the project area during the project, all initial project activities associated with the dewatering and sediment removal will be completed in the dry season (between April 15 and October 31) or when conditions are dry. During rain events or any day for which the National Weather Service has predicted a 25% or more chance of at least 0.1 inch rain in 24 hours (Predicted Rain Event) construction activities below top of creek banks or in other waters of the State may resume after the rain has ceased, the National Weather Service predicts clear weather for at least 24 hours, and site conditions are dry enough to continue work without discharge of sediment or other pollutants from the project site.
2. During temporary dewatering activities, the intake screen will consist of wire mesh not larger than 0.20-inch to prevent any CRLF from entering the pump system.
3. If exotic species known such as bullfrogs, crayfish, or centrarchid fishes are observed in the project area, a USFWS-approved biologist shall permanently remove these individuals from the project area to extent possible.
4. To ensure that diseases are not conveyed between work sites by the USFWS-approved biologist, the following fieldwork practices will be implemented:
  - a. Mud, snails, algae, and other debris shall be removed from nets, traps, boots, vehicle tires, and all other surfaces. Items will be rinsed cleaned with sterilized (e.g., boiled or treated) water before leaving each work site or prior to equipment being used again.
  - b. Boots, nets, traps, and other types of equipment used in the aquatic environment shall be scrubbed with 70 percent ethanol solution and rinsed clean with sterilized water (e.g., boiled or treated) between sites.

**BIO-5** The following measures shall be implemented immediately prior to and during dewatering and sediment removal activities within the project site for CRLF until completion:

1. A qualified biologist will survey the project site no more than 48 hours before the onset of work activities. If the biologist finds any life stage of the CRLF which are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work begins, assuming authorization from USFWS has been granted. The biologist will relocate the CRLFs to a pre-designated relocation site within the same drainage that contains suitable habitat and that will not be affected by activities associated with the proposed project.
2. A qualified biologist will be present at the work site during all initial equipment mobilization and staging activities and until all CRLFs have been relocated out of harm's way and disturbance of suitable habitat areas has been completed. After this time, the biologist will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined in BIO-1 and in the identification of CRLFs. If the designated CRLF monitor or the biologist recommends that work be stopped because CRLFs would be affected in a manner not anticipated during initial project review, they will notify the City immediately. The City will either resolve the situation by eliminating the adverse effect immediately or require that all actions causing these effects be halted. If the City halts work, the USFWS will be notified for further consultation.
3. The biological monitor will inspect the project site each morning prior to the onset of activities. The biologist will relocate any CRLF found to the pre-designated relocation area.

**BIO-6** The following measures shall be incorporated as a part of the project to further protect fish and other aquatic wildlife on site:

1. Prior to capture and relocation activities, the relevant regulator/resource agency shall be notified to allow for an opportunity to provide watershed specific guidance.
2. In-stream work, including dewatering activities, shall take place between April 15 and October 31 in any given year, when the surface water is likely to be at seasonal minimum. Deviations from this work window will only be made with permission from the relevant regulatory/resource agencies.
3. During in-stream work, if pumps are incorporated to assist in temporarily dewatering the site, intakes shall be completely screened with no larger than 0.2-inch wire mesh to prevent steelhead and other sensitive aquatic species from entering the pump system. Pumps shall release the additional water to a settling area, basin, or tank, allowing the suspended sediment to settle out prior to re-entering the stream(s) outside of the isolated area. The form and function of all pumps used during the dewatering activities shall be checked daily, to ensure a dry work environment and minimize adverse effects to aquatic species and habitats.

**BIO-7** The following measures shall be implemented immediately prior to and during all project work area dewatering activities to further protect steelhead and other aquatic wildlife on site:

1. A qualified biologist(s) shall identify and evaluate the suitability of downstream and/or upstream steelhead relocation habitat(s) prior to undertaking the dewatering activities that are required to isolate the work area from standing/flowing water. This shall include an evaluation of potential relocation sites based on attributes such as adequate water quality (a minimum dissolved oxygen level of 5 mg/L and suitable water temperature), cover (instream and over-hanging vegetation or woody debris) and living space. Multiple relocation habitats may be necessary to prevent overcrowding of a single habitat depending on the number of steelhead captured, current number of steelhead already occupying the relocation habitat(s), and the size of the receiving habitat(s).
2. Prior to dewatering, block nets shall be installed immediately downstream of the proposed work area. The purpose will be to exclude fish from reentering the work area by blocking the stream channel below with fine meshed nets or screens. Mesh will be no greater than 1/8-inch diameter. The bottom of the seine must be completely secured to the channel bed to prevent fish from reentering the work area. Exclusion screening must be placed in areas of low water velocity to minimize fish impingement. Block nets shall be placed and maintained throughout the construction period at the lower extent of the areas where fish will be removed. Block net mesh shall be sized to ensure steelhead upstream or downstream do not enter the areas proposed for dewatering between passes with the electrofisher (if authorized) or seine.
3. The qualified biologist(s) shall lead all block netting, seining, electrofishing, and fish relocation activities including the capture and relocation of steelhead prior to installation of block nets. This shall include the documentation of the number of steelhead observed in the affected area, the number of steelhead relocated, and the date and time of collection and relocation. The following requirements for capture and transport of steelhead shall be adhered to during all operations:
  - a. Determine the most efficient means for capturing fish. Complex stream habitat generally requires the use of electrofishing equipment, whereas in outlet pools, fish may be concentrated by pumping down the pool and then seining or dip-netting fish.
  - b. Initial fish relocation efforts will be conducted several days prior to the start of construction. This will provide the biologist(s) an opportunity to return to the work area and perform additional electrofishing passes immediately prior to project implementation. In many instances, additional fish will be captured that eluded the previous day's efforts.
  - c. If the project site has high summer water temperatures, perform relocation activities during morning periods.
  - d. Periodically measure air and water temperatures and monitor fish health. Temperatures will be measured at the head of riffle tail of pool interface. Cease activities if health of fish is compromised owing to high water temperatures, or if mortality exceeds three percent of captured steelhead.
4. The following methods shall be used if fish are removed with seines:

- a. A minimum of three passes with the seine shall be utilized to ensure maximum capture probability of steelhead within the area.
  - b. All captured fish shall be processed and released prior to each subsequent pass with the seine.
  - c. The seine mesh shall be adequately sized to ensure fish are not gilled during capture and relocation activities.
5. If standard fish capture methods are deemed ineffective due to environmental conditions, electrofishing shall only be used following the methods listed below (assuming authorization):
  - a. All electrofishing will be conducted according to NMFS' *Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act*, including modifications for South Central and Southern California streams including all voltage settings on the electrofisher which shall not exceed 300 volts.
  - b. A minimum of three passes with the electrofisher shall be utilized to ensure maximum capture probability of steelhead within the area proposed for dewatering.
  - c. Water temperature, dissolved oxygen, and conductivity shall be recorded in an electrofishing logbook, along with electrofishing settings.
  - d. A minimum of one assistant shall aid the NMFS/USFWS approved biologist(s) by netting stunned fish and other aquatic vertebrates.
6. Steelhead relocation activities will be consistent with the measures presented below, which are excerpted from Measures to Minimize Impacts to Aquatic Habitat and Species During Dewatering of Project Sites, on pages IX-51 and IX-52 of the CDFW *California Salmonid Stream Habitat Restoration Manual*:
  - a. All project site dewatering activities shall be coordinated with the qualified biologist and/or other biologists qualified to perform fish and amphibian (i.e., CRLF) relocation activities.
  - b. Minimize the length of the dewatered stream channel and duration of dewatering.
  - c. The work area may often be periodically pumped dry of seepage. Place pumps in flat areas, well away from the stream channel. Secure pumps by tying off to a tree or stake in place to prevent movement by vibration. Refuel in an area well away from the stream channel and place fuel absorbent mats under pump while refueling. Pump intakes should be covered with 1/8-inch wire mesh to prevent entrainment of fish or amphibians that failed to be removed. Check intake periodically for impingement of fish or amphibians.
7. In order to minimize injury or mortality of steelhead during fish relocation and dewatering activities, additional measures are presented below consistent with the Measures to Minimize Injury and Mortality of Fish and Amphibian Species During Dewatering, on pages IX-52 and IX-53 of the CDFW *California Salmonid Stream Habitat Restoration Manual*:
  - a. Fish relocation activities will be led by the qualified biologist(s) who has experience in steelhead biology and ecology, aquatic habitats, biological monitoring (including diversion/dewatering), and capturing, handling, and relocating fish species.
  - b. The qualified biologist(s) will continuously monitor placement and removal of any required block nets and will capture stranded steelhead and other native fish species and relocate them to suitable habitat, as 14 appropriate. The biologist(s) will capture steelhead stranded as a result of dewatering and relocate them to the nearest suitable instream habitat. The biologist(s) will note the number of steelhead observed in the affected area, the number relocated, and the date and time of the collection and relocation.
  - c. Minimize handling of salmonids. However, when handling is necessary, always wet hands or nets prior to touching fish.
  - d. Discharge wastewater from project area to an upland location where it will not drain sediment-laden water back to the stream channel. When the project is completed, the block nets shall be removed as soon as possible in a manner that will allow flow to resume with the least disturbance to the substrate.

- e. Fish shall not be overcrowded into buckets, allowing no more than 150 0+ fish (approximately six cubic inches per 0+ individuals) per 5-gallon bucket and fewer individuals per bucket for larger/older fish.
  - f. Every effort shall be made not to mix 0+ steelhead with larger steelhead, or other potential predators, that may consume the smaller steelhead. Have at least two containers and segregate young-of-year (0+) fish from larger age-classes. Place larger amphibians in the container with larger fish.
  - g. Salmonid predators, including other fishes and amphibians, collected and relocated during electrofishing or seining activities shall not be relocated so as to concentrate them in one area. Emphasis shall be placed on avoiding relocation of predators into the steelhead relocation pools. To minimize predation of steelhead, these species shall be distributed throughout the wetted portion of the stream to avoid concentrating them in one area.
  - h. All captured steelhead shall be relocated, preferably upstream, of the proposed construction project and placed in suitable habitat. All captured fish shall be placed into a pool, preferably with a depth of greater than two feet with available instream cover.
8. NMFS shall be contacted immediately if one or more steelheads are found dead or injured. The purpose of the contact shall be to review the activities resulting in take and to determine if additional protective measures are required. All steelhead mortalities shall be retained, frozen as soon as practical, and placed in an appropriate sized sealable bag that is labeled with the date and location of the collection and fork length and weight of the specimen(s). Frozen 15 samples shall be retained by the biologist until additional instructions are provided by NMFS.

**BIO-8** If work is planned to occur between February 1 and August 31, a qualified biologist shall survey the area for nesting birds 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, or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for all raptor species. All activity will remain outside of the buffer until a qualified biologist has determined that the nest is no longer active (e.g., young have fledged, nest failed, etc.) or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If any active nests of listed, fully protected, or otherwise special-status species are detected during the surveys, the appropriate wildlife protection agency shall be contacted for guidance on how to proceed. No work would occur within the specified no-work buffers unless previously coordinated with CDFW prior to initiation.

**BIO-9** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., USACE, CDFW, and RWQCB) should be obtained, as necessary. All additional mitigation measures required by these agencies would be implemented as necessary throughout project activities.

**BIO-10** The following measures are provided to further protect drainage features and aquatic resources on site:

- 1. The limits of jurisdictional aquatic features shall be clearly shown on all site plans. Further, temporary construction activities including access routes and staging areas shall be reduced to the smallest area required.
- 2. All equipment and materials shall be stored away from the edge of the spillway/creek to the maximum extent feasible at the end of each working day.
- 3. Prior to project implementation, a Spill Contingency Plan shall be developed which outlines the procedures for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures should a spill occur.
- 4. All staged and stored equipment shall have secondary containment (i.e., drip pans) to prevent leaks and spills of potential contaminants from entering the creek.
- 5. Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas with appropriate containment (i.e., visqueen, temporary L-bracket berms). Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.

### **Conclusion**

No special-status botanical or wildlife species were detected during surveys of the project area. However, it was determined that low suitable habitat exists for four special-status wildlife species as well as nesting birds within the project area. NOAA/NMFS and USFWS-designated critical habitat for south-central California coast steelhead DPS and California red-legged frog are present within the project area. The waters within the stilling basin were determined to be under the jurisdiction of CDFW, RWQCB, and the USACE. The dewatering and inspection project is confined to the constructed concrete spillway basin. Based on the current project description, implementation of mitigation measures **BIO-1** through **BIO-10** will avoid and/or minimize impacts to potentially occurring special-status species and sensitive resources to *a less than significant impact with mitigation*.



## 5. CULTURAL RESOURCES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historic resource pursuant to §15064.5?	5, 14, 18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	5, 14, 18	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	5, 14, 18	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Evaluation

Consideration of cultural resources under CEQA (Section 15064.5) includes evaluation of project impacts on resources listed in or eligible for listing in the California Register of Historical Resources. This can include, among other things, historical buildings, structures, and sites, and archaeological resources.

The project is located within the area historically occupied by the Obispeño Chumash, the northernmost of the Chumash people of California. The Obispeño Chumash occupied much of San Luis Obispo County, and the earliest evidence of human occupation in the region comes from archaeological sites along the coast. The City's *Conservation and Open Space Element (COSE)* establishes various goals and policies to balance cultural and historical resource preservation with other community goals. The project site is not located in an Archaeologically Sensitive combining designation (as identified by the County); however, the project is in an area historically occupied by the Obispeño Chumash and archaeological resources are known to exist in the region.

The Whale Rock dam was designed and constructed by the State Department of Water Resources beginning in October 1958 and completed in April 1961 to provide water to the City of San Luis Obispo, Cal Poly State University and California Men's Colony (these three groups make up the Whale Rock Commission). The City of San Luis Obispo Utilities Department maintains 13 miles of fence line, 1,400 acres of open space, dam structure and monitoring instrumentation, two pumping stations, and 18 miles of pipeline. The proposed project is a continuation of existing practices and activities performed by the City per the direction of the Whale Rock Commission. The intent of the project is to allow for inspection of the integrity of the spillway basin below Whale Rock Reservoir as required by the California Division of Safety of Dams. No modifications are proposed to the spillway structure and no new ground disturbance is proposed; sediment will only be removed from within the concrete spillway structure and spread on the surface of two previously disturbed locations. As a result, a Phase I Archaeological Survey or record search is not required.

- a) The intent of the project is to allow for inspection of the integrity of the spillway basin below Whale Rock Reservoir as required by the California Division of Safety of Dams. No modifications are proposed to the spillway structure and no new ground disturbance is proposed. Therefore, the project would not result in a substantial adverse change in the significance of a historic resource pursuant to Section 15064.5 and *no impacts* would occur.
- b) No significant archaeological resources are known to exist within the project area; therefore, the project would not cause a substantial adverse change in the significance of an archaeological resource. However, there would be some potential for inadvertent discovery of unknown archaeological resources during sediment removal activities. Mitigation measures **CR-1** and **CR-2** have been included to address inadvertent discovery during project construction to ensure potential impacts would be *less than significant with mitigation*.
- c) No human remains are known to exist within the project site; however, the discovery of unknown human remains is possible during sediment removal activities. Protocol for properly responding to the inadvertent discovery of human remains is identified in the California Health and Safety Code Section 7050.5 and would be required to be printed on all construction plans per mitigation measure **CR-3**. Potential impacts related to disturbance of human remains would

be less than significant with incorporation of mitigation measure **CR-3**. Therefore, potential impacts related to disturbance of human remains would be *less than significant with mitigation*.

### **Mitigation Measures**

- CR-1** Prior to initiation of project activities, a City-qualified archaeologist shall conduct cultural resource awareness training for all construction personnel including the following:
1. Review the types of archaeological artifacts that may be uncovered;
  2. Provide examples of common archaeological artifacts to examine;
  3. Review what makes an archaeological resource significant to archaeologists and local Native Americans;
  4. Describe procedures for notifying involved or interested parties in case of a new discovery;
  5. Describe reporting requirements and responsibilities of construction personnel;
  6. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and
  7. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

- CR-2** The following measure shall be shown on all applicable plans and implemented if cultural resources are encountered during all construction activities:

If cultural resources are encountered during subsurface earthwork activities, all ground-disturbing activities within a 25-foot radius of the find shall cease and the City shall be notified immediately. Work shall not continue until a City-qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American-affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the City-approved archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist.

If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara, and provide for the permanent curation of the recovered materials.

- CR-3** The following measure shall be shown on all applicable plans and implemented if human remains are exposed during construction and ground-disturbing activities:

In the event that human remains are exposed during earth-disturbing activities associated with the project, an immediate halt work order shall be issued, and the City Community Development Director and locally affiliated Native American representative(s) (as necessary) shall be notified. California Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall notify the Native American Heritage Commission within 24 hours.

### **Conclusion**

No archaeological or historic resources are known or expected to occur within the project site. However, mitigation measures **CR-1** through **CR-3** have been identified in the event that archaeological resources or human remains are unearthed during ground-disturbing activities; therefore, potential impacts on cultural resources would be *less than significant impact with mitigation*.

## 6. ENERGY

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	19, 20	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	14, 19, 20	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Evaluation**

The City COSE establishes goals and policies to achieve energy conservation and increase use of cleaner, renewable, and locally controlled energy sources. These goals include increasing the use of sustainable energy sources and reducing reliance on non-sustainable energy sources to the extent possible and encouraging the provision for and protection of solar access. Policies identified to achieve these goals include, but are not limited to, use of best available practices in energy conservation, procurement, use, and production; energy-efficiency improvements; pedestrian- and bicycle-friendly facility design; fostering alternative transportation modes; compact, high-density housing; and solar access standards.

The City *Climate Action Plan for Community Recovery* also identifies strategies and policies to increase use of cleaner and renewable energy resources in order to achieve the City's GHG emissions reduction target. These strategies include promoting a wide range of renewable energy financing options, incentivizing renewable energy generation in new and existing developments, and increasing community awareness of renewable energy programs.

- a) The project would remove sediment from an existing stilling basin to allow for inspection of Whale Rock Dam. There would be no change in capacity or modifications to dam operations, so there would be no energy consumption impacts relevant to project operation. During construction, fossil fuels, electricity, and natural gas would be used by construction vehicles and equipment. The energy consumed during construction would be short term and would not represent a significant or wasteful demand on available resources. Therefore, the project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, and impacts would be *less than significant*.
- b) The project does not propose any new buildings or uses that would generate significant long-term operational energy demands. The project would not conflict with other goals and policies set forth in the COSE or Climate Action Plan associated with renewable energy or energy efficiency; therefore, *no impacts* would occur.

### **Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

The project would not result in significant effects on energy resources. The air quality impact assessment for the project, described in the Air Quality section above, addresses construction-related consumption of fossil fuels from the perspective of corresponding air emissions, and recommends project-specific mitigation measures that may avoid wasteful or unnecessary fuel consumption. No additional mitigation measures are required.

## 7. GEOLOGY AND SOILS

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	20, 21, 22, 23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	20, 21, 22, 23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	20, 21, 22, 23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	5, 20, 21, 22, 23	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	25	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	5, 20, 21, 24, 25	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 1802.3.2 of the California Building Code (2013), creating substantial direct or indirect risks to life or property?	20, 25	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	5, 26	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **Evaluation**

The project site is located in the vicinity of the San Luis Range of the Coast Range Geomorphic Province of California. The Coast Ranges lie between the Pacific Ocean and the Sacramento-San Joaquin Valley and trend northwesterly along the California Coast for approximately 600 miles between Santa Maria and the Oregon border. Regionally, the Site is located on the Cambrian Slab, which is composed of a large, thick block of Cretaceous age sediments that are surrounded by Franciscan Complex rocks. The Cambrian Slab extends from the Los Osos fault approximately 8 miles south of the project site and northward to San Simeon Creek, approximately 18 miles to the northwest.

**Seismic Hazards.** The project site is not in the Alquist-Priolo Fault Zone and there are no known active faults in the vicinity. The Department of Conservation *Fault Activity Map of California* identifies a potentially capable fault approximately 1.3 miles south of the project site and a second potentially capable fault located approximately 3.3 miles east of the project site.

**Seismic-related Ground Failure.** Settlement is defined as the condition in which a portion of the ground supporting part of a structure or facility lowers more than the rest or becomes softer, usually because ground shaking reduces the voids between soil particles, often with groundwater rising in the process. Liquefaction is the sudden loss of the soil's supporting strength due to groundwater filling and lubricating the spaces between soil particles as a result of ground shaking. Soils with high risk for liquefaction are typically sandy and in creek floodplains or close to lakes. In extreme cases of liquefaction, structures can tilt, break apart, or sink into the ground. The likelihood of liquefaction increases with the strength and duration of an earthquake. Based on the Liquefaction Hazards Map in the County of San Luis Obispo Safety Element, the project site is located within areas of moderate and low liquefaction potential.

**Slope Instability and Landslides.** Slope instability can occur as a gradual spreading of soil, a relatively sudden slippage, a rockfall, or in other forms. Causes include steep slopes, inherently weak soils, saturated soils, and earthquakes. Improper grading and human-made drainage can be contributing factors. Much of the development in San Luis Obispo is in valleys, where there

is low potential for slope instability. Based on the Landslide Hazards Map in the County of San Luis Obispo Safety Element, the project site is located within areas of high landslide potential; however, topography at the base of the of the Whale Rock Reservoir's dam consists of two relatively flat terraces to the east and west of the spillway, with elevations ranging from 9 to 18 meters (30 to 60 feet).

**Subsidence.** Land subsidence is a gradual settling or sudden sinking of the Earth's surface due to subsurface movement of earth materials. Primary causes are groundwater withdrawal, in which water is removed from pore space as the water table drops, causing the ground surface to settle; tectonic subsidence, where the ground surface is warped or dropped lower due to geologic factors such as faulting or folding; and earthquake-induced shaking that causes sediment liquefaction, which in turn can lead to ground-surface subsidence. Based on the U.S. Geological Survey (USGS) *Areas of Land Subsidence in California* map, the project site is not located in an area of known subsidence.

**Soil Limiting Factors.** The project site is underlain by three soil units, as described below based on the San Luis Obispo County Soil Survey:

- Copley clay (0 to 2 percent slopes). This very deep, moderately well-drained, nearly level soil has slow permeability and high available water capacity. Surface runoff is low, and the hazard of water erosion is slight. This soil has high shrink-swell potential.
- Obispo-Rock outcrop complex (15 to 75 percent slopes). This moderately steep to very steep soil and Rock outcrop is about 50 percent Obispo soil and 30 percent Rock outcrop; included in this complex are a few small areas of Diablo clay, which is commonly in swales, and Henneke clay loam. The Obispo soil is shallow and well-drained with slow permeability and very low or low water capacity. The Rock outcrop is exposed, hard serpentine at or near the soil surface.
- Xererts-Xerolls-Urban land complex (0 to 15 percent slopes). This complex consists of nearly level to strongly sloping soils and miscellaneous areas that are covered by urban structures. The soil materials have been modified by earthmoving equipment or covered by urban structures so that much of their original shape and physical characteristics have been altered. The Xererts of this complex are Copley or Diablo soils that shrink and swell appreciably in moisture content.

- a.i) Implementation of the proposed project would not result in any increased or change in the significance of exposure to people or structures, which would result in adverse effects including the risk of loss, injury or death. The project would not support onsite workers or residents. Furthermore, the intent of the project is to allow for inspection of the Whale Rock Dam for seismic integrity. For these reasons, there will be *less than significant impacts* related to seismic activity.
- a.ii) Ground shaking is primarily a function of the distance between a particular area and the seismic source, the type of materials underlying the site and the motion of fault displacement. The number or frequency of large magnitude earthquakes that may occur during the life of the project cannot be predicted reliably. The potential hazards or adverse effects of ground shaking depend on several factors that include the severity of ground shaking; the nature, depth, and extent of the seismic event; the type of structures involved; and the local topography. No active faults that could produce strong ground shaking are located within the project area; however, the entire county is potentially subject to seismic activity. Mitigation of ground shaking effects is provided through enforcement of structural and nonstructural seismic design provisions defined in the Uniform Building Code. These codes are updated every three years and through this updated process the codes are incorporated into new design provisions as needed. The project is temporary in nature and does not include the development of any structures that would be vulnerable to seismic ground shaking; therefore, impacts would be *less than significant*.
- a.iii) Soil liquefaction is a secondary effect associated with seismic loading. It can occur when saturated, loose to semi-compact, granular soils, or specifically defined cohesive soils, are subjected to ground shaking sufficient to increase pore pressure to trigger liquefaction. In general, liquefaction hazard is most severe within the upper 50 feet of the ground surface. The project site is mapped in areas of low and moderate liquefaction potential. The project is temporary in nature, does not include the development of any structures on soils with low or moderate liquefaction potential, and would therefore have a *less than significant impact* related to seismic-related ground failure.
- a.iv) Landslides are the downslope motions of conglomerations of earth materials, bedrock, or combinations of both. The chance of a landslide occurring are increased by increases in slope gradient, looseness of material, clay content of the bedrock, underground springs, unfavorable slope orientation with existing fault boundaries, human disturbance of the landslide, increases in water content, earthquake forces to help mobilize the mass, and disturbance of the lateral



confining forces. The project site is mapped within areas of high landslide potential; however, the sediment removal and upland spreading areas are relatively flat and are not considered at risk from landslides. The project is not expected to increase or exacerbate the risk of potential landslide and would have a *less than significant* impact.

- b) Dewatering, sediment removal, and upland discharge/spreading required for the project could result in temporary soil erosion, sedimentation, and/or stormwater runoff. No substantial changes in the existing site topography would occur and temporary sediment catchments and dissipation devices, such as straw bales and plastic sheeting, will be used to slow down and settle turbid water before it is allowed to run overland. Additional devices (e.g., sandbags, silt fence, straw wattle, straw bales) will be implemented as needed to ensure no erosion or sedimentation occurs to the creek below. Sediments or vegetation removed from the channel will be spread locally above the spillway and in areas where the materials will not wash back into the spillway or downstream to Old Creek. Construction in jurisdictional areas will be conducted outside of the normal rainy season, thus minimizing potential erosion and adverse water quality impacts to Old Creek. The project would not require excessive grading and is not going to result in significant geologic impacts related to erosion or displacement/loss of topsoil and would therefore result in a *less than significant* impact.
- c) Based on the County of San Luis Obispo Safety Element, the project site is located within an area with low to moderate liquefaction potential. Based on the USGS Areas of Land Subsidence in California Map, the project is not located in an area of current or historical land subsidence. The project site is mapped within areas of high landslide potential; however, the sediment removal and upland spreading areas are relatively flat and are not considered at risk from landslides. The project is temporary in nature and does not include the development of any structures or ground-disturbing activities on unstable soils. Therefore, potential impacts related to on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse would be *less than significant*.
- d) Based on the Soil Survey of San Luis Obispo County and Web Soil Survey, the project site contains Cropley Clay (0 to 2 percent slopes), Obispo-Rock outcrop complex (15 to 75 percent slopes), and Xererts-Xerolls-Urban land complex (0 to 15 percent slopes). Typically, soils that consist of clay or clay materials have a higher shrink-swell potential than soils without clay or clay materials. Soils at the project site are composed of clay and clay materials. The project is temporary in nature, does not include the development of any structures or ground-disturbing activities on expansive soils. Therefore, potential impacts related to expansive soils would be *less than significant*.
- e) The use of septic tanks or alternative wastewater disposal systems are not proposed for the project and therefore would have *no impact*.
- f) The project site is underlain by Quaternary Alluvium (Qa), which has a low paleontological sensitivity. There are no known fossils or other paleontological resources in the project area. Further, the project would not require excavation into steep slopes or disturbance of bedrock that may result in the discovery of unknown fossils at the project site. In the event an unknown paleontological resource is identified on-site, the project would be required to comply with PRC Section 5097.5, which prohibits the removal or disturbance of paleontological resources without permission of the jurisdictional agency. In addition, implementation of mitigation measures **CR-1** and **CR-2** included in Section 5, Cultural Resources, would avoid or minimize the potential to disturb previously unidentified paleontological resources through identification of the proper protocol to be implemented in the event of inadvertent discovery of resources. Based on the low paleontological sensitivity of the project site, required compliance with the PRC, and implementation of mitigation measures **CR-1** and **CR-2**, the project is not anticipated to result in the disturbance of known or unknown paleontological resources. Therefore, impacts would be *less than significant with mitigation*.

### **Mitigation Measures**

Implement mitigation measures **CR-1** and **CR-2**.

### **Conclusion**

The project site is not located within a known fault zone or area of land subsidence. The project site is mapped within areas of high landslide potential; however, the sediment removal and upland spreading areas are relatively flat and are not considered at risk from landslides. The project would incorporate standard BMPs and mitigation measures to reduce the potential for erosion,

sedimentation, and siltation; therefore, with implementation of identified mitigation, potential impacts related to geology and soils would be *less than significant with mitigation*.

## 8. GREENHOUSE GAS EMISSIONS

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	19, 27, 28, 29, 30, 31	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	19, 27, 28, 29, 30, 31	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Evaluation

GHGs are any gases that absorb infrared radiation in the atmosphere and are different from the criteria pollutants discussed in Section 3, Air Quality. The primary GHGs that are emitted into the atmosphere as a result of human activities are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated gases. The City of San Luis Obispo 2005 *Community Wide GHG Emissions Inventory* showed that 50 percent of the city's GHG emissions came from transportation, 22 percent came from commercial and industrial uses, 21 percent came from residential uses, and 7 percent from waste.

A number of statewide legislations, rules, and regulations have been adopted to reduce GHG emissions from significant sources. Senate Bill (SB) 32 and Executive Order (EO) S-3-05 extended the state's GHG reduction goals and required the CARB to regulate sources of GHGs to meet a state goal of reducing GHG emissions to 1990 levels by 2020, 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. Other statewide policies adopted to reduce GHG emissions include AB 32, SB 375, SB 97, Clean Car Standards, Low Carbon Fuel Standard, Renewable Portfolio Standard, California Building codes, and the California Solar Initiative.

The City of San Luis Obispo *Climate Action Plan for Community Recovery* is a long-range plan to reduce GHG emissions from City government operations and community activities. Implementation of the *Climate Action Plan* is also intended to help achieve multiple community goals such as lowering energy costs, reducing air pollution, and supporting local economic development. The *Climate Action Plan* was prepared with the goal of achieving carbon neutrality by 2035. The *Climate Action Plan* includes measures to reduce communitywide GHG emissions by 45 percent below 1990 levels by 2030 and 66 percent below 1990 levels by 2035, which is consistent with California's goal of reducing GHG emissions to 40 percent below 1990 levels by 2030.

- a) The project would not generate operational air emissions. The project would result in short-term construction equipment exhaust emissions which result in contributions of GHG emissions. Based on the small scope of the project and the short-term construction duration, construction would not generate greenhouse gas emissions that would have a significant impact on the environment; therefore, impacts would be *less than significant*.
- b) Appendix C of the 2020 *Climate Action Plan* includes thresholds and guidance for the preparation of GHG emissions analysis under CEQA for projects within the City. To support progress toward the City's long-term aspirational carbon neutrality goal, plans and projects within the city that undergo CEQA review need to demonstrate consistency with targets in the *Climate Action Plan*, a Qualified GHG Emissions Reduction Plan, consistent with CEQA Guidelines Section 15183.5. According to the adopted SLOAPCD guidance, if a project is consistent with a qualified GHG reduction strategy, such as the City's 2020 *Climate Action Plan*, the project would not result in a significant impact. Projects that are consistent with 2014 General Plan land use and zoning designations can utilize the City's CEQA *GHG Emissions Analysis Compliance Checklist* to demonstrate consistency with the *Climate Action Plan*'s GHG emissions reduction strategy. Based on the analysis provided in Table 2 below, the project would be consistent with the City's GHG Emissions Analysis Checklist.

**Table 2. Project's Consistency with the City's Climate Action Plan**

Climate Action Plan Measures	Project Consistency
<b>Pillar 2: Clean Energy Systems</b>	
Does the Project/Plan include an operational commitment to participate in Central Coastal Community Energy (previously entitled Monterey Bay Community Power)?	<b>Not applicable.</b> The project includes dewatering, sediment removal, and sediment spreading at previously disturbed locations. The project is temporary in nature and does not include operational components that will result in a demand for energy resources.
<b>Pillar 3: Green Buildings</b>	
<p>Does the Project exclusively include "All-electric buildings"? For the purpose of this checklist, the following definitions and exemptions apply:</p> <p><i>All-electric building.</i> A new building that has no natural gas plumbing installed within the building and that uses electricity as the source of energy for all space heating, water heating, cooking appliances, and clothes drying appliances. An All-Electric Building may be plumbed for the use of natural gas as fuel for appliances in a commercial kitchen. Specific exemptions to the requirements for all - electric buildings include:</p> <p>Commercial kitchens</p> <ol style="list-style-type: none"> <li>The extension of natural gas infrastructure into an industrial building for the purpose of supporting manufacturing processes (i.e. not including space conditioning).</li> <li>Accessory Dwelling Units that are attached to an existing single-family home. Essential Service Buildings including, but not limited to, public facilities, hospitals, medical centers and emergency operations centers.</li> <li>Temporary buildings.</li> <li>Gas line connections used exclusively for emergency generators.</li> <li>Any buildings or building components exempt from the California Energy Code.</li> <li>Residential subdivisions in process of permitting or constructing initial public improvements for any phase of a final map recorded prior to January 1, 2020, unless compliance is required by an existing Development Agreement.</li> </ol> <p>If the proposed project falls into an above exemption category, what measures are applicants taking to reduce onsite fossil fuel consumption to the</p>	<p><b>Not applicable.</b> The project includes dewatering, sediment removal, and sediment spreading at previously disturbed locations. The project is temporary in nature and does not include the development of any buildings.</p>

maximum extent feasible? If not applicable (N/A), explain why this action is not relevant.	
If the Project/Plan includes a new mixed-fuel building or buildings (plumbed for the use of natural gas as fuel for space heating, water heating, cooking or clothes drying appliances) does that building/those buildings meet or exceed the City's Energy Reach code?	<b>Not applicable.</b> The project includes dewatering, sediment removal, and sediment spreading at previously disturbed locations. The project is temporary in nature and does not include the development of any buildings.
<b>Pillar 4: Connected Community</b>	
Does the Project/Plan comply with requirements in the City's Municipal Code with no exceptions, including bicycle parking, bikeway design, and EV charging stations?	<b>Not applicable.</b> The project includes dewatering, sediment removal, and sediment spreading at previously disturbed locations. The project is temporary in nature and does not require improvements for bicycles and EV charging stations.
Is the estimated Project/Plan-generated Vehicle Miles Traveled (VMT) within the City's adopted thresholds, as confirmed by the City's Transportation Division?	<b>Consistent.</b> The project traffic analysis determined that the project would generate no new daily operational vehicle trips and would not exceed the City's adopted VMT analysis threshold or OPR's significance threshold of 110 trips per day (see Section 17. Transportation for further discussion).
If "No", does the Project/Plan include VMT mitigation strategies and/or a Transportation Demand Management (TDM) Plan approved by the City's Transportation Division? Please explain. TDM components may include, but are not limited to: <ul style="list-style-type: none"> <li>• Telecommuting</li> <li>• Car Sharing</li> <li>• Shuttle Service</li> <li>• Carpools</li> <li>• Vanpools</li> <li>• Bicycle Parking Facilities</li> <li>• Participate in Rideshare's Back n Forth Club</li> <li>• Transit Subsidies</li> <li>• Off-Site Sustainable Transportation Infrastructure Improvements</li> </ul>	
Does the Project/Plan demonstrate consistency with the City's Bicycle Transportation Plan?	<b>Consistent/Not Applicable.</b> The project is located outside of the City limits and will be accessed from County maintained roadways. The project is temporary in nature, does not include the development of any structures or facilities, and will not impact any multimodal transportation facilities.
<b>Pillar 5: Circular Economy</b>	
Will the Project/Plan subscribe all units and/or buildings to organic waste pick up and provide the appropriate on-site enclosures consistent with the provisions of the City of San Luis Obispo Development Standards for Solid Waste Services? Please provide a letter from San Luis Garbage company verifying that the project complies with	<b>Not Applicable.</b> The project includes dewatering, sediment removal, and sediment spreading at previously disturbed locations. The project is temporary in nature and does not include the development of any facilities that would generate organic waste.

their standards and requirements for organic waste pick up.	
<b>Pillar 6: Natural Solutions</b>	
Does the Project comply with Municipal Code requirements for trees?	<b>Consistent.</b> The project does not propose any tree removal and would be subject to all tree protection regulations cited within the City Municipal Code.

Construction of the project would be required to be conducted in accordance with the 2019 California Green Building Standards Code (CALGreen) and other applicable policies for equipment use, energy sources, and construction waste diversion. The project would not conflict with Senate Bill 32 (California Global Warming Solutions Act of 2006); SLOCOG's 2019 Regional Transportation Plan; or other statewide, regional, or local plans or policies intended to reduce GHG emissions. The project would be consistent with the City's 2020 CAP, a qualified GHG reduction strategy pursuant to CEQA Guidelines Section 15183.5; therefore, impacts would be *less than significant*.

### **Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

The project would not generate significant GHG emissions above existing levels and would not exceed any applicable GHG thresholds, contribute considerably to cumulatively significant GHG emissions, or conflict with plans adopted to reduce GHG emissions. Therefore, potential impacts related to GHG emissions would be *less than significant* and no mitigation measures are necessary.

## **9. HAZARDS AND HAZARDOUS MATERIALS**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	33, 34	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	33, 34	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	33, 34	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	33, 34, 35, 36	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	21	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	21	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	21, 37, 38	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Evaluation**

The *Hazardous Waste and Substances Site (Cortese) List* is a planning document used by the state, local agencies, and developers to comply with CEQA requirements related to the disclosure of information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California Environmental Protection Agency (CalEPA) to develop, at least annually, an updated Cortese List. Various state and local government agencies are required to track and document hazardous material release information for the Cortese List. The California Department of Toxic Substance Control (DTSC) EnviroStor database tracks DTSC cleanup, permitting, enforcement, and investigation efforts at hazardous waste facilities and sites with known contamination, such as federal Superfund sites, state response sites, voluntary cleanup sites, school cleanup sites, school investigation sites, and military evaluation sites. The State Water Resources Control Board (SWRCB) GeoTracker database contains records for sites that impact, or have the potential to impact, water in California such as Leaking Underground Storage Tank (LUST) sites, Department of Defense sites, and Cleanup Program Sites. The remaining data regarding facilities or sites identified as meeting the “Cortese List” requirements can be located on the CalEPA website: <https://calepa.ca.gov/sitecleanup/corteselist/>. According to the Cortese List the project is not located in an area of known hazardous material contamination. A review of the EnviroStor database did not identify documented contaminated sites within a mile of the project. Based on the SWRCB GeoTracker database, there is one closed LUST site located along 13th Street, approximately 0.66-mile southwest of the project site.

The California Department of Forestry and Fire Protection (CAL FIRE) classifies moderate, high, and very high Fire Hazard Severity Zones (FHSZ) in areas where the State has financial responsibility for fire protection and prevention (State Responsibility Areas or SRA). A FHSZ is a mapped area that designates zones (based on factors such as fuel, slope, and fire weather) with varying degrees of fire hazard (i.e., moderate, high, and very high). FHSZ maps evaluate wildfire hazards, which are physical conditions that create a likelihood that an area will burn over a 30- to 50-year period. The project site is located in the urban-wildland interface and has been mapped within a moderate FHSZ.

- a) The project does not include the routine transport, use, or disposal of hazardous substances. Construction of the project is anticipated to require the use of commonly used hazardous substances within the project site, including cleaners, solvents, oils, paints, etc. Any hazardous substances that are used during project construction would be transported, stored, and used according to federal, state, and local regulatory requirements and existing procedures for the handling of hazardous materials. In addition, implementation of mitigation measure **BIO-2** would ensure any accidental construction-related spills would be properly cleaned in order to avoid indirect impacts to Old Creek. Therefore, based on implementation of mitigation measure **BIO-2** and required compliance with existing regulations, potential impacts associated with the routine transport, use, or disposal of hazardous substances would be *less than significant with mitigation*.
- b) The project does not include the handling or use of hazardous materials or volatile substances that would result in a significant risk of upset or accidental release conditions. Construction activities associated with the project are anticipated to require use of limited quantities of hazardous substances, including gasoline, diesel fuel, hydraulic fluid, solvents, oils, and paints, which would be used in accordance with existing regulatory requirements related to proper use of hazardous substances. Construction contractors would be also required to comply with applicable federal and state environmental and workplace safety laws for the handling of hazardous materials, including the federal Occupational Safety and Health Administration (OSHA) *Process Safety Management Standard* (CCR 29.1910.119),

which includes requirements for preventing and minimizing the consequences of accidental release of hazardous materials. Further, implementation of mitigation measure **BIO-2** would ensure any accidental construction-related spills would be properly cleaned in order to avoid indirect impacts to Old Creek. The project site does not contain any paved roadways that may have released aerially deposited lead into soils at the project site that could be released during sediment removal and spreading activities. Therefore, potential impacts would be *less than significant with mitigation*.

- c) Cayucos Elementary School (Cayucos Elementary School District) is located more than one mile northwest of the project site. Additionally, the project would not result in the transportation or use of acutely hazardous materials, substances, or waste. Therefore, *no impacts* would occur.
- d) There are no previously identified hazardous materials sites within or adjacent to the project site. Based on a search of the DTSC EnviroStor database, SWRCB GeoTracker database, and CalEPA Cortese List website, the nearest hazardous materials sites is one closed LUST site located along 13th Street, approximately 0.66-mile southwest of the project site. Hazardous materials associated with the site is not anticipated to be present within the soils on-site. Therefore, impacts would be *less than significant*.
- e) The project site is located approximately 20 miles from the San Luis Obispo County Regional Airport and the associated Airport Review Area. Therefore, the project is not within an airport land use plan or airport review area and would have *no impact*.
- f) Project construction will occur on private property and will not require temporary traffic control on public roadways. Emergency access and public circulation would be maintained in the project area. Therefore, project implementation would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans and impacts would be *less than significant*.
- g) According to CAL FIRE, the project site and surrounding lands are located within a moderate wildland FHSZ. The nearest fire station is CAL FIRE/San Luis Obispo County Fire station 16, located approximately 1 mile northwest of the project site at 201 Cayucos Drive in the unincorporated community of Cayucos. According to the San Luis Obispo County Safety Element, emergency response times for the project site are less than 5 minutes. The project is temporary in nature and would not substantially increase wildfire risks in the long term; however, construction activities have the potential to result in accidental ignition of onsite fires. Given the nature of construction activities and the work requirements of construction personnel, OSHA has developed safety and health provisions for implementation during construction which are set forth in 29 CFR, Part No. 1926. In accordance with these regulations, construction managers and personnel would be trained in emergency response and fire safety operations, which include the monitoring and management of life safety systems and facilities, such as those set forth in the Safety and Health Regulations for Construction established by OSHA. Additionally, in accordance with the provisions of OSHA regulations, fire suppression equipment (e.g., fire extinguishers) specific to construction would be maintained onsite. Project construction would also occur in compliance with all applicable federal, state, and local requirements regarding the handling, disposal, use, storage, and management of hazardous materials. Compliance with regulatory requirements would effectively reduce the potential for project construction activities to expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires and impacts would be *less than significant*.

### **Mitigation Measures**

Implement mitigation measure **BIO-2**.

### **Conclusion**

The project does not propose the routine transport, use, handling, or disposal of acutely hazardous materials, substances, or waste that could result in significant accident or upset conditions. Implementation of mitigation measure **BIO-2** and required compliance with existing regulations would reduce impacts related to use of construction-related materials and accidental construction-related spills to less than significant. Any hazardous substances used during operation of the project would be required to comply with federal, state, and local requirements. Project implementation would not subject people or structures to substantial risks associated with wildland fires and would not impair implementation of or interfere with any adopted emergency

response or evacuation plan. Upon implementation of the identified mitigation measures, potential impacts associated with hazards and hazardous materials would be considered *less than significant with mitigation*.

## 10. HYDROLOGY AND WATER QUALITY

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	3, 14, 39, 40	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	41, 42, 48	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:					
i. Result in substantial erosion or siltation on or off site;	3, 14, 39, 40, 43	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	3, 14, 39, 40, 44, 47	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	3, 14, 39, 40, 44, 47	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	3, 14, 39, 40, 44, 47	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	3, 14, 39, 40, 44, 45, 46, 47	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	41, 42, 48, 49	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Evaluation

According to the *San Luis Obispo County Watershed Management Plan*, the project site is located adjacent to Old Creek which is within the Cayucos Creek/Whale Rock Area Watershed that lies within the southern portion of the California Coast Range. The watershed is bounded to the west by the Pacific Ocean and the east by the Santa Lucia Mountain Range. The watershed area contains four major drainages that independently reach the Pacific Ocean: Cayucos Creek, Old Creek, Toro Creek, and Morro Creek; the latter of which borders and shares some attributes with the Morro Bay watershed. The headwaters of the watershed are in Santa Lucia Range, reaching a maximum elevation of approximately 2,345 feet with the lowest elevation at around sea level, draining into the Pacific Ocean. Whale Rock Reservoir was formed by construction of the Whale Rock Dam in 1961 which impounded Old Creek approximately 0.95-mile upstream from its outlet to the Pacific Ocean. There is no specific watershed management plan for the Cayucos Creek/Whale Rock Area.

The USACE regulatory jurisdiction under Section 404 of the Clean Water Act (CWA) extends to work in, over, and under waters of the United States that results in a discharge of dredged or fill materials within USACE jurisdiction. Old Creek is considered jurisdictional waters of the United States by the USACE. Section 401 of the CWA functions to ensure that federally permitted activities comply with the federal CWA and other state-mandated water quality laws. Section 401 is implemented through a

review process that is conducted by the RWQCB and is typically triggered by the Section 404 permitting process. The RWQCB issues a Water Quality Certification via the Section 401 process that ensures a proposed project complies with applicable effluent limitations, water quality standards, and other conditions of state law. Evaluating the effects of the project on both water quality and quantity (runoff) falls under the jurisdiction of the RWQCB.

Under the Porter-Cologne Water Quality Control Act, “waters of the State” fall under the jurisdiction of the California State Water Resources Control Board (SWRCB) and RWQCBs. The RWQCBs must prepare and periodically update water quality control basin plans. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control non-point and point sources of pollution to achieve and maintain these standards. In most cases, the RWQCBs seek to protect these beneficial uses by requiring the integration of water quality control measures into projects that would result in discharge into waters of the State. The *Water Quality Control Plan for the Central Coast Basin* (Central Coast Basin Plan) identifies the following present and potential beneficial uses of Old Creek, downstream from Whale Rock Reservoir: municipal and domestic supply; agricultural supply; groundwater recharge; water contact recreation; non-contact water recreation; wildlife habitat; warm freshwater habitat; rare, threatened, or endangered species; estuarine habitat; freshwater replenishment; and commercial and sport fishing.

The City is enrolled in the State General Permit National Pollutant Discharge Elimination System (NPDES) permit program governing stormwater. As part of this enrollment, the City is required to implement the Central Coast RWQCB’s adopted Post Construction Stormwater Management requirements through the development review process. The primary objective of these post-construction requirements is to ensure that the permittee is reducing pollutant discharges to the Maximum Extent Practicable and preventing stormwater discharges from causing or contributing to a violation of receiving water quality standards in all applicable development projects that require approvals and/or permits issued.

In 2015, the state legislature approved the Sustainable Groundwater Management Act (SGMA). SGMA requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. According to *California Department of Water Resources Groundwater Bulletin 118*, the project is not located within the boundaries of a groundwater basin. Water from the dewatering activities can be used for dust control during construction, as necessary. In addition, the City Utilities Department has access to non-potable, recycled construction water at its Water Resource Recovery Facility located on Prado Road, San Luis Obispo. Therefore, there is existing recycled water available to support construction activities, as necessary.

The Federal Emergency Management Agency (FEMA) 100-year flood zone identifies areas that would be subject to inundation in a 100-year storm event, or a storm with a 1 percent chance of occurring in any given year. Based on the FEMA National Flood Hazard Layer Viewer, the project site is not located within a 100-year flood zone. The project site is located at the base of Whale Rock Reservoir dam and according to the *County of San Luis Obispo Tsunami Emergency Response Plan* seiche could occur in any reservoir in the County. The California Department of Conservation has developed tsunami hazard maps for San Luis Obispo County. The project site is located within a mapped tsunami hazard area.

- a) The project includes the removal of sediment from the stilling basin and spreading of sediment in two previously disturbed upland areas totaling 36,475 square feet (0.84 acre). Because the project involves less than one acre of disturbance, it is not subject to a SWRCB General Permit and preparation of a SWPPP is not required. Additionally, the project does not include the creation or replacement of impervious surfaces and is not subject to the requirements set forth in the *Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region*. As designed, the project would include temporary sediment catchments and dissipation devices, such as straw bales and plastic sheeting, to slow down and settle turbid water before it is allowed to run overland. Additional devices (e.g., sandbags, silt fence, straw wattle, hay bales) will be implemented around the perimeter of the sediment discharge area as needed to ensure no erosion or sedimentation occurs to the creek below. These project design features along with implementation of mitigation measure **BIO-2** reduce the potential for erosion or an accidental construction-related spills to enter Old Creek, therefore impacts would be *less than significant with mitigation*.
- b) The project is not located within the boundaries of a ground water basin, and there would be no interference with groundwater recharge. The project would utilize minimal amounts of water during construction activities for dust management and other incidental uses but would not otherwise generate any long-term operational demand in water supply. Water from the dewatering activities can be used for dust control during construction, as necessary. In addition,

the City Utilities Department has access to non-potable, recycled construction water at its Water Resource Recovery Facility located on Prado Road, San Luis Obispo. Therefore, there is existing recycled water available to support construction activities, as necessary. As such, the project would not substantially affect groundwater supplies or interfere substantially with groundwater recharge and impacts would be *less than significant*.

- c) i. As discussed in (a), construction activities have the potential to cause erosion and sedimentation from disturbed areas. Appropriate sedimentation and erosion controls would be used to ensure there is no substantial erosion or siltation. These project design features along with implementation of mitigation measure **BIO-2** would reduce the potential for erosion or an accidental construction-related spill to enter Old Creek, therefore impacts would be *less than significant with mitigation*.
- c) ii. – iv. The project includes the removal of sediment from the stilling basin and spreading of sediment in two previously disturbed upland areas. The design of the project includes temporary sediment catchments and dissipation devices to slow down and settle turbid water before it is allowed to run over land. Construction activities within jurisdictional areas would be conducted during the dry season when stream flows would be at annual lows (June 15 through October 31) in any given year, or as otherwise directed by applicable regulatory agencies. This would preclude construction activities from occurring during the wet season during which flood flows may occur. The project does not include the creation or replacement of impervious surfaces, changes to existing topography or drainage patterns, and would not impede or redirect flood flows; therefore, impacts would be *less than significant*.
- d) The project site is not within a 100-year flood zone; however, it is located at the base of Whale Rock Reservoir dam where there is the possibility of a seiche occurring. Additionally, the project site is located within a mapped tsunami hazard area. Although there is the potential for seiche and tsunami hazards, the project is temporary in nature and does not include the development any new structures or facilities; therefore, impacts would be *less than significant*.
- e) Per the City's *General Plan Water and Wastewater Management Element*, Policy A2.2.1, the City has four primary water supply sources, including Whale Rock Reservoir, Salinas Reservoir, Nacimiento Reservoir, and recycled water (for irrigation). Groundwater serves as a fifth supplemental source. The project includes removal of deposition of sediment in previously disturbed areas and would not conflict with the City's *Waterways Management Plan* or other water quality control plans. Construction water would be supplied by the City of San Luis Obispo, which has ample water supply based on diversification of its water resources. In addition, the project would not substantially interfere with groundwater recharge of any groundwater basin. The project would not conflict with the SGMA, Central Coast Basin Plan, or other local or regional plans or policies intended to manage water quality or groundwater supplies; therefore, impacts would be *less than significant*.

### **Mitigation Measures**

Implement mitigation measure **BIO-2**.

### **Conclusion**

Through project design, implementation of mitigation measure **BIO-2**, standard BMPs, and City Engineering Standards, the project would not substantially impede or redirect flood flows, alter existing drainage patterns, degrade surface water quality, decrease groundwater supplies, or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project would retain the preconstruction water infiltration rates and flow volumes currently occurring on the project site. Therefore, potential impacts related to hydrology and water quality would be *less than significant with mitigation*.

## 11. LAND USE AND PLANNING

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	3, 5, 6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	3, 6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Evaluation**

The project is located within City-managed property located outside of the Cayucos Urban Reserve Line. The project site is surrounded by parcels designated with Open Space and Agriculture land uses by the *County of San Luis Obispo Coastal Zone Land Use Ordinance* (Title 23).

a-b) The project would not physically divide an established community. The project has been designed and will be implemented in compliance with the requirements of the City Municipal Code. The project would not divide an established community or conflict with land use plans or policies; therefore, *no impacts* would occur.

### **Mitigation Measures**

No mitigated measures are required.

### **Conclusion**

The project does not have the potential to physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan or policy; therefore, there would be *no impacts* and no mitigation measures are necessary.

## 12. MINERAL RESOURCES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Evaluation**

The project site and surrounding parcels are not designated for mineral extraction and there are no known mineral resources present.

a-b) There are no known mineral resources present on the project site and the site is not located within proximity of any known mineral resource recovery sites located on local planning documents; therefore, *no impacts* would occur.

### **Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

No impacts to mineral resources were identified; therefore, no mitigation measures are necessary.

## **13. NOISE**

Would the project result in:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	50, 51, 52	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	50, 51, 53	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	21	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Evaluation**

The existing ambient noise environment is characterized by intermittent vehicle noise from 13<sup>th</sup> Street, State Route 1, and various agricultural activities surrounding the project site. Noise-sensitive land uses typically include residences, schools and parks. The nearest sensitive receptor to the project site is a rural residence located approximately 400 feet southwest along 13<sup>th</sup> Street. The project site is not located within the vicinity of a private airstrip or public airport.

Based on the City Municipal Code Chapter 9.12 - Noise Control, operating tools or equipment used for construction activities between weekday hours of 7:00 p.m. and 7:00 a.m. or any time on Sundays or holidays is strictly prohibited, except for emergency works of public service utilities or by exception issued by the City Community Development Department. The Municipal Code also states that construction activities shall be conducted in such a manner, where technically and economically feasible, that the maximum noise levels at affected properties shall not exceed 75 dBA at single-family residences, 80 dBA at multi-family residences, and 85 dBA at mixed residential/commercial uses. The Municipal Code also states that operating any device that creates ground vibration above the vibration perception threshold of an individual at or beyond 150 feet from the source on a public space or right-of-way is prohibited.

- a) During project construction, noise from construction activities may intermittently dominate the noise environment in the immediate area. The project would require the use of typical construction equipment (backhoe, skid steer, etc.) for dewatering, sediment removal, and spreading. Typical noise levels produced by equipment commonly used in construction projects are shown in Table 3.



**Table 3. Typical Construction Noise Equipment Emission Levels**

Equipment Type	Typical Noise Level (dBA) 50 feet from Source
Concrete mixer, dozer, excavator, jackhammer, man lift, paver, scraper	85
Heavy truck	84
Crane, mobile	83
Concrete pump	82
Backhoe, compactor	80

Source: Federal Highway Administration (2017)

Construction equipment that would be used during project construction would not exceed 85 dB; however, the nearest sensitive noise receptor is located approximately 400 feet northwest from the western property boundary. Due to the project's proximity to nearby sensitive receptors (e.g., residential dwelling units), mitigation has been included to reduce construction-related noise.

Mitigation measure N-1 is identified to require implementation of standard noise BMPs to reduce noise generated during the project, which is considered short-term and would not result in a permanent source of noise. Upon implementation of these measures, project construction activities would not result in generation of a substantial increase in ambient noise levels in exceedance of applicable regulatory thresholds. Therefore, impacts would be *less than significant with mitigation incorporated*.

- b) The project does not propose pile driving or other high-impact activities that would generate substantial noise or groundborne vibration during construction. Use of heavy equipment would generate groundborne noise and vibration; however, there are no buildings that surround the project site (i.e., historical buildings and occupants of surrounding buildings) that would be substantially affected by this groundborne vibration. Based on the proposed construction activities, groundborne vibration is expected to be imperceptible at adjacent properties. Therefore, potential impacts would be *less than significant*.
- c) The project site is not located within the vicinity of a private airstrip or public airport and the project would not expose people residing or working in the project area to excessive noise levels; therefore, there would be *no impact*.

### **Mitigation Measures**

- N-1** The following noise reduction measures shall be shown on all applicable plans and adhered to during project activities:
- 1. Stationary construction equipment that generates noise that exceeds 60 A-weighted decibels (dBA) at the project boundaries shall be shielded with the most modern noise control devices (i.e., mufflers, lagging, and/or motor enclosures).
  - 2. Impact tools (e.g., jackhammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
  - 3. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
  - 4. All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.

5. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

### **Conclusion**

Since the project is located within 1,000 feet of sensitive receptors, mitigation measure N-1 is included to reduce potential construction-related impacts. Impacts related to noise would be *less than significant with mitigation*.

## **14. POPULATION AND HOUSING**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	41, 42	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	41, 42	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Evaluation**

According to the City's *General Plan 2021 Annual Report*, the average annual growth rate between 2015 and 2021 was 0.81 percent, which is in compliance with the 1 percent maximum average annual residential growth rate (City LUE Policy 1.11.2). San Luis Obispo contains the largest concentration of jobs in the county. During workdays, the city's population increases to an estimated 70,000 persons.

The City's *Housing Element* identifies various goals, policies, and programs based on an assessment of the City's housing needs, opportunities, and constraints. The City's overarching goals for housing include safety, affordability, conservation of existing housing, accommodation for mixed-income neighborhoods, providing housing variety and tenure, planning for new housing, maintaining neighborhood quality, providing special needs housing, encouraging sustainable housing and neighborhood design, maximization of affordable housing opportunities for those who live or work in the City, and developing housing on suitable sites. On November 17, 2020, City Council adopted the 6th Cycle Housing Element that includes housing policies and programs for 2020–2028. The City's Housing Element was updated in compliance with State requirements.

The project site is undeveloped and unpopulated with open space (riparian corridor) and previously disturbed areas. The area is further surrounded by agriculture, scattered rural residences, and outbuildings.

- a) The project does not include the construction of new residential land uses that could directly contribute to population growth. The project includes maintenance of existing facilities managed by the City Utilities Department and is not expected to generate any new long-term employment opportunities. Short-term construction activities may increase temporary construction-related employment opportunities; however, temporary employment opportunities generated by the project are anticipated to be filled by the local workforce and would not result in a substantial population increase. Based on the nature and limited scale of proposed project, the project would not induce substantial or unplanned population growth; therefore, potential impacts would be *less than significant*.
- b) The project would not result in the displacement of any existing or proposed housing; therefore, *no impacts* would occur.

### **Mitigation Measures**

No mitigation measures are required.

## Conclusion

The project would not induce population growth either directly or indirectly and would not displace people or housing. Population and housing impacts would be *less than significant*, and no mitigation is required.

## 15. PUBLIC SERVICES

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire protection?	56	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	57	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	58, 59	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Evaluation

Fire protection and emergency medical services are provided by CAL FIRE/San Luis Obispo County Fire station 16, located approximately 1 mile northwest of the project site at 201 Cayucos Drive in the unincorporated community of Cayucos. According to the San Luis Obispo County Safety Element (SOURCE) emergency response times for the project site are less than 5 minutes. Response times are within the performance standards outlined in the CAL FIRE/San Luis Obispo County *Strategic Plan*.

The community of Cayucos and surrounding areas rely on the County of San Luis Obispo Sheriff's Office and the California Highway Patrol. The primary station serving the community is the Sheriff's Coast Station located in the community of Los Osos at 2099 10<sup>th</sup> Street. The Coast Station patrols from Avila Beach to San Simeon and from the Los Padres mountain range to the Pacific Ocean. Response times for the Sheriff's Office vary based on allocated personnel, existing resources, time and day of the week, and prioritized calls for law enforcement services.

The project site is located within the Cayucos Elementary School District and the San Luis Coastal Unified School District for middle and high school. Public parks and recreation trails within the community of Cayucos are managed and maintained by the San Luis Obispo County Parks and Recreation Department.

- a) **Fire and Police Protection:** The project includes dewatering, sediment removal, and sediment spreading at previously disturbed locations. The project is temporary in nature and does not include operational components that will result in a demand for additional fire protection or police protection services. The project would not result in a need for additional or altered government facilities for fire or police protection; therefore, impacts would be *less than significant*.

**Schools:** No new land uses or habitable structures would be developed and therefore the project would not result in the need for new or expanded school facilities within the area. Impacts related to provision or need of new or altered school facilities would be *less than significant*.

**Parks:** No new land uses or habitable structures are proposed, and the project would not result in the need for new or expanded parks or recreational facilities. The project would not result in an increased demand for park or recreation facilities; therefore, impacts would be *less than significant*.

**Other Public Facilities:** No new land uses or habitable structures are proposed, and the project would not result in the need for new or expanded public services. The project would not result in an increased demand for other public facilities such as libraries or post offices; therefore, impacts would be *less than significant*.

### **Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physically altered governmental facilities. Public services impacts would be *less than significant*, and no mitigation is required.

## **16. RECREATION**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	5, 60	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	5, 60	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Evaluation**

The project site is located in proximity to two public recreation trails, Cayucos Cass Hill and Whale Rock Reservoir. Cayucos Cass Hill trail is located northwest of the project site and has access locations located along 13<sup>th</sup> Street south of the project property boundary. Whale Rock Reservoir trail is located northeast of the project site off Old Creek Road.

- a) The project is temporary in nature and would not result in the increase of use of existing parks or recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; therefore, impacts would be *less than significant*.
- b) The project does not include recreation facilities or require the construction or expansion of recreational facilities and there would be *no impact*.

### **Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

Implementation of the project would not result in the construction of new recreational facilities and would not increase the use of existing public recreational facilities in a manner that would result in substantial physical deterioration of existing facilities. The project would not result in significant impacts to recreational facilities, and mitigation measures are not required.

## 17. TRANSPORTATION

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	61, 62, 63, 64	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	61, 62, 63, 64	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	61, 62, 63, 64	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	21, 23, 56	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Evaluation

In 2013, SB 743 was signed into law with the intent to “more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions” and required the Governor’s Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. As a result, in December 2018, the California Natural Resources Agency certified and adopted updates to the State CEQA Guidelines. The revisions included new requirements related to the implementation of SB 743 and identified VMT per capita, VMT per employee, and net VMT as new metrics for transportation analysis under CEQA (as detailed in Section 15064.3[b]). In June 2020, the City formally adopted the transition from Level of Service to VMT for the purposes of CEQA evaluation and also established local VMT thresholds of significance.

The project site is located outside of the City limits within private property that is accessed from the eastern terminus of 13<sup>th</sup> Street approximately 0.25 mile east of State Route 1. 13<sup>th</sup> Street, east of South Ocean Avenue, is a county-maintained roadway that has average daily motor-vehicle trip volume (ADT) as 2,832, with an AM peak volume of 299 trips and a PM peak volume of 302 trips, as identified by the San Luis Obispo County Public Works Department *Traffic Count Data*. There are no bicycle facilities or transit stops located along 13<sup>th</sup> Street within the vicinity of the project site.

- a) The project involves temporary construction methods, including dewatering and sediment removal, and would not generate new traffic or increase vehicle miles. The project has been designed to comply with City Municipal Code standards and would not conflict with any program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. There would be *no impacts*.
- b) The 2018 OPR SB 743 *Technical Advisory on Evaluating Transportation Impacts* in CEQA states that absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact. The project involves temporary construction methods, including dewatering and sediment removal, and would not generate new traffic or increase vehicle miles. The project would not exceed the City’s adopted VMT analysis threshold or OPR’s significance threshold of 110 trips per day. Therefore, the project is not anticipated to generate VMT at a rate that is inconsistent with local and regional thresholds pursuant to CEQA Guidelines section 15064.3(b). Impacts would be *less than significant*.

- c) The project would be accessed from the eastern terminus of 13<sup>th</sup> Street at a location that does not contain dangerous curves, short sight distance, or other dangerous design features. Therefore, project impacts associated with increased hazards due to a geometric design feature would be *less than significant*.
- d) Project construction would not result in the need for traffic controls along public roadways and the project site and surrounding areas would remain accessible to emergency and other vehicles. Therefore, potential impacts related to inadequate emergency access would be *less than significant*.

### **Mitigation Measures**

Mitigation measures are not required.

### **Conclusion**

The project is temporary in nature and would not generate new traffic or increase vehicle miles. The project is consistent with local transportation planning documents, would not exceed the City's established thresholds for VMT, and would maintain adequate emergency access. Therefore, potential impacts associated with transportation would be less than significant and no mitigation measures are required.

## 18. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	5, 14, 18, 65	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	5, 14, 18, 65	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Evaluation

Approved in 2014, AB 52 added tribal cultural resources to the categories of resources that must be evaluated under CEQA. Tribal cultural resources are defined as either of the following:

- 1) Sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
  - b. Included in a local register of historical resources as defined in subdivision (k) of California PRC Section 5020.1.
- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of California PRC Section 5024.1. In applying these criteria for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Recognizing that tribes have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe regarding the potential for adverse impacts on tribal cultural resources as a result of a project. Consultation may include discussing the type of environmental review necessary, the presence and/or significance of tribal cultural resources, the level of significance of a project's impacts on the tribal cultural resources, and available project alternatives and mitigation measures recommended by the tribe to avoid or lessen potential impacts on tribal cultural resources.

Native American Tribes were notified about the project consistent with State and City regulations under AB 52 on July 15, 2022. Patti Dunton, Tribal Administrator of the Salinan Tribe of San Luis Obispo and Monterey Counties, responded via email and stated that they are aware of cultural resources in the area and would like to see all ground disturbing activities be monitored by a cultural resource specialist and Native American monitor.

- a) Based on consultation with local tribes, the project site may have the potential to contain tribal cultural resources that could be eligible for listing in the CRHR or local register. Mitigation measure **TCR-1** has been identified to require presence of a qualified archaeologist and Native American monitor during all project related construction activities that result in disturbance of native soil. If previously unidentified tribal cultural materials are unearthed during construction, mitigation measure CR-1 has been identified to require work be halted in that area until a qualified archaeologist can assess the significance of the find. Therefore, potential impacts to tribal cultural resources would be *less than significant with mitigation incorporated*.
- b) Based on consultation with local tribes, the project site may have the potential to contain resources considered significant by a California Native American tribe. Mitigation measure **TCR-1** has been identified to require presence

of a qualified archaeologist and Native American monitor during all project related construction activities that result in disturbance of native soil. Therefore, with incorporation of mitigation measures **TCR-1**, **CR-1**, and **CR-2**, impacts would be *less than significant with mitigation incorporated*.

### **Mitigation Measures**

Implement mitigation measures **CR-1** and **CR-2**.

**TCR-1** A qualified archaeologist and Native American monitor shall be present during all project related construction activities that result in disturbance of native soil that may contain tribal cultural resources. Monitoring activities shall be conducted in accordance with a Monitoring Plan as approved by the City Community Development Department. The plan shall include provisions such as:

1. List of personnel involved in the monitoring activities including a Native American monitor;
2. Description of how the monitoring shall occur;
3. Description of monitoring frequency;
4. Description of circumstances that would result in the “work diversion,” in the case of discovery, at the project site;
5. Description of procedures for diverting work on the site and notification procedures;
6. Description of monitoring reporting procedures; and
7. Description of the procedures for reburial of artifacts and/or human remains within identified areas on the project site or other suitable location.

### **Conclusion**

With the implementation of the mitigation measures **CR-1**, **CR-2**, and **TCR-1**, impacts to tribal cultural resources would be *less than significant with mitigation*.

## **19. UTILITIES AND SERVICE SYSTEMS**

Would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	48, 49	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	n/a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	66	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	66	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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### **Evaluation**

The City's Utilities Department is the sole water provider within the city, provides potable and recycled water to the community, and is responsible for water supply, treatment, distribution, and resource planning. The City's Water Resource Recovery Facility (WRRF) treats all the wastewater from the city, California Polytechnic State University, and the airport. The facility treats up to 4.5 million gallons of wastewater per day. The WRRF manages and treats wastewater in accordance with standards established by the SWRCB to remove solids, reduce the amount of nutrients, and eliminate bacteria in treated wastewater. A portion of the treated water is recycled for irrigation use within the city and the remaining flow is discharged to San Luis Obispo Creek.

Construction water for the project would be provided by the City's Utilities Department and the project does not require wastewater services. The project includes the removal of sediment from the stilling basin and spreading of sediment in two previously disturbed upland areas. The design of the project includes temporary sediment catchments and dissipation devices to slow down and settle turbid water before it is allowed to run over land.

- a) The project does not include the creation or replacement of impervious surfaces, changes to existing topography or drainage patterns, and would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Therefore, there are *no impacts* associated with construction of utility connections.
- b) The project would require water supplies during construction activities for dust suppression, vehicle washing, and other ancillary activities, but would not otherwise generate any long-term demand in water supply. The City has adequate water supply for project construction and no long-term increase in water supply demand would occur. Therefore, impacts related to sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years would be *less than significant*.
- c) The proposed project does not propose use or development of any on-site wastewater disposal systems or connection to any community wastewater system. The project would not include any use that would require wastewater discharge, except for short-term construction activities that would be serviced by on-site portable restroom and hand-washing facilities and/or existing facilities within the project site. Therefore, *no impacts* would occur.
- d) Construction activities have the potential result in the generation of solid waste materials, including temporary fencing. Upon completion, the project would not generate any solid waste. Therefore, impacts would be *less than significant*.

### **Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

*No significant impacts* to utilities and service systems would occur; therefore, no mitigation measures are necessary.

## **20. WILDFIRE**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	21, 37, 38	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	21, 37, 38	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	21, 37, 38	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	21, 37, 38	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Evaluation**

The City Safety Element identifies four policies to address the potential hazards associated with wildfire, included approving development only when adequate fire suppression services and facilities are available, classification of Wildland fire hazard severity zones as prescribed by CAL FIRE, prohibition of new subdivisions located within “Very High” wildland fire hazard severity zones, and continuation of enhancement of fire safety and construction codes for buildings. According to CAL FIRE, the project site is located in the urban-wildland interface and has been mapped within a moderate FHSZ.

- a) Project construction will not require temporary traffic control on public roadways. Emergency access and public circulation would be maintained in the project area. Therefore, project implementation would not result in a significant temporary or permanent impact on any adopted emergency response plans or emergency evacuation plans and impacts would be *less than significant*.
- b) The project would not substantially change existing slopes on-site or result in the removal of a natural or built wind barrier. Furthermore, the project does not include the construction of any new structures for human occupancy. The project would not result in the exacerbation of fire risks due to slope, prevailing winds, or other factors that would expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Therefore, impacts would be *less than significant*.
- c) The project is temporary in nature and would not substantially increase wildfire risks in the long term; however, construction activities have the potential to result in accidental ignition of onsite fires. Given the nature of construction activities and the work requirements of construction personnel, OSHA has developed safety and health provisions for implementation during construction which are set forth in 29 CFR, Part No. 1926. In accordance with these regulations, construction managers and personnel would be trained in emergency response and fire safety operations, which include the monitoring and management of life safety systems and facilities, such as those set forth in the Safety and Health Regulations for Construction established by OSHA. Additionally, in accordance with the provisions of OSHA regulations, fire suppression equipment (e.g., fire extinguishers) specific to construction would be maintained onsite. Project construction would also occur in compliance with all applicable federal, state, and local requirements regarding the handling, disposal, use, storage, and management of hazardous materials. Compliance with regulatory requirements would effectively reduce the potential for project construction activities to exacerbate fire risk and impacts would be *less than significant*.
- d) The project site is generally flat and would not be located near a hillslope or in an area subject to downstream flooding or landslides. The project site is not in a designated high or very high wildfire risk area and does not include any design elements that would expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be *less than significant*.

### Mitigation Measures

No mitigation measures are required.

### Conclusion

The project would not expose people or structures to new or exacerbated wildfire risks and would not require the development of new or expanded infrastructure or maintenance to reduce wildfire risks. Therefore, potential impacts associated with wildfire would be *less than significant* and no mitigation measures are necessary.

## 21. MANDATORY FINDINGS OF SIGNIFICANCE

	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	n/a	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The project may result in impacts to special-status wildlife, nesting birds, riparian habitat, designated critical habitat, and jurisdictional water features and mitigation measures have been incorporated to avoid and minimize potential impacts to these resources. Mitigation measures <b>BIO-1</b> through <b>BIO-10</b> have been identified to avoid potential impacts to special-status species and to jurisdictional water features, including Old Creek and associated riparian habitat.</p> <p>There are no known historic or prehistoric resources within the project site and mitigation measures <b>CR-1</b> through <b>CR-3</b> and <b>TCR-1</b> would reduce potential inadvertent discovery of these resources to less than significant. With implementation of identified mitigation measures and standard requirements, the project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Potential impacts would be <i>less than significant with mitigation</i>.</p>					
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>When project impacts are considered along with, or in combination with, other reasonably foreseeable impacts, the project's potential cumulative impacts may be significant. Mitigation measures have been incorporated into the project to reduce project-related impacts to a less than significant level. Based on implementation of identified project-specific mitigation measures and the relatively limited number and extent of potential impacts, the cumulative effects of the proposed project would not be cumulatively considerable and would be <i>less than significant with mitigation incorporated</i>.</p>					

	Sources	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>The project has the potential to result in significant impacts associated with air quality that, if left unmitigated, could result in substantial adverse effects on human beings. Standard mitigation measures (<b>AQ-1</b> and <b>AQ-2</b>) have been identified to reduce these potential impacts to less than significant, including, but not limited to, standard idling restrictions, dust control measures, implementation of BMPs, and compliance with the CARB Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations to avoid impacts related to naturally occurring asbestos. Mitigation has also been identified to reduce the potential for construction-related hazardous substances to degrade off-site areas (mitigation measure <b>BIO-2</b>). With incorporation of identified project-specific mitigation, potential environmental effects of the project would not directly or indirectly result in any substantial adverse effects on human beings. Therefore, potential impacts would be <i>less than significant with mitigation</i>.</p>					

## 22. EARLIER ANALYSES

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (c) (3) (D). In this case a discussion should identify the following items:
a) <b>Earlier analysis used.</b> Identify earlier analyses and state where they are available for review.
Not applicable.
b) <b>Impacts adequately addressed.</b> Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
Not applicable.
c) <b>Mitigation measures.</b> For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.
Not applicable.

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## Attachments

1. Biological Survey Results Memorandum for the Proposed Whale Rock Reservoir Stilling Basin Dewatering and Inspection Project (Terra Verde Environmental Consulting, LLC, 2022)



## REQUIRED MITIGATION AND MONITORING PROGRAMS

### Air Quality

**AQ-1** At the time of building and/or grading permit submittal, the following idling control techniques shall be shown on all applicable plans and implemented during all construction activities and use of diesel vehicles:

1. **Idling Restrictions Near Sensitive Receptors for Both On- and Off-Road Equipment**
  - a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors if feasible;
  - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
  - c. Use of alternative fueled equipment shall be used whenever possible; and
  - d. Signs that specify the no idling requirements shall be posted and enforced at the construction site.
2. **California Diesel Idling Regulations.** On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
  - a. 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
  - b. Shall not operate a diesel-fueled auxiliary power system 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 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

Signs must be posted in the designated queuing areas and job sites to remind drivers of the 5-minute idling limit. The specific requirements and exceptions in the regulation can be reviewed at the following website: <https://ww2.arb.ca.gov/capp-resource-center/heavy-duty-diesel-vehicle-idling-information>.

**AQ-2** At the time of building and/or grading permit submittal, the following particulate matter control measures shall be shown on all applicable plans and implemented during all construction and ground-disturbing activities:

1. Reduce the amount of disturbed area where possible.
2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the San Luis Obispo Air Pollution Control District's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. When drought conditions exist and water use is a concern, the contractor or builder should consider use of a dust suppressant that is effective for the specific site conditions to reduce the amount of water used for dust control. Please refer to the following link from the San Joaquin Valley Air District for a list of potential dust suppressants:  
<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>.
3. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed.
4. 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, soil binders or other dust controls are used.
5. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) or otherwise comply with California Vehicle Code Section 23114.
6. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate

access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

7. All fugitive dust mitigation measures shall be shown on grading and building plans.
8. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the San Luis Obispo Air Pollution Control District's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the San Luis Obispo Air Pollution Control District Compliance Division prior to the start of any grading, earthwork, or demolition (Contact the Compliance Division at 805-781-5912).
9. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil-disturbing activities.
10. Exposed grounds that are planned to be reworked at dates greater than 1 month after initial grading shall be sown with a fast-germinating, non-invasive grass seed and watered until vegetation is established.
11. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical binders, jute netting, or other methods approved in advance by the San Luis Obispo Air Pollution Control District.
12. Vehicle speed for all construction vehicles shall not exceed 15 miles per hour on any unpaved surface at the construction site.
13. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water where feasible. Roads shall be pre-wetted prior to sweeping when feasible.
14. Take additional measures as needed to ensure dust from the project site is not impacting areas outside the project boundary.

**AQ-3** Prior to the commencement of construction and grading activities, the City Public Utilities Department shall submit the NOA Construction and Grading Project Form and a Mini Dust Control Measure Plan (as outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations Section 93105.e.A-F), and the associated fees to the SLOAPCD for review and approval.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. The Public Utilities Department and Whale Rock staff shall verify compliance and shall inspect the site to ensure activities are completed in accordance with approved plans, permits, and mitigation measures.

## Biological Resources

**BIO-1** An environmental awareness training shall be presented to all construction personnel by a qualified biologist prior to start of project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, including but not limited to CRLF, south-central California coast steelhead, and southwestern pond turtle, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by any discretionary permits, an overview of the Endangered Species Act, implications of noncompliance with the Endangered Species Act, and required avoidance and minimization measures.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. The qualified biologist or Environmental Monitor shall monitor environmental compliance of activities throughout the construction/activity period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

**BIO-2** The following measures shall be incorporated into the project to protect wetlands/waterways and special-status species:

1. No refueling or maintenance of vehicles or equipment shall occur within 100 feet of the spillway/Old Creek.

2. Spill clean-up kits and secondary containment shall be made available and used to prevent spills or leaks from entering the drainage.
3. Secondary containment such as drop pans shall be used to prevent leaks and spills of potential contaminants.
4. Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas.
5. Sandbags and/or absorbent pads shall be available to clean up any spilled fuel, as needed.
6. Any chemicals used shall be prevented from entering the jurisdictional areas.
7. Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
8. Plastic monofilament netting (erosion control matting) or similar material will not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.
9. During project activities, all trash that may attract predators or scavengers shall be properly contained, removed from the work site, and disposed of at the end of each work week. Following construction, all trash and debris shall be removed from work areas.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction/activity period or as stipulated in the Mitigation and Monitoring Plan and provide monitoring reports to the City.

**BIO-3** The following protection measures will be incorporated into the project to protect southwestern pond turtle during project operations:

1. A qualified biologist shall complete a pre-construction survey for southwestern pond turtle within 48 hours prior to the start of all work within 100 feet of suitable habitat. Surveys shall include an inspection of all work areas, staging areas, and access routes. Further, daily site inspections shall be completed each morning prior to the start of work within all work areas, throughout the dewatering and sediment removal phases. All vehicles, equipment, and materials staged on site overnight shall be inspected during pre-activity surveys and daily site inspections.
2. A qualified biologist shall monitor all initial equipment mobilization and staging activities within 100 feet of the creek. If southwestern pond turtles are discovered in the work areas, they shall be allowed to leave the area on their own volition or be relocated by a qualified biologist with appropriate authorization from CDFW to pre-determined suitable habitat areas located outside the immediate impact area.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. Any required permits shall be obtained from the state and federal agencies prior to initiation of the project. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

**BIO-4** The following protection measures will be incorporated into the project to protect California red-legged frog during project operations:

1. To avoid the potential for take of CRLF that may disperse through the project area during the project, all initial project activities associated with the dewatering and sediment removal will be completed in the dry season (between April 15 and October 31) or when conditions are dry. During rain events or any day for which the National Weather Service has predicted a 25% or more chance of at least 0.1 inch rain in 24 hours (Predicted Rain Event) construction activities below top of creek banks or in other waters of the State may resume after the rain has ceased, the National Weather Service predicts clear weather for at least 24 hours, and site conditions are dry enough to continue work without discharge of sediment or other pollutants from the project site.
2. During temporary dewatering activities, the intake screen will consist of wire mesh not larger than 0.20-inch to prevent any CRLF from entering the pump system.

3. If exotic species known such as bullfrogs, crayfish, or centrarchid fishes are observed in the project area, a USFWS-approved biologist shall permanently remove these individuals from the project area to extent possible.
4. To ensure that diseases are not conveyed between work sites by the USFWS-approved biologist, the following fieldwork practices will be implemented:
  - a. Mud, snails, algae, and other debris shall be removed from nets, traps, boots, vehicle tires, and all other surfaces. Items will be rinsed cleaned with sterilized (e.g., boiled or treated) water before leaving each work site or prior to equipment being used again.
  - b. Boots, nets, traps, and other types of equipment used in the aquatic environment shall be scrubbed with 70 percent ethanol solution and rinsed clean with sterilized water (e.g., boiled or treated) between sites.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. Any required permits shall be obtained from the state and federal agencies prior to initiation of the project. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

**BIO-5** The following measures shall be implemented immediately prior to and during dewatering and sediment removal activities within the project site for CRLF until completion:

1. A qualified biologist will survey the project site no more than 48 hours before the onset of work activities. If the biologist finds any life stage of the CRLF which are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work begins, assuming authorization from USFWS has been granted. The biologist will relocate the CRLFs to a pre-designated relocation site within the same drainage that contains suitable habitat and that will not be affected by activities associated with the proposed project.
2. A qualified biologist will be present at the work site during all initial equipment mobilization and staging activities and until all CRLFs have been relocated out of harm's way and disturbance of suitable habitat areas has been completed. After this time, the biologist will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined in BIO-1 and in the identification of CRLFs. If the designated CRLF monitor or the biologist recommends that work be stopped because CRLFs would be affected in a manner not anticipated during initial project review, they will notify the City immediately. The City will either resolve the situation by eliminating the adverse effect immediately or require that all actions causing these effects be halted. If the City halts work, the USFWS will be notified for further consultation.
3. The biological monitor will inspect the project site each morning prior to the onset of activities. The biologist will relocate any CRLF found to the pre-designated relocation area.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. Any required permits shall be obtained from the state and federal agencies prior to initiation of the project. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

**BIO-6** The following measures shall be incorporated as a part of the project to further protect fish and other aquatic wildlife on site:

1. Prior to capture and relocation activities, the relevant regulator/resource agency shall be notified to allow for an opportunity to provide watershed specific guidance.
2. In-stream work, including dewatering activities, shall take place between April 15 and October 31 in any given year, when the surface water is likely to be at seasonal minimum. Deviations from this work window will only be made with permission from the relevant regulatory/resource agencies.
3. During in-stream work, if pumps are incorporated to assist in temporarily dewatering the site, intakes shall be completely screened with no larger than 0.2-inch wire mesh to prevent steelhead and other sensitive aquatic species from entering the pump system. Pumps shall release the additional water to a settling area,

basin, or tank, allowing the suspended sediment to settle out prior to re-entering the stream(s) outside of the isolated area. The form and function of all pumps used during the dewatering activities shall be checked daily, to ensure a dry work environment and minimize adverse effects to aquatic species and habitats.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. Any required permits shall be obtained from the state and federal agencies prior to initiation of the project. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

**BIO-7** The following measures shall be implemented immediately prior to and during all project work area dewatering activities to further protect steelhead and other aquatic wildlife on site:

1. A qualified biologist(s) shall identify and evaluate the suitability of downstream and/or upstream steelhead relocation habitat(s) prior to undertaking the dewatering activities that are required to isolate the work area from standing/flowing water. This shall include an evaluation of potential relocation sites based on attributes such as adequate water quality (a minimum dissolved oxygen level of 5 mg/L and suitable water temperature), cover (instream and over-hanging vegetation or woody debris) and living space. Multiple relocation habitats may be necessary to prevent overcrowding of a single habitat depending on the number of steelhead captured, current number of steelhead already occupying the relocation habitat(s), and the size of the receiving habitat(s).
2. Prior to dewatering, block nets shall be installed immediately downstream of the proposed work area. The purpose will be to exclude fish from reentering the work area by blocking the stream channel below with fine meshed nets or screens. Mesh will be no greater than 1/8-inch diameter. The bottom of the seine must be completely secured to the channel bed to prevent fish from reentering the work area. Exclusion screening must be placed in areas of low water velocity to minimize fish impingement. Block nets shall be placed and maintained throughout the construction period at the lower extent of the areas where fish will be removed. Block net mesh shall be sized to ensure steelhead upstream or downstream do not enter the areas proposed for dewatering between passes with the electrofisher (if authorized) or seine.
3. The qualified biologist(s) shall lead all block netting, seining, electrofishing, and fish relocation activities including the capture and relocation of steelhead prior to installation of block nets. This shall include the documentation of the number of steelhead observed in the affected area, the number of steelhead relocated, and the date and time of collection and relocation. The following requirements for capture and transport of steelhead shall be adhered to during all operations:
  - a. Determine the most efficient means for capturing fish. Complex stream habitat generally requires the use of electrofishing equipment, whereas in outlet pools, fish may be concentrated by pumping down the pool and then seining or dip-netting fish.
  - b. Initial fish relocation efforts will be conducted several days prior to the start of construction. This will provide the biologist(s) an opportunity to return to the work area and perform additional electrofishing passes immediately prior to project implementation. In many instances, additional fish will be captured that eluded the previous day's efforts.
  - c. If the project site has high summer water temperatures, perform relocation activities during morning periods.
  - d. Periodically measure air and water temperatures and monitor fish health. Temperatures will be measured at the head of riffle tail of pool interface. Cease activities if health of fish is compromised owing to high water temperatures, or if mortality exceeds three percent of captured steelhead.
4. The following methods shall be used if fish are removed with seines:
  - a. A minimum of three passes with the seine shall be utilized to ensure maximum capture probability of steelhead within the area.
  - b. All captured fish shall be processed and released prior to each subsequent pass with the seine.
  - c. The seine mesh shall be adequately sized to ensure fish are not gilled during capture and relocation activities.

5. If standard fish capture methods are deemed ineffective due to environmental conditions, electrofishing shall only be used following the methods listed below (assuming authorization):
  - a. All electrofishing will be conducted according to NMFS' *Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act*, including modifications for South Central and Southern California streams including all voltage settings on the electrofisher which shall not exceed 300 volts.
  - b. A minimum of three passes with the electrofisher shall be utilized to ensure maximum capture probability of steelhead within the area proposed for dewatering.
  - c. Water temperature, dissolved oxygen, and conductivity shall be recorded in an electrofishing logbook, along with electrofishing settings.
  - d. A minimum of one assistant shall aid the NMFS/USFWS approved biologist(s) by netting stunned fish and other aquatic vertebrates.
6. Steelhead relocation activities will be consistent with the measures presented below, which are excerpted from Measures to Minimize Impacts to Aquatic Habitat and Species During Dewatering of Project Sites, on pages IX-51 and IX-52 of the CDFW *California Salmonid Stream Habitat Restoration Manual*:
  - a. All project site dewatering activities shall be coordinated with the qualified biologist and/or other biologists qualified to perform fish and amphibian (i.e., CRLF) relocation activities.
  - b. Minimize the length of the dewatered stream channel and duration of dewatering.
  - c. The work area may often be periodically pumped dry of seepage. Place pumps in flat areas, well away from the stream channel. Secure pumps by tying off to a tree or stake in place to prevent movement by vibration. Refuel in an area well away from the stream channel and place fuel absorbent mats under pump while refueling. Pump intakes should be covered with 1/8-inch wire mesh to prevent entrainment of fish or amphibians that failed to be removed. Check intake periodically for impingement of fish or amphibians.
7. In order to minimize injury or mortality of steelhead during fish relocation and dewatering activities, additional measures are presented below consistent with the Measures to Minimize Injury and Mortality of Fish and Amphibian Species During Dewatering, on pages IX-52 and IX-53 of the CDFW *California Salmonid Stream Habitat Restoration Manual*:
  - a. Fish relocation activities will be led by the qualified biologist(s) who has experience in steelhead biology and ecology, aquatic habitats, biological monitoring (including diversion/dewatering), and capturing, handling, and relocating fish species.
  - b. The qualified biologist(s) will continuously monitor placement and removal of any required block nets and will capture stranded steelhead and other native fish species and relocate them to suitable habitat, as 14 appropriate. The biologist(s) will capture steelhead stranded as a result of dewatering and relocate them to the nearest suitable instream habitat. The biologist(s) will note the number of steelhead observed in the affected area, the number relocated, and the date and time of the collection and relocation.
  - c. Minimize handling of salmonids. However, when handling is necessary, always wet hands or nets prior to touching fish.
  - d. Discharge wastewater from project area to an upland location where it will not drain sediment-laden water back to the stream channel. When the project is completed, the block nets shall be removed as soon as possible in a manner that will allow flow to resume with the least disturbance to the substrate.
  - e. Fish shall not be overcrowded into buckets, allowing no more than 150 0+ fish (approximately six cubic inches per 0+ individuals) per 5-gallon bucket and fewer individuals per bucket for larger/older fish.
  - f. Every effort shall be made not to mix 0+ steelhead with larger steelhead, or other potential predators, that may consume the smaller steelhead. Have at least two containers and segregate young-of-year (0+) fish from larger age-classes. Place larger amphibians in the container with larger fish.

- g. Salmonid predators, including other fishes and amphibians, collected and relocated during electrofishing or seining activities shall not be relocated so as to concentrate them in one area. Emphasis shall be placed on avoiding relocation of predators into the steelhead relocation pools. To minimize predation of steelhead, these species shall be distributed throughout the wetted portion of the stream to avoid concentrating them in one area.
  - h. All captured steelhead shall be relocated, preferably upstream, of the proposed construction project and placed in suitable habitat. All captured fish shall be placed into a pool, preferably with a depth of greater than two feet with available instream cover.
8. NMFS shall be contacted immediately if one or more steelheads are found dead or injured. The purpose of the contact shall be to review the activities resulting in take and to determine if additional protective measures are required. All steelhead mortalities shall be retained, frozen as soon as practical, and placed in an appropriate sized sealable bag that is labeled with the date and location of the collection and fork length and weight of the specimen(s). Frozen 15 samples shall be retained by the biologist until additional instructions are provided by NMFS.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. Any required permits shall be obtained from the state and federal agencies prior to initiation of the project. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

**BIO-8** If work is planned to occur between February 1 and August 31, a qualified biologist shall survey the area for nesting birds 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, or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for all raptor species. All activity will remain outside of the buffer until a qualified biologist has determined that the nest is no longer active (e.g., young have fledged, nest failed, etc.) or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If any active nests of listed, fully protected, or otherwise special-status species are detected during the surveys, the appropriate wildlife protection agency shall be contacted for guidance on how to proceed. No work would occur within the specified no-work buffers unless previously coordinated with CDFW prior to initiation.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. Any required permits shall be obtained from the state and federal agencies prior to initiation of the project. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction period or as stipulated in the species- or resource-specific mitigation measure and provide monitoring reports to the City.

**BIO-9** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., USACE, CDFW, and RWQCB) should be obtained, as necessary. All additional mitigation measures required by these agencies would be implemented as necessary throughout project activities.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. Any required permits shall be obtained from the state and federal agencies prior to initiation of the project.

**BIO-10** The following measures are provided to further protect drainage features and aquatic resources on site:

- 1. The limits of jurisdictional aquatic features shall be clearly shown on all site plans. Further, temporary construction activities including access routes and staging areas shall be reduced to the smallest area required.
- 2. All equipment and materials shall be stored away from the edge of the spillway/creek to the maximum extent feasible at the end of each working day.
- 3. Prior to project implementation, a Spill Contingency Plan shall be developed which outlines the procedures for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures should a spill occur.
- 4. All staged and stored equipment shall have secondary containment (i.e., drip pans) to prevent leaks and spills of potential contaminants from entering the creek.

5. Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas with appropriate containment 16 (i.e., visqueen, temporary L-bracket berms). Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. The Environmental Monitor shall monitor environmental compliance of the construction activities throughout the construction/activity period or as stipulated in the Mitigation and Monitoring Plan and provide monitoring reports to the City.

## Cultural Resources

**CR-1** Prior to initiation of project activities, a City-qualified archaeologist shall conduct cultural resource awareness training for all construction personnel including the following:

8. Review the types of archaeological artifacts that may be uncovered;
9. Provide examples of common archaeological artifacts to examine;
10. Review what makes an archaeological resource significant to archaeologists and local Native Americans;
11. Describe procedures for notifying involved or interested parties in case of a new discovery;
12. Describe reporting requirements and responsibilities of construction personnel;
13. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and
14. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. The qualified archaeologist shall conduct the awareness training and provide documentation of compliance to the City Public Utilities Department.

**CR-2** The following measure shall be shown on all applicable plans and implemented if cultural resources are encountered during all construction activities:

If cultural resources are encountered during subsurface earthwork activities, all ground-disturbing activities within a 25-foot radius of the find shall cease and the City shall be notified immediately. Work shall not continue until a City-qualified archaeologist assesses the find and determines the need for further study. If the find includes Native American-affiliated materials, a local Native American tribal representative will be contacted to work in conjunction with the City-approved archaeologist to determine the need for further study. A standard inadvertent discovery clause shall be included in every grading and construction contract to inform contractors of this requirement. Any previously unidentified resources found during construction shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist.

If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan, in conjunction with locally affiliated Native American representative(s) as necessary, that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analysis, prepare a comprehensive report, and file it with the Central Coast Information Center (CCIC), located at the University of California, Santa Barbara, and provide for the permanent curation of the recovered materials.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. In the event of unanticipated discovery, the qualified archaeologist shall submit an evaluation report for review and approval by the City Public Utilities Department and Community Development Department. Compliance with any required subsequent actions shall be ensured by the City.

**CR-3** The following measure shall be shown on all applicable plans and implemented if human remains are exposed during construction and ground-disturbing activities:

In the event that human remains are exposed during earth-disturbing activities associated with the project, an immediate halt work order shall be issued, and the City Community Development Director and locally affiliated



Native American representative(s) (as necessary) shall be notified. California Health and Safety Code Section 7050.5 requires that no further disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner shall notify the Native American Heritage Commission within 24 hours.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. In the event of unanticipated discovery, the qualified archaeologist shall submit an evaluation report for review and approval by the City Public Utilities Department and Community Development Department. Compliance with any required subsequent actions shall be ensured by the City.

## **Geology and Soils**

Implement mitigation measures **CR-1** and **CR-2**.

## **Hazards and Hazardous Materials**

Implement mitigation measure **BIO-2**.

## **Hydrology and Water Quality**

Implement mitigation measure **BIO-2**.

## **Noise**

- N-1** The following noise reduction measures shall be shown on all applicable plans and adhered to during project activities:
6. Stationary construction equipment that generates noise that exceeds 60 A-weighted decibels (dBA) at the project boundaries shall be shielded with the most modern noise control devices (i.e., mufflers, lagging, and/or motor enclosures).
  7. Impact tools (e.g., jackhammers, pavement breakers, rock drills, etc.) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools.
  8. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used.
  9. All construction equipment shall have the manufacturers' recommended noise abatement methods installed, such as mufflers, engine enclosures, and engine vibration insulators, intact and operational.
  10. All construction equipment shall undergo inspection at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers, shrouding, etc.).

**Monitoring Program:** All mitigation measures shall be shown on construction plans. The City Public Utilities Department or their designee shall ensure compliance.

## **Tribal Cultural Resources**

Implement mitigation measures **CR-1** and **CR-2**.

- TCR-1** A qualified archaeologist and Native American monitor shall be present during all project related construction activities that result in disturbance of native soil that may contain tribal cultural resources. Monitoring activities shall be conducted in accordance with a Monitoring Plan as approved by the City Community Development Department. The plan shall include provisions such as:
1. List of personnel involved in the monitoring activities including a Native American monitor;
  2. Description of how the monitoring shall occur;
  3. Description of monitoring frequency;

4. Description of circumstances that would result in the “work diversion,” in the case of discovery, at the project site;
5. Description of procedures for diverting work on the site and notification procedures;
6. Description of monitoring reporting procedures; and
7. Description of the procedures for reburial of artifacts and/or human remains within identified areas on the project site or other suitable location.

**Monitoring Program:** All mitigation measures shall be shown on plans and materials. The Construction Monitoring Treatment Plan shall be prepared in consultation with the Native American representative(s) and submitted to for review and approval by the City Public Utilities Department and Community Development Department prior to initiation of project activities. The City Public Utilities Department shall ensure compliance with this measure. The qualified archaeologist shall submit the monitoring program report to the City Public Utilities Department and Community Development Department for review and approval.

## **ATTACHMENTS**

**Biological Survey Results Memorandum for the Proposed Whale Rock Reservoir Stilling Basin Dewatering and Inspection Project (Terra Verde Environmental Consulting, LLC, 2022)**



June 9, 2022

Mr. Noah Evans  
Whale Rock Supervisor  
City of San Luis Obispo, Public Utilities  
108 East 13<sup>th</sup> Street  
Cayucos, California 93430-1348

*Sent via email to: nevans@slocity.org*

**RE: Biological Survey Results Memorandum for the Proposed Whale Rock Reservoir Stilling Basin Dewatering and Inspection Project, 108 13<sup>th</sup> Street, Cayucos, California**

Terra Verde Environmental Consulting, LLC (Terra Verde) has prepared this memorandum to document the results of a reconnaissance-level biological resources assessment and jurisdictional delineation in support of the proposed Whale Rock Reservoir Stilling Basin Dewatering and Inspection Project (project) located at 108 East 13<sup>th</sup> Street, Cayucos, San Luis Obispo County, California (see Attachment A – Figure 1: Project Location and Vicinity Map). The Whale Rock Reservoir is managed by the City of San Luis Obispo's Public Utilities Department (City). The proposed project is required by the State of California to inspect the integrity of the concrete spillway basin below the Whale Rock Reservoir (see Attachment A – Figure 2: Survey Area Map). The project will include temporary impacts to waters associated with Old Creek, a U.S. Geological Survey (USGS) blue line drainage.

In order to conduct the visual inspection, the City is proposing to use submersible pumps to dewater the area of the concrete spillway basin, discharging the water to adjacent upland areas. Temporary sediment catchments and dissipation devices, such as straw bales and plastic sheeting, will be used to slow down and settle turbid water before it is allowed to run overland. Additional devices (e.g., sandbags, silt fence, straw wattle, straw bales) will be implemented as needed to ensure no erosion or sedimentation occurs to the creek below. Once the area is dewatered, equipment such as a backhoe or skid steer will be lowered down from the road above the spillway. A container will also be lowered down. Materials will be placed in the container, and once filled, will be pulled back up and emptied on site. Sediments or vegetation removed from the channel will be spread



locally above the spillway and in areas where the materials will not wash back into the spillway or downstream to Old Creek. Once the area is accessible and the concrete channel visible, an engineer or engineers will conduct the required inspection.

Terra Verde completed a desktop literature review and field surveys of the site, which focused on the identification of sensitive biological resources that are present or have the potential to occur in the vicinity of the proposed project site. This document is intended to provide information about current site conditions and may be used to support the environmental review process and/or resource agency permitting.

### **EXISTING CONDITIONS**

The project is located within the Cayucos USGS 7.5-minute topographic quadrangle. Topography at the base of the Whale Rock Reservoir's dam consists of two relatively flat terraces to the east and west of the spillway, with elevations ranging from 9 to 18 meters (30 to 60 feet). As it currently exists, the concrete spillway conveys water from controlled dam releases when the reservoir has reached its capacity, as well as local precipitation which directly enters the channel, into a rip-rap lined energy dissipation basin (see Attachment B – Representative Site Photographs). The spillway and rip-rap basin are an extension of Old Creek, a USGS blue line drainage. Vegetation within the spillway, where present, is dominated by dense patches of common tule (*Schoenoplectus acutus* var. *occidentalis*). The majority of the project site's upland area consists of ruderal grassland habitat that is regularly mowed and tilled.

### **METHODOLOGY**

Prior to conducting field surveys, Terra Verde staff completed a background review of relevant literature pertaining to sensitive resources known to occur in the project vicinity, which included the following:

- Aerial photographs of the project site (Google Earth 1994 – 2022; UCSB 2022)
- USGS topographic map for the Cayucos 7.5-minute quadrangle (USGS 2022)
- Online Soil Survey for San Luis Obispo County, California (Natural Resources Conservation Service 2022)
- Consortium of California Herbaria (CCH) online database of plant collections (CCH 2022)
- California Natural Diversity Database (CNDDDB) list of state and federally listed special-status species documented in the project vicinity (California Department of Fish and Wildlife [CDFW] 2022)
- CNDDDB map of special-status species that have been documented within a 2-mile radius of the project site (CDFW 2022) (see Attachment A – Figure 3: 2-mile CNDDDB and Critical Habitat Map)



- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants documented in the project vicinity (CNPS 2022)
- United States Fish and Wildlife Service (USFWS) Critical Habitat Portal (USFWS 2022a)
- USFWS National Wetland Inventory map (NWI) (USFWS 2022b)

A list of regionally occurring special-status species was compiled based on records reported in the scientific database queries. This species list was used to inform the field survey effort.

Following the literature review and desktop analysis, Terra Verde completed a series of surveys within the project site, which focused on the identification of sensitive habitats and special-status plant and wildlife species, as well as a delineation of jurisdictional aquatic features. See Table 1: Summary of Field Surveys, for details.

**Table1. Summary of Field Surveys**

Date	Survey Type	Biologists
August 26, 2021	Habitat assessment, daytime survey for special-status amphibians	Brooke Langle Sara Snyder
August 30, 2021	Nighttime survey for special-status amphibians	Sara Snyder Patrick Scott Adam Yaney-Keller
April 12, 2022	Botanical and wildlife inventory, jurisdictional delineation	Amy Golub Patrick Scott

Field surveys included the entire proposed project area, and an approximate 100-foot buffer, where access was feasible (see Attachment A – Figure 2). The habitat requirements for each regionally occurring, special-status species and sensitive habitat were analyzed and compared to the type and quality of habitats observed during the August 26, 2021 field survey. The potential for many species to occur within the project site was eliminated due to lack of suitable habitat, elevation, appropriate soils/substrate, and/or known distribution of the species. Special-status species observed within the project site and/or for which suitable habitat was identified on site are discussed in below, and those determined to have no potential to occur based upon a lack of suitable habitat are not discussed any further in this Biological Resources Assessment. Daytime and nighttime surveys for special-status amphibians were focused on detecting the presence of California red-legged frog (CRLF; *Rana draytonii*) (see Attachment C – CRLF Survey Datasheets).

During the April 12, 2022 survey, all botanical and wildlife species encountered via direct and indirect (e.g., scat, track, call) observation were documented. Botanical species



identifications and taxonomic nomenclature followed *The Jepson Manual: Vascular Plants of California, 2nd edition* (Baldwin et al. 2012), as well as taxonomic updates provided in the Jepson eFlora (Jepson Flora Project 2022). The jurisdictional delineation focused on mapping the outer extent of field indicators for waters of the state (i.e., top of bank, drip line of riparian vegetation) and waters of the U.S. (i.e., ordinary high water mark [OHWM]) for the purpose of identifying likely permit triggers and agency jurisdiction for the CDFW, Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of Engineers (Corps).

## **RESULTS**

The following summarizes the results of the field surveys that were conducted within the proposed project area and provides further analysis of the data collected in the field. Discussions regarding jurisdictional determinations, botanical and wildlife surveys, and presence or absence of special-status species with potential to occur are presented below.

### ***Jurisdictional Determination***

Old Creek is a USGS blue line drainage that historically flowed into traditionally navigable waters (i.e., Pacific Ocean) from its headwaters in the Santa Lucia Mountains, northeast of the proposed project site. The Whale Rock Reservoir was formed by construction of the Whale Rock Dam in 1961 which impounded Old Creek, approximately 0.95-mile upstream from its outlet to the Pacific Ocean (see Attachment D – Historical Aerial Photographs).

During the field surveys, standing water was observed within the stilling basin and its outlet, the rip-rap energy dissipator. The jurisdictional limits within the stilling basin are defined by the vertical concrete channel walls. The natural channel bottom of Old Creek, downstream of the constructed features, is higher in elevation and was dry at the time of the surveys. At this location the dense patch of common tule transitions into an arroyo willow (*Salix lasiolepis*) thicket within the channel. Connectivity between the stilling basin and the waters of Old Creek occurs during water releases from the reservoir. Based on the above, Terra Verde determined that the waters within the proposed project site would likely be considered waters of the U.S. and waters of the State under the jurisdiction of CDFW, RWQCB, and the Corps.

In addition to evidence of waters, portions of the stilling basin and energy dissipator channel bottom support a dominance of hydrophytic vegetation, indicating presence of a potential in-channel wetland. Due to the design of the constructed features on site, water appears to pond at the constructed outlet and potentially flow underground, through the rip-rap energy dissipator structure. The dominant vegetation, common tule, observed in



patches within the channel feature is considered a typical wetland indicator. Terra Verde determined that due to the constructed nature of the concrete stilling basin and rip-rap outlet structure, that hydric soils, a required parameter for federal wetlands, were not present. Based on the above, Terra Verde determined that no federal wetlands are on site; however, based on the single parameter criteria for state wetlands, portions of the areas mapped as state waters are also considered state wetlands.

An overview of jurisdictional waters and wetlands on site can be found in Attachment A – Figure 4: Jurisdictional Delineation Map. The following table summarizes the results of the jurisdictional waters and wetlands on site.

**Table2. Extent and Location of Jurisdictional Waters and Wetlands**

Feature Type	Jurisdiction	Acres	Length (feet)
Waters of the U.S.	Corps	0.1	160
Waters/wetlands of the State	CDFW, RWQCB	0.1	160
Wetlands of the U.S.	Corps	0	0

### ***Special-Status Botanical Species***

The preliminary desktop review of the pertinent literature and agency resources (e.g., CNDDDB) indicated that seven special-status plant species are known to occur within vicinity of the project site (i.e., 2-mile) (see Attachment A – Figure 3), including:

- Miles' milk-vetch (*Astragalus didymocarpus* var. *milesianus*),
- San Luis Obispo owl's-clover (*Castilleja densiflora* var. *obispoensis*),
- Betty's dudleya (*Dudleya abramsii* subsp. *bettinae*),
- Mouse-gray dudleya (*Dudleya abramsii* subsp. *murina*),
- Blochman's dudleya (*Dudleya blochmaniae* subsp. *blochmaniae*),
- Jones' layia (*Layia jonesii*), and
- California seablite (*Suaeda californica*)

Due to the high degree of land manipulation and ongoing disturbance (i.e., frequent mowing) occurring within the proposed project site, no suitable habitat is present for any special-status plant species. Further, no special-status species were detected during the appropriately timed 2021 and 2022 surveys. As such, no special-status plants are expected to occur.

### ***Special Status Wildlife Species***

The preliminary desktop review of the pertinent literature and agency resources (e.g., CNDDDB) indicated that four special-status wildlife species are known to occur within vicinity of the project site (see Attachment A – Figure 3), including:

- Southwestern pond turtle (*Actinemys pallida*), State Species of Special Concern,





- Steelhead (south-central California coast DPS; *Oncorhynchus mykiss*), Federal Threatened,
- Tidewater goby (*Eucyclogobius newberryi*), Federal Endangered, State Species of Special Concern, and
- CRLF, Federal Threatened, State Species of Special Concern

Additionally, USFWS-designated critical habitat for CRLF and National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) - designated critical habitat for steelhead occurs within the proposed project area.

Standing water was observed in the stilling basin during the 2021 and 2022 surveys. Aquatic connectivity to the downstream portions of Old Creek, over the rise in the creek bed's elevation, typically only occurs during infrequent, periodic releases from the reservoir. Local biological knowledge supports the presence of steelhead in the waters of the Whale Rock Reservoir and downstream in Old Creek. As such, there is a low potential for steelhead to occur in the waters of the stilling basin. Tidewater goby has been locally extirpated from Old Creek since the 1980's and there is a lack of regular connectivity between the stilling basin and the Pacific Ocean (Rathburn 1991, Holland 1999, and USFWS 2002). As such, tidewater goby is not expected to occur.

No special-status species were detected during the 2021 or 2022 surveys and bullfrogs (*Lithobates catesbeiana*), a non-native predatory species that preys on and often outcompetes CRLF, were observed (see Attachment C). However, due to the presence of aquatic habitat and dense wetland vegetation there is a low potential for southwestern pond turtle and CRLF to be present within or directly below the stilling basin. Additionally, although the upland areas lack appropriate habitat for CRLF and southwestern pond turtle, these species may utilize the immediate project area for dispersal movements during and/or immediately after rain events.

The patches of common tule, arroyo willow thicket, and man-made structures within the survey area may provide suitable habitat opportunities for a variety of common passerine and raptor species during the typical avian nesting period (February 1 through August 31).

To avoid any inadvertent impacts to special-status species and nesting birds, avoidance and minimization measures are recommended below for implementation prior to and during maintenance activities.

## **Impact Assessment**

### ***Jurisdictional Waters***

Based upon review of the project description and field determinations, the proposed project will result in approximately 0.10-acre and 160 linear feet of temporary impacts to waters of the state, including 0.10-acre and 160 linear feet of temporary impacts to



waters for the U.S. (see Table 3). Specifically, temporary impacts are expected as a result of dewatering and excavating accumulated sediment and vegetation. No permanent impacts are currently proposed. As such, impacts to the spillway would require permits from CDFW, RWQCB, and the Corps. Recommended avoidance and minimization measures for temporary impacts to jurisdictional features are detailed below. However, each agency may require additional measures to be implemented prior to, during, and following completion of the project.

**Table 3. Summary of Impacts to Jurisdictional Waters and Wetlands**

Location	Jurisdiction	Temporary Impact (linear feet [LF])	Permanent Impact (LF)	Tree Removals
Waters of the U.S.	Corps	4,356 sq. ft. / 160 LF	0 acres / 0 LF	0
Waters/Wetlands of the State	CDFW, RWQCB	4,356 sq. ft. / 160 LF	0 acre / 0 LF	0

### ***Special-status Wildlife Species***

Direct and indirect impacts may occur to a variety of common and special-status wildlife species. Specifically, the proposed project may directly or indirectly impact CRLF, southwestern pond turtle, and steelhead, as well as migratory nesting birds. CRLF and southwestern pond turtle could be crushed or trampled by vehicles and equipment if they are present during maintenance-related disturbances. Additional impacts could occur during temporary alteration or removal of habitat. Steelhead may be stranded in portions of the channel during dewatering operations, get caught in dewatering pumps, crushed by equipment, and/or made vulnerable to predation from opportunistic foraging birds and mammals. Potential indirect impacts from the project may occur and include sediment deposition downstream of the work area, which may adversely impact downstream water quality.

Additionally, the entire project area is within USFWS-designated critical habitat for CRLF and the waters of Old Creek are NOAA/NMFS-designated critical habitat for steelhead. Temporary construction activities to complete the project such as dewatering, equipment access, and work within the spillway are considered temporary impacts since there is a temporary disruption of service for species dependent on this portion of creek during the maintenance work. The extent and effects of this are estimated to be minor, and restricted to the driest months (e.g., June to October) outside of reproductive periods.

Recommended avoidance and minimization measures are detailed below to reduce the anticipated impacts of the proposed project to the maximum extent feasible. Additional measures may be required by the resource agencies (i.e., USFWS, NOAA/NMFS, and



CDFW) for potential impacts to special-status species and designated critical habitat features.

## **RECOMMENDED AVOIDANCE and MINIMIZATION MEASURES**

### ***General Measures***

- **Measure 1:** An environmental awareness training shall be presented to all construction personnel by a qualified biologist prior to start of project activities. The training shall include color photographs and a description of the ecology of all special-status species known or determined to have potential to occur, including but not limited to CRLF, steelhead, and southwestern pond turtle, as well as other sensitive resources requiring avoidance near project impact areas. The training shall also include a description of protection measures required by any discretionary permits, an overview of the Endangered Species Act, implications of noncompliance with the Endangered Species Act, and required avoidance and minimization measures.
- **Measure 2:**
  - No refueling or maintenance of vehicles or equipment shall occur within 100 feet of the spillway/Old Creek.
  - Spill clean-up kits and secondary containment shall be made available and used to prevent spills or leaks from entering the drainage.
  - Secondary containment such as drop pans shall be used to prevent leaks and spills of potential contaminants.
  - Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas.
  - Sandbags and/or absorbent pads shall be available to clean up any spilled fuel, as needed.
  - Any chemicals used shall be prevented from entering the jurisdictional areas.
  - Construction equipment shall be inspected by the operator daily to ensure that equipment is in good working order and no fuel or lubricant leaks are present.
  - Plastic monofilament netting (erosion control matting) or similar material will not be used on site due to the potential to entangle special-status wildlife. Acceptable substitutes are coconut coir matting, biodegradable fiber rolls, or tackified hydroseeding compounds.
  - During project activities, all trash that may attract predators or scavengers shall be properly contained, removed from the work site, and disposed of at the end of each work week. Following construction, all trash and debris shall be removed from work areas.



### ***Special-status Wildlife Measures***

- **Measure 3:**
  - A qualified biologist shall complete a pre-construction survey for southwestern pond turtle within 48 hours prior to the start of all work within 100 feet of suitable habitat. Surveys shall include an inspection of all work areas, staging areas, and access routes. Further, daily site inspections shall be completed each morning prior to the start of work within all work areas, throughout the dewatering and sediment removal phases. All vehicles, equipment, and materials staged on site overnight shall be inspected during pre-activity surveys and daily site inspections.
  - In addition, a qualified biologist shall monitor all initial equipment mobilization and staging activities within 100 feet of the creek. If southwestern pond turtle are discovered in the work areas, they shall be allowed to leave the area on their own volition or be relocated by a qualified biologist with appropriate authorization from CDFW to pre-determined suitable habitat areas located outside the immediate impact area.
- **Measure 4:** The following protection measures will be incorporated into the project to protect CRLF during project operations:
  - To avoid the potential for take of CRLF that may disperse through the project area during the project, all initial project activities associated with the dewatering and sediment removal will be completed in the dry season (between April 15 and October 31) or when conditions are dry.
  - During temporary dewatering activities, the intake screen will consist of wire mesh not larger than 0.20-inch to prevent any CRLF from entering the pump system.
  - If exotic species known such as bullfrogs, crayfish, or centrarchid fishes are observed in the project area, a service-approved biologist shall permanently remove these individuals from the project area to extent possible.
  - To ensure that diseases are not conveyed between work sites by the service-approved biologist, the following fieldwork practices will be implemented:
    - Mud, snails, algae, and other debris shall be removed from nets, traps, boots, vehicle tires, and all other surfaces. Items will be rinsed cleaned with sterilized (e.g., boiled or treated) water before leaving each work site or prior to equipment being used again.
    - Boots, nets, traps, and other types of equipment used in the aquatic environment shall be scrubbed with 70 percent ethanol solution and



rinsed clean with sterilized water (e.g., boiled or treated) between sites.

- **Measure 5:** The following measures shall be implemented immediately prior to and during dewatering and sediment removal activities within the project site for CRLF until completion:
  - A qualified biologist will survey the project site no more than 48 hours before the onset of work activities. If the biologist finds any life stage of the CRLF which are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work begins, assuming authorization from USFWS has been granted. The biologist will relocate the CRLFs to a pre-designated relocation site within the same drainage that contains suitable habitat and that will not be affected by activities associated with the proposed project.
  - A qualified biologist will be present at the work site during all initial equipment mobilization and staging activities and until all CRLFs have been relocated out of harm's way and disturbance of suitable habitat areas has been completed. After this time, the biologist will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined in Measure 1 above and in the identification of CRLFs. If the designated CRLF monitor or the biologist recommends that work be stopped because CRLFs would be affected in a manner not anticipated during initial project review, they will notify the City immediately. The City will either resolve the situation by eliminating the adverse effect immediately or require that all actions causing these effects be halted. If the City halts work, the USFWS will be notified for further consultation.
  - The biological monitor will inspect the project site each morning prior to the onset of activities. The biologist will relocate any CRLF found to the pre-designated relocation area.
- **Measure 6:** The following measures shall be incorporated as a part of the project to further protect fish and other aquatic wildlife on site:
  - Prior to capture and relocation activities, the relevant regulator/resource agency shall be notified to allow for an opportunity to provide watershed specific guidance.
  - In-stream work, including dewatering activities, shall take place between April 15 and October 31 in any given year, when the surface water is likely to be at



seasonal minimum. Deviations from this work window will only be made with permission from the relevant regulatory/resource agencies.

- During in-stream work, if pumps are incorporated to assist in temporarily dewatering the site, intakes shall be completely screened with no larger than 0.2-inch wire mesh to prevent steelhead and other sensitive aquatic species from entering the pump system. Pumps shall release the additional water to a settling area, basin, or tank, allowing the suspended sediment to settle out prior to re-entering the stream(s) outside of the isolated area. The form and function of all pumps used during the dewatering activities shall be checked daily, to ensure a dry work environment and minimize adverse effects to aquatic species and habitats.
- **Measure 7:** The following measures shall be implemented immediately prior to and during all project work area dewatering activities:
  - A qualified biologist(s) shall identify and evaluate the suitability of downstream and/or upstream steelhead relocation habitat(s) prior to undertaking the dewatering activities that are required to isolate the work area from standing/flowing water. This shall include an evaluation of potential relocation sites based on attributes such as adequate water quality (a minimum dissolved oxygen level of 5 mg/L and suitable water temperature), cover (instream and over-hanging vegetation or woody debris) and living space. Multiple relocation habitats may be necessary to prevent overcrowding of a single habitat depending on the number of steelhead captured, current number of steelhead already occupying the relocation habitat(s), and the size of the receiving habitat(s).
  - Prior to dewatering, block nets shall be installed immediately downstream of the proposed work area. The purpose will be to exclude fish from reentering the work area by blocking the stream channel below with fine meshed nets or screens. Mesh will be no greater than 1/8-inch diameter. The bottom of the seine must be completely secured to the channel bed to prevent fish from reentering the work area. Exclusion screening must be placed in areas of low water velocity to minimize fish impingement. Block nets shall be placed and maintained throughout the construction period at the lower extent of the areas where fish will be removed. Block net mesh shall be sized to ensure steelhead upstream or downstream do not enter the areas proposed for dewatering between passes with the electrofisher (if authorized) or seine.
  - The qualified biologist(s) shall lead all block netting, seining, electrofishing, and fish relocation activities including the capture and relocation of steelhead prior



to installation of block nets. This shall include the documentation of the number of steelhead observed in the affected area, the number of steelhead relocated, and the date and time of collection and relocation. The following requirements for capture and transport of steelhead shall be adhered to during all operations:

- Determine the most efficient means for capturing fish. Complex stream habitat generally requires the use of electrofishing equipment, whereas in outlet pools, fish may be concentrated by pumping down the pool and then seining or dip-netting fish.
- Initial fish relocation efforts will be conducted several days prior to the start of construction. This will provide the biologist(s) an opportunity to return to the work area and perform additional electrofishing passes immediately prior to project implementation. In many instances, additional fish will be captured that eluded the previous day's efforts.
- If the project site has high summer water temperatures, perform relocation activities during morning periods.
- Periodically measure air and water temperatures and monitor fish health. Temperatures will be measured at the head of riffle tail of pool interface. Cease activities if health of fish is compromised owing to high water temperatures, or if mortality exceeds three percent of captured steelhead.
- The following methods shall be used if fish are removed with seines:
  - A minimum of three passes with the seine shall be utilized to ensure maximum capture probability of steelhead within the area.
  - All captured fish shall be processed and released prior to each subsequent pass with the seine.
  - The seine mesh shall be adequately sized to ensure fish are not gilled during capture and relocation activities.
- If standard fish capture methods are deemed ineffective due to environmental conditions, electrofishing shall only be used following the methods listed below (assuming authorization):
  - All electrofishing will be conducted according to NMFS' Guidelines for Electrofishing Waters Containing Salmonids Listed Under the Endangered Species Act (NOAA 2000), including modifications for South Central and Southern California streams including all voltage settings on the electrofisher which shall not exceed 300 volts.





- A minimum of three passes with the electrofisher shall be utilized to ensure maximum capture probability of steelhead within the area proposed for dewatering.
- Water temperature, dissolved oxygen, and conductivity shall be recorded in an electrofishing logbook, along with electrofishing settings.
- A minimum of one assistant shall aid the NMFS/USFWS approved biologist(s) by netting stunned fish and other aquatic vertebrates.
- Steelhead relocation activities will be consistent with the measures presented below, which are excerpted from *Measures to Minimize Impacts to Aquatic Habitat and Species During Dewatering of Project Sites*, on pages IX-51 and IX-52 of the CDFW California Salmonid Stream Habitat Restoration Manual (CDFW 2004):
  - All project site dewatering activities shall be coordinated with the qualified biologist and/or other biologists qualified to perform fish and amphibian (i.e., CRLF) relocation activities.
  - Minimize the length of the dewatered stream channel and duration of dewatering.
  - The work area may often be periodically pumped dry of seepage. Place pumps in flat areas, well away from the stream channel. Secure pumps by tying off to a tree or stake in place to prevent movement by vibration. Refuel in an area well away from the stream channel and place fuel absorbent mats under pump while refueling. Pump intakes should be covered with 1/8-inch wire mesh to prevent entrainment of fish or amphibians that failed to be removed. Check intake periodically for impingement of fish or amphibians.
- In order to minimize injury or mortality of steelhead during fish relocation and dewatering activities, additional measures are presented below consistent with the *Measures to Minimize Injury and Mortality of Fish and Amphibian Species During Dewatering*, on pages IX-52 and IX-53 of the CDFW California Salmonid Stream Habitat Restoration Manual (CDFW 2004):
  - Fish relocation activities will be led by the qualified biologist(s) who has experience in steelhead biology and ecology, aquatic habitats, biological monitoring (including diversion/dewatering), and capturing, handling, and relocating fish species.
  - The qualified biologist(s) will continuously monitor placement and removal of any required block nets and will capture stranded steelhead and other native fish species and relocate them to suitable habitat, as





appropriate. The biologist(s) will capture steelhead stranded as a result of dewatering and relocate them to the nearest suitable instream habitat. The biologist(s) will note the number of steelhead observed in the affected area, the number relocated, and the date and time of the collection and relocation.

- Minimize handling of salmonids. However, when handling is necessary, always wet hands or nets prior to touching fish.
  - Discharge wastewater from project area to an upland location where it will not drain sediment-laden water back to the stream channel. When the project is completed, the block nets shall be removed as soon as possible in a manner that will allow flow to resume with the least disturbance to the substrate.
  - Fish shall not be overcrowded into buckets, allowing no more than 150 0+ fish (approximately six cubic inches per 0+ individuals) per 5-gallon bucket and fewer individuals per bucket for larger/older fish.
  - Every effort shall be made not to mix 0+ steelhead with larger steelhead, or other potential predators, that may consume the smaller steelhead. Have at least two containers and segregate young-of-year (0+) fish from larger age-classes. Place larger amphibians in the container with larger fish.
  - Salmonid predators, including other fishes and amphibians, collected and relocated during electrofishing or seining activities shall not be relocated so as to concentrate them in one area. Emphasis shall be placed on avoiding relocation of predators into the steelhead relocation pools. To minimize predation of steelhead, these species shall be distributed throughout the wetted portion of the stream to avoid concentrating them in one area.
  - All captured steelhead shall be relocated, preferably upstream, of the proposed construction project and placed in suitable habitat. All captured fish shall be placed into a pool, preferably with a depth of greater than two feet with available instream cover.
- NMFS shall be contacted immediately if one or more steelhead are found dead or injured. The purpose of the contact shall be to review the activities resulting in take and to determine if additional protective measures are required. All steelhead mortalities shall be retained, frozen as soon as practical, and placed in an appropriate sized sealable bag that is labeled with the date and location of the collection and fork length and weight of the specimen(s). Frozen



samples shall be retained by the biologist until additional instructions are provided by NMFS.

- **Measure 8:** If work is planned to occur between February 1 and August 31, a qualified biologist shall survey the area for nesting birds 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 or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for all raptor species. All activity will remain outside of the buffer until a qualified biologist has determined that the nest is no longer active (e.g., young have fledged, nest failed, etc.) or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If any active nests of listed, fully protected, or otherwise special-status species are detected during the surveys, the appropriate wildlife protection agency shall be contacted for guidance on how to proceed. No work would occur within the specified no-work buffers unless previously coordinated with CDFW prior to initiation.

#### ***Jurisdictional Waters and Critical Habitat Measures***

- **Measure 9:** Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., Corps, CDFW, and RWQCB) should be obtained, as necessary. All additional mitigation measures required by these agencies would be implemented as necessary throughout project activities.

The following measures are provided to further protect drainage features and aquatic resources on site:

- The limits of jurisdictional aquatic features shall be clearly shown on all site plans. Further, temporary construction activities including access routes and staging areas shall be reduced to the smallest area required.
- All equipment and materials shall be stored away from the edge of the spillway/creek to the maximum extent feasible at the end of each working day.
- Prior to project implementation, a Spill Contingency Plan shall be developed which outlines the procedures for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures should a spill occur.
- All staged and stored equipment shall have secondary containment (i.e., drip pans) to prevent leaks and spills of potential contaminants from entering the creek.
- Washing of concrete, paint, or equipment, and refueling and maintenance of equipment shall occur only in designated areas with appropriate containment



(i.e., visqueen, temporary L-bracket berms). Sandbags and/or absorbent pads shall be available to prevent water and/or spilled fuel from leaving the site.

## **CONCLUSION**

No special-status botanical or wildlife species were detected during surveys of the project area. However, it was determined that low suitable habitat exists for four special-status wildlife species as well as nesting birds within the project area. NOAA/NMFS and USFWS-designated critical habitat for south-central California coast steelhead DPS and CRLF are present within the project area. The waters within the stilling basin were determined to be under the jurisdiction of CDFW, RWQCB, and the Corps. The dewatering and inspection project is confined to the constructed concrete spillway basin. Based on the current project description, it is expected that implementation of the recommended avoidance and minimization measures will avoid and/or minimize impacts to potentially occurring special-status species and sensitive resources to a less than significant level.

If you have any questions regarding any of the information provided, please contact me at [pscott@terraverdeweb.com](mailto:pscott@terraverdeweb.com) or (714) 362-6667.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Scott".

Patrick Scott  
Biologist

## **Attachment A – Figures**

Figure 1: Project Vicinity Map

Figure 2: Project Site and Survey Area Map

Figure 3: 2-mile CNDDDB and Critical Habitat Map

Figure 4: Jurisdictional Delineation Map

**Attachment B – Representative Site Photographs**

**Attachment C – CRLF Survey Data Sheets**

**Attachment D – Historical Aerial Photographs**



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## **ATTACHMENT A – Figures**

**Figure 1:** Project Location and Vicinity Map

**Figure 2:** Survey Area Map

**Figure 3:** 2-mile CNDDDB and Critical Habitat Map

**Figure 4:** Jurisdictional Delineation Map



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23 May 2022



- ★ Project Location
- State Highway 1
- USGS Blue Line Drainage

**Whale Rock Reservoir Stilling Basin Dewatering and Inspection Project**  
**City of San Luis Obispo**  
**Figure 1. Project Location and Vicinity Map**

0 0.25 0.5 Miles






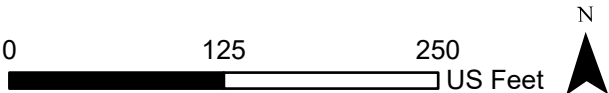


23 May 2022



**Whale Rock Reservoir Stilling Basin Dewatering and Inspection Project**  
**City of San Luis Obispo**  
**Figure 2. Survey Area Map**

-  Survey Area
-  USGS Blue Line Drainage
-  Access Road





23 May 2022



# Whale Rock Reservoir Stilling Basin Dewatering and Inspection Project City of San Luis Obispo

Figure 3. 2-mile CNDDDB and Critical Habitat Map

★ Project Location

□ 2-mile Buffer

## CNDDDB Occurrences

### Botanical

- 1 - Betty's dudleya
- 2 - Blochman's dudleya
- 3 - California seablite
- 4 - Jones' layia
- 5 - Miles' milk-vetch
- 6 - mouse-gray dudleya
- 7 - San Luis Obispo owl's-clover

### Wildlife

- 8 - California red-legged frog
- 9 - monarch - California overwintering population
- 10 - steelhead - south-central California coast DPS
- 11 - tidewater goby
- 12 - western pond turtle

### USFWS-designated Critical Habitat

- California red-legged frog
- Western snowy plover
- Steelhead

0 0.5 1 Miles





23 May 2022

End of Survey

End of Survey

County of San Luis Obispo, Maxar, Microsoft

**Whale Rock Reservoir Stilling Basin Dewatering and Inspection Project  
City of San Luis Obispo  
Figure 4. Jurisdictional Delineation Map**

 Temporary Impacts (Dewatering and Sediment Removal)

**Jurisdictional Boundaries**

CDFW/RWQCB Jurisdiction

 Top of Bank/Edge of Riparian

 Wetland

Corps Jurisdiction

 Ordinary High Water Mark

0 50 100  
US Feet





## **ATTACHMENT B – Representative Site Photographs**



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**Photo 1.** View south/downstream of the stilling basin from the 13<sup>th</sup> street/access road bridge (August 26, 2021).



**Photo 2.** View south/downstream of the stilling basin from the 13<sup>th</sup> street/access road bridge (April 12, 2022).





**Photo 3.** View north/upstream of the stilling basin spillway from the 13<sup>th</sup> street/access road bridge (April 12, 2022).



**Photo 4.** View north/upstream of the rip-rap energy dissipation structure, stilling basin, and instream vegetation (April 12, 2022).



## **ATTACHMENT C – CRLF Survey Datasheets**





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**Appendix E.**  
**California Red-legged Frog Survey Data Sheet**

Survey results reviewed by \_\_\_\_\_  
(FWS Field Office) (date) (biologist)

Date of Survey: 08-26-21  
(mm/dd/yyyy)

Survey Biologist: Langle, Brooke  
(Last name) (first name)

Survey Biologist: Snyder, Sara  
(Last name) (first name)

Site Location: Whale Rock Stilling Basin, Cayucos, San Luis Obispo County, CA, 35.445720, -120.886664  
(County, General location name, UTM Coordinates or Lat./Long. or T-R-S ).

**\*\*ATTACH A MAP** (include habitat types, important features, and species locations)\*\*

Proposed project name: Whale Rock Stilling Basin Dewatering and Cleaning

Brief description of proposed action:

The Stilling Basin will be dewatered and remaining sediment removed in order to accommodate a required safety inspection by an engineer.

Type of Survey (circle one): DAY NIGHT

BREEDING NON-BREEDING

Survey number (circle one): 1 2 3 4 5 6 7 8

Begin Time: 10:00 AM

End Time: 11:00 AM

Cloud cover: Clear

Precipitation: None

Air Temperature: 62 - 65 deg F

Water Temperature: Unknown

Wind Speed: 0 mph

Visibility Conditions: Good

Moon phase: Waning crescent

Humidity: \_\_\_\_\_

Description of weather conditions: Sunny, clear, warm, no breeze

Brand name and model of light used to conduct surveys: NA

Were binoculars used for the surveys (circle one)? YES NO

Brand, model, and power of binoculars: Eagle Optics Ranger 10 x 42,

**Appendix E.**  
**California Red-legged Frog Survey Data Sheet**

**AMPHIBIAN OBSERVATIONS**

<b>Species</b>	<b># of indiv.</b>	<b>Observed (O) Heard (H)</b>	<b>Life Stages</b>	<b>Size Class</b>	<b>Certainty of Identification</b>
Bullfrog	1	O	Adult	Large	100%

Describe potential threats to California red-legged frogs observed, including non-native and native predators such as fish, bullfrogs, and raccoons: A bullfrog and a crayfish were observed.

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Other notes, observations, comments, *etc.*

**Necessary Attachments:**

1. All field notes and other supporting documents
2. Site photographs
3. Maps with important habitat features and species locations

**Appendix E.**  
**California Red-legged Frog Survey Data Sheet**

Survey results reviewed by \_\_\_\_\_  
(FWS Field Office) (date) (biologist)

Date of Survey: 08-30-21  
(mm/dd/yyyy)

Survey Biologist: Snyder, Sara  
(Last name) (first name)

Survey Biologist: Scott, Patrick and Yaney-Keller, Adam  
(Last name) (first name)

Site Location: Whale Rock Stilling Basin, Cayucos, San Luis Obispo County, CA, 35.445720, -120.886664  
(County, General location name, UTM Coordinates or Lat./Long. or T-R-S ).

**\*\*ATTACH A MAP** (include habitat types, important features, and species locations)\*\*

Proposed project name: Whale Rock Stilling Basin Dewatering and Cleaning

Brief description of proposed action:

The Stilling Basin will be dewatered and remaining sediment removed in order to accommodate a required safety inspection by an engineer.

Type of Survey (circle one): DAY NIGHT BREEDING NON-BREEDING

Survey number (circle one): 1 2 3 4 5 6 7 8

Begin Time: 7:45 PM

End Time: 9:15 PM

Cloud cover: Clear

Precipitation: None

Air Temperature: 62 - 63 deg F

Water Temperature: Unknown

Wind Speed: 0-2 mph

Visibility Conditions: Good

Moon phase: Waning crescent

Humidity: \_\_\_\_\_

Description of weather conditions: Clear, warm, light breeze

Brand name and model of light used to conduct surveys: MagLite ML300, NiteLite

Were binoculars used for the surveys (circle one)? YES NO

Brand, model, and power of binoculars: Eagle Optics Ranger 10 x 42,

**Appendix E.**  
**California Red-legged Frog Survey Data Sheet**

**AMPHIBIAN OBSERVATIONS**

<b>Species</b>	<b># of indiv.</b>	<b>Observed (O) Heard (H)</b>	<b>Life Stages</b>	<b>Size Class</b>	<b>Certainty of Identification</b>
Bullfrog	1	O	Adult	Large	100%
Sierran treefrog	1	O	Adult	Large	100%
Sierran treefrog	15	O	Tadpole	Medium	100%

Describe potential threats to California red-legged frogs observed, including non-native and native predators such as fish, bullfrogs, and raccoons:

A bullfrog and a crayfish were observed in Stilling Basin.

Other notes, observations, comments, *etc.*

**Necessary Attachments:**

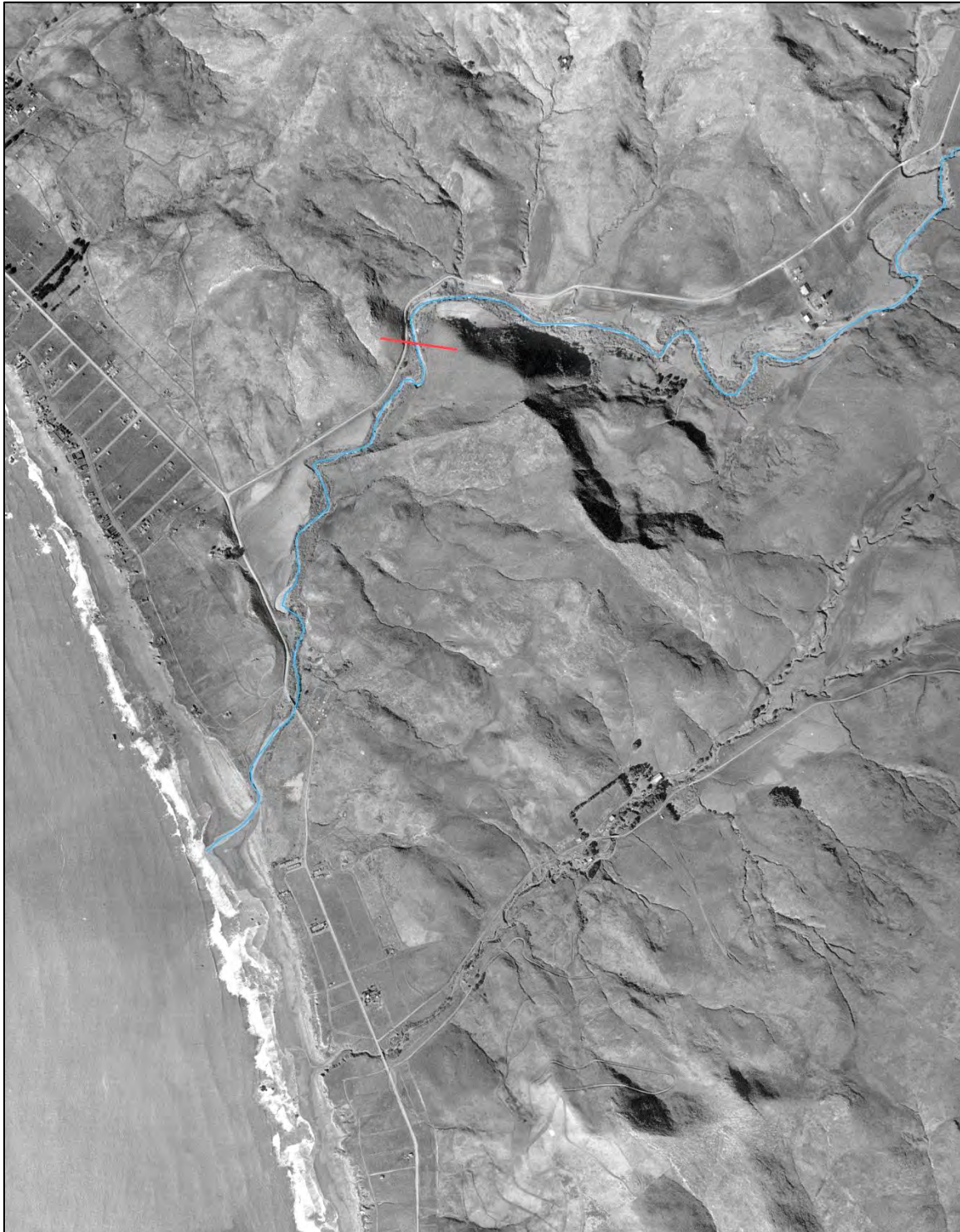
1. All field notes and other supporting documents
2. Site photographs
3. Maps with important habitat features and species locations



## **ATTACHMENT D – Historical Aerial Photographs**



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**Historical Aerial Photograph 1.** Photo taken on February 1, 1937, of Old Creek (highlighted with a blue line) and the approximate location of the Whale Rock Reservoir Dam (highlighted with a red line) prior to construction (UCSB 2022).





**Historical Aerial Photograph 2.** Photo taken on November 22, 1963, of the Whale Rock Reservoir Dam, its spillway stilling basin, and rip-rap energy dissipator after the completion of construction (UCSB 2022).