

OCEANO COMMUNITY SERVICES DISTRICT

OCEANO DRAINAGE UTILITY RELOCATION PROJECT

**OCEANO, CA
CONTRACT NO. 2019-02**

**EXHIBIT "G"
ADDITIONAL CONTRACT REQUIREMENTS
LIST OF EXHIBITS**

G-1	Environmental Permit Summary
G-2	CalTrans Permit 0517 NUL 0545
G-3	Utility Relocation Agreement with County
G-4	Rules Governing Bid Protests
G-5	Public Contracts Code Excerpts

OCEANO COMMUNITY SERVICES DISTRICT

OCEANO DRAINAGE UTILITY RELOCATION PROJECT

**OCEANO, CA
CONTRACT NO. 2019-02**

EXHIBIT "G-1"

ENVIRONMENTAL PERMIT SUMMARY

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ENVIRONMENTAL PERMIT SUMMARY FORM**Date: October 2, 2018****To: Genaro Diaz, Project Manager****From: Katie Drexhage, Principal Environmental Specialist****Subject: Environmental Review & Permit Status for the Oceano Drainage
Project at 13th Street and Highway 1 (300465) (ED11-173)**

The environmental review and regulatory permit processes for the above referenced project are complete. The following is a summary of the environmental requirements for the project:

Permit	Status	Attachments
CEQA Review	Mitigated Negative Declaration - SCH 2013011045	X
NEPA Review	Authority to Use Grand Funds (HUD), 2/14/15 & Signed FONSI (USDA), 7/31/18	X
Coastal Permit	Waiver 3-14-0221-W, CDP DRC2012-00044 (local approval expires 2/13/19)	X
CZMA	Waiver NE-0006-15	X
CDFW	CDFW Agreement 1600-2013-0109-R4	X
USACE 404	N/A - No dredging or filling of Waters of the United States	
NMFS ESA	Concurrence letter, 2014-9847	X
USFWS ESA	Concurrence letter, 08EVEN00-2014-I-0022	X
RWQCB 401	N/A- No 404 authorization required	

Summary Project Timeframe
Based on the below work windows, the work window within jurisdictional boundaries for this project is from June 1 to October 31 .

<i>Measure #</i>	Special Environmental Conditions	Responsibility: Contractor, County or Both
Pre-Construction		
1	Please notify the EPD if the project description changes.	Both
2	The permittee shall provide a copy of all permits and California Environmental Quality Act (CEQA) documents to field staff, contractors, subcontractors, and equipment operators. Copies of the permits shall be readily available at the work site at all times during periods of active work.	Both
3	Prior to any construction activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the APCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.	Both REMOVED PER APCD email 2/14/17
4	If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this Project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).	County
5	Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to nearby residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.	Both
6	Prior to construction, the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE, Section 404 Nationwide Permit 43; (2) RWQCB, Section 401 Water Quality Certification; and (3) CDFW, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever is furthest from the streambed) of Arroyo Grande Creek. The County shall	County

	adhere to all conditions included within these permits, approvals, and authorizations.	
7	Prior to construction, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats. The fencing shall remain in place throughout construction.	Contractor
8	Prior to Project activity at each location, Permittee shall identify the limits of the required access routes and encroachment into jurisdictional areas. These "work area" limits shall be identified with brightly-colored flagging. Work completed under the CDFW Agreement shall be limited to this defined area only. Flagging shall be maintained in good repair for the duration of the Project. All stream areas beyond the identified work area limits shall be considered Environmentally Sensitive Areas and shall not be disturbed.	Contractor
9	Before any construction activities begin on the Project, a biologist shall conduct a training session for all construction personnel. The training session shall include a description of species that may be encountered during construction, the importance of these species and their habitat, the general measures that are being implemented to conserve these species as they relate to the Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions. Worker training documentation shall submitted to CDFW within one (1) week of each training.	Both
10	Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following: <ul style="list-style-type: none"> a. Silt fencing shall be placed along the down-slope side of the construction zone. b. A spill and clean-up kit shall be stored onsite at all times. c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.). 	Contractor
11	If construction activities are conducted during the typical nesting bird season (February 15 th – September 15 th), preconstruction surveys shall be conducted within 30 days prior	County

	<p>to commencing Project activities by the County-approved biologist or County Environmental Resource Specialist prior to any construction activity or vegetation trimming to identify potential bird nesting activity, and:</p> <ol style="list-style-type: none"> a. Survey for nesting activity of birds of prey within the Project work area and a 500-foot radius. If any active nests are observed, these nests shall be protected by a minimum 500-foot avoidance buffer until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. b. Survey for nesting activity within the Project work area and a 250-foot radius. If any nesting activity is found, Permittee shall protect nests and nest substrate (trees, shrubs, ground, or burrows) with a minimum 250-foot buffer until young have fledged and are no longer reliant on the nest site or parental care. c. If active nest sites of bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within the vicinity of the Project site, then the Project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young; d. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then CDFW shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and e. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFW, documenting Project compliance with the MBTA and applicable Project mitigation measures. f. Results of surveys for nesting birds, if Project activities are scheduled during the avian nesting season, shall be submitted to CDFW within one (1) week of the survey. 	
<p>12</p>	<p>To avoid inadvertent impacts to western pond turtle, red-legged frog, two-striped garter snake, steelhead, and nesting birds during grading and site disturbance activities, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the Project site, conduct construction employee training prior to site disturbance and continue monitoring during grading and construction activities.</p>	<p>Both</p>

	In the instance a listed sensitive species is discovered, the County shall contact CDFW, NMFS, and USFWS for consultation, unless otherwise authorized under an NMFS- or USFWS-issued <i>Biological Opinion</i> . In the instance nesting birds are discovered, work shall cease until the birds have fledged and left the area, or CDFW or USFWS shall be consulted. If any swallow nests are observed, empty nests shall be removed prior to February 15, and shall continue to remove nests as they are being built to avoid impacts to active nests prior to construction.	
13	A Habitat Mitigation and Monitoring Plan will be prepared and will include specific measures for restoration and revegetation of all temporarily disturbed areas. The Plan will include protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success.	County
14	Eucalyptus tree removal and willow trimming and/or topping would occur outside of the nesting bird season. If willow trimming/topping could not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities. If nesting birds are discovered within the maintenance area, CDFW shall be contacted to establish the appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFW, documenting Project compliance with the MBTA and applicable Project mitigation measures.	Both
15	Prior to maintenance activities (e.g., sediment removal and/or vegetation trimming/topping), a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-stripe garter snake, and pacific pond turtles). If frogs, garter snakes, or pond turtles are found within the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling).	Both
16	The County shall conduct additional subsurface testing for buried deposits prior to construction or have an archaeologist and Native American monitor during ground-disturbing activities.	County

17	Project activities within the riparian habitat along Arroyo Grande creek will occur during the dry season (typically May - November 1) when California red-legged frogs are less active.	Both
18	If the National Weather Service forecast predicts a rain event of ½ inch or more in over a 48-hour period for the worksite area, construction activities within 500 feet of Arroyo Grande Creek will be halted 24 hours before the rain event is anticipated to begin. Construction activities, for the purposes of this protective measure, consist of all activities which pose a risk of crushing dispersing amphibians including driving construction vehicles and equipment, and activities that alter the natural contours of the existing property including digging trenches, modifying drainages, vegetation clearing and grubbing, land grading, and pouring of building pads for new structures. After a rain event, a qualified biologist will conduct a pre- construction survey for amphibians dispersing through the project site. Construction will resume only after the site has sufficiently dried and the qualified biologist determines that amphibians are unlikely to be dispersing through the project site.	Both
19	The project must prepare and implement a Storm Water Pollution Prevention Plan.	Contractor
20	All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.	Both
21	Pre-activity surveys for special status species shall be conducted by a qualified biologist within 30 days prior to commencement of any Project activity. Surveys shall be conducted on the Project work area and all access routes to avoid and minimize incidental take, confirm previous observations, identify any areas potentially occupied by listed or sensitive species, and clearly mark all resources to be avoided by Project activities. Results of pre-activity surveys shall be submitted to CDFW within one (1) week prior to commencement of Project activity. A qualified biologist shall survey the Project work area for California red-legged frog within 48 hours prior to commencing any Project activity. Permittee shall submit survey results to CDFW. If any California red-legged frogs are found prior to the	County

	<p>Project or at any time during Project activities, work shall cease or shall not commence (whichever applies); Permittee shall contact CDFW within 24 hours of each detection and shall not proceed with Project activity until CDFW provides written approval for work to continue. In addition, Permittee shall remove vegetation by hand, without heavy equipment, prior to ground disturbing Project activity. Results of surveys for California red-legged frog, shall be submitted to CDFW within two (2) weeks following survey completion.</p> <p>Any western pond turtles or two-striped garter snakes discovered at the Project work area immediately prior to or during Project activities shall be allowed to move out of the area on their own volition. If this is not feasible, they shall be captured by a qualified biologist, and relocated out of harm's way to the nearest suitable habitat at least 100 feet upstream or downstream from the Project site.</p>	
22	<p>A <u>Spill Response Plan</u> shall be prepared and submitted to CDFW for approval at least two (2) weeks prior to the start of Project activities, and kept on-site during all phases of the Project. The Plan shall identify the actions that shall be taken in the event of a spill of petroleum products, concrete, contaminated soil, or other materials harmful to fish, plants, or aquatic life. Emergency response materials shall be kept at the site and readily available to allow rapid containment and cleanup of any spilled material. In the event that a spill occurs, all Project activities shall immediately cease until cleanup of the spilled materials is completed. CDFW shall be notified immediately by Permittee of all spills.</p>	Contractor
23	<p>A work schedule shall be submitted to CDFW prior to commencing Project activities.</p>	County
During Construction		
24	<p>In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so proper disposition may be accomplished.</p>	Both
25	<p>During earth moving activities, in the event archaeological resources are unearthed or discovered, construction in the vicinity (within 50 meters, or 150 feet) of the find will stop, and the Environmental Coordinator and Planning Department will be notified so that the extent and location of discovered</p>	Both

	materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. If the find is determined to be significant, appropriate mitigation will be formulated and implemented.	
26	Monitoring by an archaeologist and Native American monitor will occur during trenching work within the RV storage lot, and during initial grading activities associated with the construction of the sediment basin.	County
27	All construction debris shall be disposed of offsite in an approved upland location.	Contractor
28	Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered: <ul style="list-style-type: none"> a. Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal; b. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate; c. Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted; d. The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds; e. During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and f. Clean soil must be segregated from contaminated soil. 	Contractor
29	Projects with grading areas that are greater than 4-acres or within 1,000 feet of any sensitive receptors shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD rule 401) and do not impact off-site areas prompting nuisance violations (APCD rule 402): <ul style="list-style-type: none"> a. Reduce the amount of disturbed area where possible; b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. 	Contractor

	<p>Increased watering frequency would be required whenever possible;</p> <ul style="list-style-type: none"> c. All dirt stock pile areas should be sprayed daily as needed; d. 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; e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established; f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD; g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used; h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site; i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114; j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site; k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible; l. All PM10 mitigation measures require should be shown on grading and building plans; and m. The contractor or builder shall designate a person or persons to monitor fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD 	
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	Compliance Division prior to the start of any grading, earthwork or demolition.	
30	During Project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.	Contractor
31	<p>To help reduce the emissions impact of diesel vehicles and equipment used to construct the Project, the applicant shall implement the following idling control techniques:</p> <p>California Diesel Idling Regulations</p> <ol style="list-style-type: none"> a. 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: <ol style="list-style-type: none"> i. 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 ii. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation. b. Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation. c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5-minute idling limit. 	Contractor
32	<p><u>Diesel Idling Regulations Near Sensitive Receptors</u></p> <p>Sensitive receptors appear to be located within 1000 feet of the Project area (residences, Oceano Elementary School grounds). In addition to State required diesel idling requirements, the Project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:</p>	Contractor

	<ul style="list-style-type: none"> a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors; b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted; c. Use of alternative fueled equipment is recommended; and d. Signs that specify the no idling areas must be posted and enforced at the site. 	
33	<p><u>Vehicles and Equipment</u></p> <ul style="list-style-type: none"> a. Vehicles, equipment, and other machinery shall be inspected for the presence of undesirable plant species and cleaned prior to entering the work area, to reduce the risk of transporting exotic, invasive plant species. b. Vehicle access to the work area shall be limited to predetermined ingress and egress corridors on existing roads. All other stream areas outside the work area shall remain off-limits to vehicles and equipment. c. Any equipment or vehicles shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic and terrestrial life. d. Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the channel, shall be positioned over drip-pans. Vehicles shall be moved away from the channel prior to refueling and lubrication. 	Both
34	All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. The County shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.	Contractor
35	Only silt fencing, or other wildlife-safe methods, will be used to designate work limits along Arroyo Grande Creek levee for the construction of the new flapgate; no orange fencing will be used. A qualified biologist will also check the silt fencing on a daily basis for sensitive and/or listed species.	Contractor
36	All trenches will be covered at the end of each day to prevent the trapping or injury of any wildlife.	Contractor

37	The new sediment basin will be shallow and will drain with no standing water remaining after 48 hours. Since the concrete basin provides flood control functions, vegetation establishment will be prevented within the basin to discourage wildlife from using it as habitat.	County
38	Prior to completion of the project, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.	Both
39	If fish or wildlife is encountered during the course of Project implementation, said fish or wildlife shall be allowed to leave the Project area unharmed.	Both
40	<p><u>Vegetation.</u></p> <ul style="list-style-type: none"> a. Permittee shall restrict the disturbance to vegetation to the minimum amount necessary to complete the Project. b. Vegetation removal following initial tree trimming shall be limited to the amount necessary to maintain the conditions described in the Project Description of the CDFW Agreement. c. All invasive, exotic plant species that are disturbed during Project implementation shall be removed from the Project site. Any Vinca, Cape or German ivy, Castor bean, Arundo, or other exotic plant species shall be bagged and appropriately disposed of in a landfill. Exotic species shall not be used in mulching, composting, or otherwise placed in or around the Project work area. d. Vegetation removed from the Project work area shall be disposed of at an appropriate and legal off-site location where the material cannot enter the stream channel (i.e., outside of the floodplain). No such material shall be stockpiled in the streambed, banks, or channel. 	Both
41	Permittee shall ensure that all structures and installed features are designed (i.e., size and alignment) and constructed such that they will not fail, will accommodate high (e.g., 100-year) flows, and will not cause long-term changes in water flows that adversely modify the existing upstream or downstream channel bed/bank contours (e.g., headcutting or down cutting), increase sediment deposition, or cause significant new erosion.	Both
42	<p><u>Fill/Spoil</u></p> <ul style="list-style-type: none"> a. Long-term spoil storage sites shall not be located within the stream, where spoil could be washed into the stream, or where it could cover aquatic or riparian vegetation. 	Contractor

	<ul style="list-style-type: none"> b. Rock, gravel, and/or other fill materials shall not be imported into the stream. c. Soils that are excavated and temporarily displaced shall be used to backfill excavations and return areas to original contours. d. Permittee shall cover temporary stockpiles with plastic sheeting or visquine when rainy or windy conditions could erode loose soils. 	
<p style="text-align: center;">43</p>	<p><u>Erosion</u></p> <ul style="list-style-type: none"> a. Permittee shall not conduct Project work during rain or immediately following large rainfall events (defined as 1/4 inch of rain in any 24-hour period). b. All disturbed soils within the Project work area shall be stabilized to reduce erosion potential during and following Project activities. Temporary erosion control devices, such as straw bales, silt fencing, and sand bags, may be used, as appropriate, to prevent siltation of the channel. To minimize the risk of ensnaring and strangling wildlife, coir rolls, erosion control mats or blankets, straw or fiber wattles, or similar erosion control products shall be composed entirely of natural-fiber, biodegradable materials. Permittee shall not use "photodegradable" or other plastic erosion control materials. c. Unvegetated areas created by the Project shall be seeded (with weed-free straw or mulch) with a blend of a minimum of three (3) locally native grass species and coyote brush. One (1) or two (2) sterile non-native perennial grass species may be added to the seed mix provided that amount does not exceed 25 percent of the total seed mix by count. Locally native wildflower and/or shrub seeds may also be included in the seed mix. The seeding shall be completed as soon as possible, but no later than November 15 of the year Project activity ends, unless otherwise agreed to in advance by CDFW. A seed mixture shall be submitted to CDFW for approval prior to application. At the discretion of CDFW, all exposed areas where seeding is considered unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon. 	<p style="text-align: center;">Contractor</p>
<p style="text-align: center;">44</p>	<p><u>Pollution</u></p> <ul style="list-style-type: none"> a. During Project implementation, Permittee shall not dump litter or debris within any stream. All such debris and waste shall be picked up daily and properly disposed of 	<p style="text-align: center;">Contractor</p>

	<p>at an appropriate site.</p> <ul style="list-style-type: none"> b. Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders located within or adjacent to the stream shall be positioned over drip-pans. c. Asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to fish or wildlife resulting from Project-related activities, shall be prevented from contaminating the soil and/or entering the "Waters of the State". d. Permittee shall install containment structures, in addition to concrete formwork, to control the placement of wet concrete/cement and to prevent it from entering into the channel outside of those structures. No concrete/cement shall be poured or applied if the seven-day weather forecast indicates any chance of rain. At all times when Permittee is pouring or working with wet concrete/cement there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures. Poured concrete/cement shall remain isolated from surface waters and soils that could become saturated and allowed to cure for a minimum of 30 days or until the pH as tested with tap water does not exceed 9.0, using methods approved in advance by CDFW. Results of pH testing, if not waiting 30 days for concrete to cure, shall be submitted to CDFW within five (5) days of completion. Any rain water that comes into contact with the concrete structures shall be contained and isolated from stream flows; the water pH shall be tested, and water shall be removed from the site and disposed of lawfully if the pH exceeds 9.0. Permittee shall submit to CDFW the results of all pH testing, including measurements that demonstrate a pH at or below 9.0 as tested prior to removing the containment structures. e. Emergency response materials shall be kept at the site and readily available to allow rapid containment and 	
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	cleanup of any spilled material. In the event that a spill occurs, all Project activities shall immediately cease until cleanup of the spilled materials is completed. CDFW shall be notified immediately by Permittee of all spills.	
Post-Construction		
45	For the plant establishment period (at a minimum three years after planting), annual status reports shall be submitted to the California Department of Fish and Wildlife. These reports shall assess the condition of the trees (observations on health and growth), make recommendations, and include information regarding the previous year's maintenance schedule, observations, and survival counts.	County
46	A Final Project Report to be submitted within 30 days after Project construction is completed and following each willow trimming activity. The Final Project Report shall summarize Project activity, and address the implementation of each Protective Measure included in the CDFW Agreement. Before, during, and after photo documentation of the Project work area shall be included in the report.	County



NEGATIVE DECLARATION & NOTICE OF DETERMINATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

ENVIRONMENTAL DETERMINATION NO. ED-11-173 (DRC2012-00044) DATE: January 31, 2013

PROJECT/ENTITLEMENT: Oceano Drainage Project ; (300465)

APPLICANT NAME: County of San Luis Obispo, Department of Public Works
ADDRESS: County Government Center, Room 206, San Luis Obispo, CA 93408
CONTACT PERSON: Katie Drexhage **Telephone:** (805)781-5252

PROPOSED USES/INTENT: Request by San Luis Obispo County Public Works for a Development Plan/Conditional Use Permit/Coastal Development Permit to construct new storm drain improvements to alleviate existing drainage issues which will result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill. The proposed project includes improvements within County and State Right of Way and on private property.

LOCATION: The project is located alongside State Highway 1 in Oceano, beginning at the intersection of Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek, in the San Luis Bay Coastal and Inland planning areas.

LEAD AGENCY: County of San Luis Obispo
Dept of Planning & Building
976 Osos Street, Rm. 200
San Luis Obispo, CA 93408-2040

Website: <http://www.sloplanning.org>

FILED

JUN 11 2013

JILLIE L. BIDEWALD COUNTY CLERK
BY A. Gibson
DEPUTY CLERK

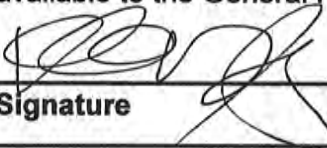
OTHER POTENTIAL PERMITTING AGENCIES: Cal Trans, California Department of Fish and Wildlife, Regional Water Quality Control Board, US Army Corps of Engineers

STATE CLEARINGHOUSE REVIEW: YES NO

ADDITIONAL INFORMATION: Additional information pertaining to this environmental Determination may be obtained by contacting the above Lead Agency address of (805)781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT4:30 p.m. (2 wks from above DATE)

30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination		State Clearinghouse No. 2013011045	
This is to advise that the San Luis Obispo County Board of Supervisors _____ as <input checked="" type="checkbox"/> <i>Lead Agency</i>			
<input type="checkbox"/> <i>Responsible Agency</i> approved/denied the above described project on <u>June 4, 2013</u> , and has made the following determinations regarding the above described project:			
The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures and monitoring were made a condition of approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.			
This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at the 'Lead Agency' address above.			
	Katie Drexhage	6/11/13	County of San Luis Obispo
Signature	Project Manager Name	Date	Public Agency

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

Tuesday, June 4, 2013

PRESENT: Supervisors Frank Mecham, Bruce Gibson, Adam Hill, Debbie Arnold and
Chairperson Paul A. Teixeira

ABSENT: None

RESOLUTION NO. 2013-136

RESOLUTION AFFIRMING THE DECISION OF THE
PLANNING COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF THE COUNTY OF SAN LUIS OBISPO
FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
DRC2012-00044

The following resolution is now offered and read:

WHEREAS, on March 14, 2013, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of the County of San Luis Obispo for Development Plan/Coastal Development Permit DRC2012-00044; and

WHEREAS, Jeff Edwards has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

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WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 4 2013, and determination and decision was made on June 4, 2013; and

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

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

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

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in revised Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the Mitigated Negative Declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the appeal filed by Jeff Edwards is hereby denied and the decision of the Planning Commission is affirmed and that the application of County Department of Public Works for Development Plan/Coastal Development Permit DRC2012-00044 is

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hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

AYES: Supervisors Chairperson Teixeira, Hill, Mecham, Gibson and Arnold

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Paul A. Teixeira
Chairperson of the Board of Supervisors

ATTEST:

Julie L. Rodewald
Clerk of the Board of Supervisors
By: /s/Sandy Currens
Deputy Clerk

[SEAL]

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EXHIBIT A
DRC2012-00044 PROJECT FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 31, 2013 and is hereby adopted for this project. Mitigation measures are proposed to address air quality, biological resources, cultural resources, and water are included as conditions of approval.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with the intent of all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code and the Local Coastal Program.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is designed to improve flood control protection along Arroyo Grande Creek and Highway 1 in the vicinity of the Oceano County Airport, and does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project would expand existing storm water drainage infrastructure that is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because construction-related impacts will be mitigated to acceptable levels and no long-term traffic impacts are expected to occur.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project would not affect existing access, the project is not adjacent to the beach, and public access is already allowed

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over the majority of the site because the project is located primarily in existing public right-of-ways. .

Airport Review Area

- H. The proposed project and land use will not generate hazards or obstructions to aircraft operations in the vicinity of the airport because proposed improvements would be located underground or at ground level. Annual vegetation management would maintain willows in the project area to allowable heights as defined by state and federal airport regulations in order to maintain flight safety, as the vegetation to be trimmed is near the end of the airport runway.
- I. The project would not result in any significant changes in existing developed uses and will be compatible with airport activities. The project is consistent with the Airport Land Use Plan in that it does not expose additional people or structures to significant hazards associated with the airport.

Flood Hazard Area

- J. The project is designed to improve storm water drainage and flood conditions in the project vicinity and would not subject additional people or structures to increased damage as a result of flood inundation. The project is compatible with the flood hazard designation and would result in improved capacity of storm water drainage facilities and alleviate flooding that currently exists in the project area.
- K. Grading associated with the project will incorporate standard drainage and erosion control measures to minimize the potential for soil erosion and sedimentation, including through development of a new sediment basin and annual sediment and trash removal.

Sensitive Resource Areas (SRA)

- L. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and the project includes elements that are beneficial to habitat and water quality within Arroyo Grande Creek.
- M. Natural features and topography have been considered in the design and siting of all proposed physical improvements and the project is proposed to avoid and minimize impacts to the sensitive resources within, adjacent to, and downstream of the proposed improvements.
- N. The proposed ground disturbance and tree trimming is the minimum necessary to provide improvements to the drainage system in compliance with mandatory regulations (Federal Aviation Administration) and will not create significant adverse effects on the identified sensitive resource, because best management practices will be implemented during construction to minimize impacts and disturbance to the SRA.
- O. The soil and subsoil conditions are suitable for any proposed grading and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff. The County is required to

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comply with all state and federal sedimentation and erosion control requirements, and the project as proposed is designed to have minimal or no disturbance to the sensitive lagoon habitat area as the project is not adjacent to the lagoon.

Environmentally Sensitive Habitats

- P. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the project as proposed is designed to have minimal or no disturbance to the sensitive lagoon habitat area as the project is not adjacent to the lagoon and is sited partially within and adjacent to an existing disturbed area. Overall, the project would have beneficial effect on habitat and water quality within the Environmentally Sensitive Habitat Area.
- Q. The proposed use will not significantly disrupt the habitat because measures to avoid unnecessary disturbance have been adopted through project design and construction.

Archaeologically Sensitive Area

- R. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected. An archaeological assessment was conducted for this project with no significant resources identified and additional subsurface testing prior to construction is a condition of the project. Should any archaeological resources be discovered, construction activities would stop until a qualified archaeologist has analyzed the resource and developed a mitigation plan, which the project would implement prior to commencing construction.

Local Coastal Program

- S. The proposed project is consistent with the Local Coastal Program and the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project site is within the proximity of adequate public beach access and is designed to protect sensitive coastal and biological resources.

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EXHIBIT B

DRC2012-00044 PROJECT CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a request by the San Luis Obispo County Department of Public Works, in coordination with Caltrans and other local agencies, for a Coastal Development Permit for development of the Oceano Drainage Project. Implementation of the project would involve construction of new storm water drainage system components, grading alterations, and annual vegetation and sedimentation maintenance. The project would be located in and alongside State Highway 1 in Oceano, beginning at the intersection of 13th Street/Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek. It would include improvements within County and State right of way and on private property, and would result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill.

Conditions required to be completed prior to the start of construction

Site Development

2. **Prior to start of construction**, plans submitted shall show all development consistent with the approved site plan.

Fire Safety

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Mitigation Measures

Air Quality

4. [AQ-1] Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:
 - a. Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
 - b. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
 - c. Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
 - d. The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total

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- emissions exceed the APCD's construction phase thresholds;
- e. During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
 - f. Clean soil must be segregated from contaminated soil.
5. ~~[AQ-2] Prior to any construction activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the APCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.~~
 6. [AQ-3] If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this Project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).
 7. [AQ-4] Projects with grading areas that are greater than 4-acres or within 1,000 feet of any sensitive receptors shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD rule 401) and do not impact off-site areas prompting nuisance violations (APCD rule 402):
 - a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever possible;
 - c. All dirt stock pile areas should be sprayed daily as needed;
 - d. 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;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
 - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets,

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- or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
 - l. All PM10 mitigation measures require should be shown on grading and building plans; and
 - m. The contractor or builder shall designate a person or persons to monitor fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
8. [AQ-5] To help reduce the emissions impact of diesel vehicles and equipment used to construct the Project, the applicant shall implement the following idling control techniques:
California Diesel Idling Regulations
- a. 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:
 - 1. 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
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
 - b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
 - c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5 minute idling limit.
9. [AQ-6] Diesel Idling Regulations Near Sensitive Receptors

Sensitive receptors appear to be located within 1000 feet of the Project area (residences, Oceano Elementary School grounds). In addition to State required diesel idling requirements, the Project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

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- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.
10. [AQ-7] Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to nearby residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.

Biological Resources

11. [BR-1] Prior to construction, the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE, Section 404 Nationwide Permit 43; (2) RWQCB, Section 401 Water Quality Certification; and (3) CDFG, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever is furthest from the streambed) of Arroyo Grande Creek. The County shall adhere to all conditions included within these permits, approvals, and authorizations.
12. [BR-2] Prior to construction, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats. The fencing shall remain in place throughout construction.
13. [BR-3] During Project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
14. [BR-4] If determined to be necessary by the ACOE (lead federal agency), the ACOE will consult with NMFS and USFWS on behalf of the County for impacts to California red-legged frogs and steelhead. The County will adhere to all conditions included within the Biological Opinions issued for the Project.
15. [BR-5] Before any construction activities begin on the Project, a biologist shall conduct a training session for all construction personnel. The training session shall include a description of species that may be encountered during construction, the importance of these species and their habitat, the general measures that are being implemented to conserve these species as they relate to the Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
16. [BR-6] All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. The

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County shall ensure contamination of habitat does not occur during such operations.

Prior to the onset of work, the County shall ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

17. [BR-7] Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following:
 - a. Silt fencing shall be placed along the down-slope side of the construction zone.
 - b. A spill and clean-up kit shall be stored onsite at all times.
 - c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).

18. [BR-8] If construction activities are conducted during the typical nesting bird season (February 15 – September 15th), preconstruction surveys shall be conducted by the County-approved biologist or County Environmental Resource Specialist prior to any construction activity or vegetation trimming to identify potential bird nesting activity, and:
 - a. If active nest sites of bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within the vicinity of the Project site, then the Project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
 - b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and
 - c. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

19. [BR-9] To avoid inadvertent impacts to western pond turtle, red-legged frog, two-striped garter snake, steelhead, and nesting birds during grading and site disturbance activities, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the Project site, conduct construction employee training prior to site disturbance and continue monitoring during grading and construction activities. In the instance a listed sensitive species is discovered, the County shall contact CDFG, NMFS, and USFWS for consultation, unless otherwise authorized under an NMFS- or USFWS-issued Biological Opinion. In the instance nesting birds are discovered, work shall cease until the birds have fledged and left the area, or CDFG or USFWS shall be consulted. If any swallow nests are observed, empty nests shall be removed prior to February 15, and shall continue to remove nests as they are being built to avoid impacts to active nests

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prior to construction.

20. [BR-10] A Habitat Mitigation and Monitoring Plan will be prepared and will include specific measures for restoration and revegetation of all temporarily disturbed areas. The Plan will include protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success.
21. [BR-11] Willow trimming and/or topping would occur outside of the nesting bird season. If willow trimming/topping could not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities. If nesting birds are discovered within the maintenance area, CDFG shall be contacted to establish the appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.
22. [BR-12] Prior to maintenance activities (e.g., sediment removal and/or vegetation trimming/topping), a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-stripe garter snake, and pacific pond turtles). If frogs, garter snakes, or pond turtles are found within the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling).

Cultural Resources

23. [CR-1] The County shall conduct additional subsurface testing for buried deposits prior to construction or have an archaeologist and Native American monitor during ground-disturbing activities

Conditions to be completed prior to completion of the project

24. Prior to completion of the project, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

25. This land use permit is valid for a period of 48 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and

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construction is occurring above grade.

26. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

Oceano Drainage Project at 13th Street and Highway 1
ED11-173 / WBS 300465

**MITIGATED NEGATIVE DECLARATION, NOTICE OF DETERMINATION, &
INITIAL STUDY**



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
ENVIRONMENTAL & RESOURCE MANAGEMENT DIVISION

County File Number: ED11-173 (300465)

SCH Number: _____

**COUNTY DEPARTMENT OF PUBLIC WORKS
OCEANO DRAINAGE PROJECT
AT 13th STREET AND HIGHWAY 1
COUNTY OF SAN LUIS OBISPO
*MITIGATED NEGATIVE DECLARATION & INITIAL STUDY***

Abstract

The Project is a proposal by the Department of Public Works in coordination with Caltrans and other local agencies, to construct new storm drain improvements to alleviate existing drainage issues. The Project will result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill. The proposed project includes improvements within County Right of Way and on private property. The proposed project is located alongside the State Highway 1 in Oceano, beginning at the intersection of Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek. The proposed project is within the Industrial and Commercial Retail land use categories in the San Luis Bay Coastal and Inland planning areas, fourth Supervisorial district. Comments on this document should be sent to Katie Drexhage, County Department of Public Works, County Government Center, San Luis Obispo, CA 93408.

The following persons may be contacted for additional information concerning this document:

Katie Drexhage, Environmental Programs Division
or
Jeff Lee, Project Manager
County Department of Public Works
County Government Center, Room 207
San Luis Obispo, CA 93408
(805) 781-1043

This proposed Mitigated Negative Declaration has been issued by:

11.7.2012
Date

Ellen Carroll
Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

The project proponent, who agrees to implement the mitigation measures for the project, is:

11.26.2012
Date

Paavo Ogren
Paavo Ogren, Director of Public Works
County of San Luis Obispo



Initial Study Summary – Environmental Checklist

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
 976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600
Promoting the Wise Use of Land • Helping to Build Great Communities

(ver 5.0) Using Form

**Project Title & No. (Oceano Drainage Project at Highway 1 and 13th Street in Oceano)
 ED11-173 (300465)**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

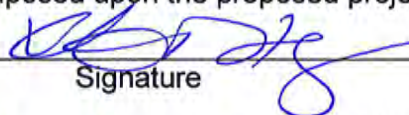
<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input checked="" type="checkbox"/> Water /Hydrology
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

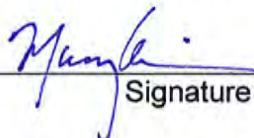
- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been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

Katie Drexhage
 Prepared by (Print)


 Signature

11/7/12
 Date

Murry Wilson
 Reviewed by (Print)


 Signature

Ellen Carroll,
 Environmental Coordinator
 (for)

11/7/12
 Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The County Planning Department uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 200, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by the County of San Luis Obispo Department of Public Works (County), in coordination with Caltrans and other local agencies, to construct new storm drain improvements to alleviate existing drainage issues which will result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill. The proposed project includes improvements within County and State Right of Way and on private property. The Oceano Drainage Project (Project) is located alongside the State Highway 1 in Oceano, beginning at the intersection of Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek, in the San Luis Bay Coastal and Inland planning areas (Figure 1).

DISCUSSION:

The Project aims to:

- Reduce flooding at the intersection of Highway 1 and 13th Street;
- Mitigate storm water runoff impacts to properties downstream of Union Pacific Railroad;
- Treat storm water runoff with LID solutions;
- Minimize the amount of property acquisition;
- Avoid relocation and conflict with existing infrastructure (utilities, buildings, etc.);
- Minimize environmental impacts;
- Minimize long-term operation and maintenance of storm water facilities;
- Minimize impacts to Airport operations; and
- Comply with Federal, State and local standards.

Historically, Highway 1 floods during small rain events at the intersection of 13th and Paso Robles Street. Existing flooding at this location is a result of insufficient and undersized drainage facilities and relatively flat topography. The proposed improvements include new drainage inlets and conveyance of drainage by an underground pipe, south, to a new concrete sedimentation basin located within the RV storage lot. Runoff will discharge into Arroyo Grande Creek through an existing flap gate in the willow riparian woodland area adjacent to the RV storage lot (situated on Oceano Airport property) and a new box culvert. Additionally, roadside infiltrators will be installed and utilized for the Project to capture and treat first flush storm water runoff. The drainage inlets will connect into a new underground storm drain system.

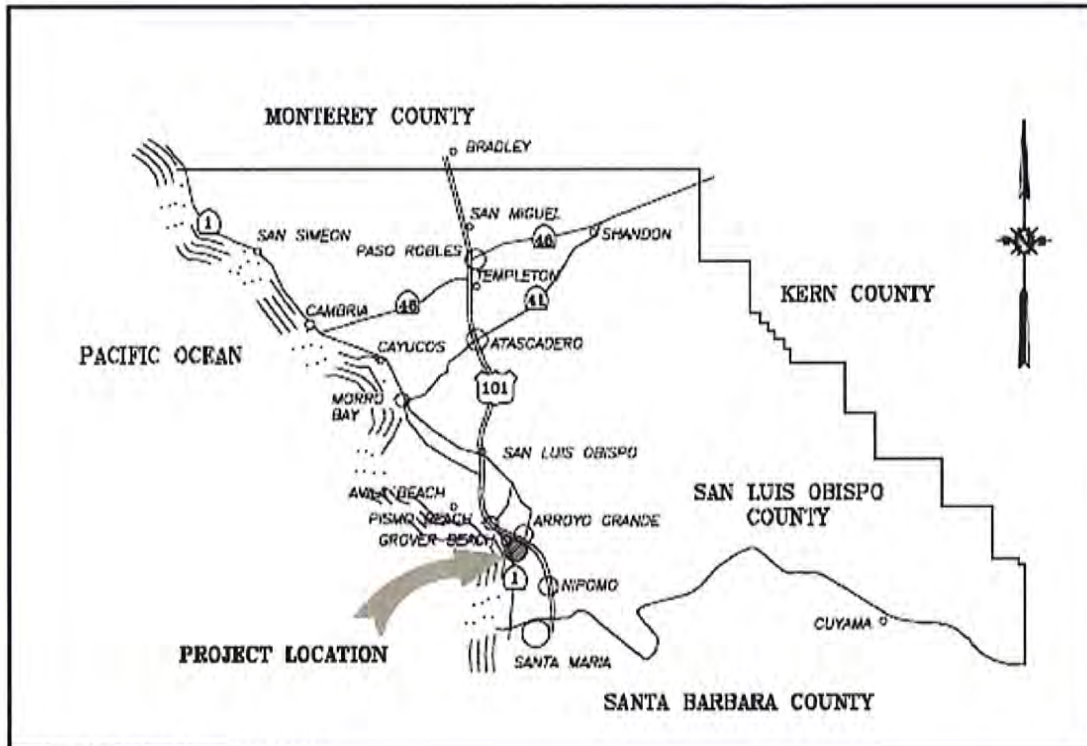


Figure 1: Project Location Map

The drainage inlets (along Front Street and Paso Robles Street) and road side infiltrators (along 13th and Paso Robles Street) will connect to a new underground storm drain system underneath Highway 1, through private property, Union Pacific Railroad (UPRR) property and along County roads to the concrete sedimentation basin.

The concrete sedimentation basin will be 0.66 acre and have a storage capacity of 1.42 acre-feet and an elevation of 17.5-feet. The storage capacity of the sedimentation basin is adequate to handle the 10-year design storm event. The proposed sediment basin will be on County Airport lands within the runway protection zone (RPZ), but outside of the central portion of the RPZ. In order to meet airport regulations (FAA requirements), the basin must be shallow and must drain with no standing water remaining after 48-hours. Additionally, due to the threat of bird strike hazards, no bird habitat will be allowed. It is anticipated that the sediment basin will be finished with concrete and gravel in order to meet airport regulations and facilitate implementation of proposed long-term maintenance activities including sediment/debris removal by the County Public Works Roads Division.

The sediment basin will discharge to the adjacent willow woodland riparian area, which currently acts as a basin for storm water from the surrounding areas. The new sediment basin will be the primary feed to the existing basin in the willow woodland area. Storm water will move through the willow woodland, which will act as a bio filter, to an existing 36-inch flap gate as well as through a new 3-foot by 4-foot box culvert with a flap gate, which outlets to Arroyo Grande Creek. The existing culvert and willow woodland riparian area will handle low flow and the new box culvert will handle high flow situations. The sedimentation basin will capture debris, sediments and other suspended solids and allow them to settle out within the basin prior to release to the bio-swale. Refer to the attached plan sheet (Appendix A).

The Project includes regular maintenance of both basins (existing willow woodland and new concrete sediment basin) to remove trash and sediment. Additionally, the Project includes occasional willow trimming/topping to meet FAA and the Caltrans Division of Aeronautics requirements within the RPZ. Trash removal would occur by hand and sediment removal would be conducted using hand tools and

the limited use of an excavator and haul truck. The volume of sediment removal would vary from year-to-year, and in some years sediment removal may not be required at all.

Vegetation management, i.e., willow trimming and topping, would be done annually depending upon the amount of growth and re-growth or as required by the FAA and Caltrans. Trimming activities for willows greater than 4" DBH will consist of trimming horizontal branches to a height of no more than six feet above ground level. Willow sprouts less than 4" DBH will be cut to within 6" of the ground. Willow topping would be in accordance with FAA and Caltrans requirements or to a maximum height of 20 feet above ground level, whichever is greater.

Willow trimming and topping would occur outside of the nesting bird season. If willow trimming/topping could not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities.

Prior to maintenance activities, a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-striped garter snake, nesting birds, and pacific pond turtles). If sensitive species are found within the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling). If nesting birds are discovered within the maintenance area, CDFG will be contacted to establish an appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the Migratory Bird Treaty Act (MBTA) and applicable Project mitigation measures.

Currently, the willow woodland/natural basin is used by trespassing transients for shelter. By implementing a regular maintenance program, this area would be cleaned up and cleared of trash which could potentially attract wildlife predators of sensitive species. Thus, the basin habitat within the woodland would be improved by maintenance activities.

Clearing debris and sediment from the new concrete basin would allow it to continue to function as a settling pond and prevent vegetation from growing within the newly-constructed basin. Since this concrete basin provides flood control functions, preventing vegetation establishment within the basin will discourage wildlife from using it as habitat which minimizes and avoids impacts to sensitive species. Access to the concrete basin will be via an access ramp off of Delta Street and will not impact the willow riparian basin or wildlife habitat.

The anticipated area of disturbance for construction of the Project is 14.4 acres (629,000 square feet). Overall, the construction duration is anticipated to be five (5) months, starting as early as June of 2014 and ending by November of the same year. The County requests that all regulatory permits be valid through 2017 in case construction is delayed by permit process procedures.

PROJECT ACTIVITIES:

A concrete drainage swale will be constructed within the RV storage lot for surface flows from adjacent properties along Railroad Street. This swale will capture flow from Railroad Street and discharge runoff into the new drainage system that runs through the RV storage lot. Another concrete drainage swale will be constructed along the southern property line of Pismo Coast Village (PCV) property. The runoff currently flows into an existing swale along the eastern edge of the PCV property. The new concrete drainage swale will be constructed to take this existing flow and direct it to the sediment basin on the RV storage lot.

The storage capacity of the basin is adequate to handle the 10-year design storm event. The additional storage added by the raising of the RV storage lot and PCV property will be used when

storm events in Oceano exceed the 10-year design storm. Import will be required to raise the RV storage site. Elevations will range from 15.7' to 21.8'. Approximately 12,500 cubic yards of material will be required to raise the RV storage lot site. If material excavated from the project area is acceptable, onsite material will be used rather than importing fill to raise the RV storage lot.

In order to collect a majority of flows into the proposed storm drain system, Highway 1 will be overlaid with additional asphalt concrete (AC) to create a centerline crown. Slight grade modifications are also proposed to help with drainage flows. A portion of Delta Street will be re-graded and a concrete curb added to the east side of the street from Ocean Street to the entrance of the RV storage lot. Once ponding begins in the unimproved portion of the RV storage lot, drainage will collect in the existing swale next to Delta Street. The curb will be used for additional storage capabilities. To create additional storage capacity, the existing ground within the RV storage lot will be raised to an elevation of 15.7- to 21.8-feet.

The types of construction methods for this Project include: grading, trenching, sawcutting, grinding, asphalt concrete resurfacing, jacking and boring (a type of trenchless pipe installation), concrete form work and relocation of existing utilities. Equipment most likely used for this work may include: dump trucks, bulldozers, water tanks, backhoes, scrapers, and rollers.

Some resurfacing and reconstruction for new grade changes and storm drainage work will occur along Highway 1. This work will include: preparing the existing surface for an AC overlay, grinding operations, sawcutting, removal of existing roadway, compaction, paving, installation of new inlets and manholes, and slurry sealing the asphalt. The limits of this work will be from Belridge Street to Ocean Street.

ASSESSOR PARCEL NUMBER(S): County Right of Way and 062-118-013, 062-118-014, 062-118-002, & 061-093-044

Latitude: 35 degrees 5' 59" N Longitude: 120 degrees 36' 56" W **SUPERVISORIAL DISTRICT # 4**

B. EXISTING SETTING

PLANNING AREA: San Luis Obispo, Coastal/ Inland **TOPOGRAPHY:** Nearly level

LAND USE CATEGORY: Industrial and Commercial Retail **VEGETATION:** None, urban built-up

PARCEL SIZE: N/A _

COMBINING DESIGNATION(S): None

EXISTING USES: Undeveloped

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Industrial; multi-family residences	<i>East:</i> Industrial;
<i>South:</i> Industrial; blue line creek	<i>West:</i> Industrial;

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.



COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Project starts at 13th Street and Highway 1 in Oceano. It extends southwest through an industrial area consisting of Pismo Oceano Vegetable Exchange (POVE) property, UPRR tracks which run parallel to Highway 1, and an existing RV storage lot. The RV storage lot is owned by the County and is a part of the Runway Protection Zone (RPZ) for the Oceano Airport. The Project terminates at Arroyo Grande Creek. An existing sediment basin will be incorporated into the Project; this, too, is owned by the County and is a part of the RPZ.

Impact. After construction, the Project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways. The drainage system will be flush with the ground surface or underground, and the new culvert to Arroyo Grande Creek will be installed in an existing earthen levee which is adjacent to an RV storage lot. The Project is considered compatible with the surrounding uses. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land, per NRCS soil classification, to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. AGRICULTURAL RESOURCES
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Conflict with existing zoning for agricultural use, or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Project Elements. The following area-specific elements relate to the property's importance for agricultural production:

Land Use Category: [Industrial, Commercial Retail] Historic/Existing Commercial Crops: None
State Classification: Farmland of Statewide Importance, Prime Farmland if irrigated In Agricultural Preserve? Yes, Arroyo Grande Valley AG Preserve
Under Williamson Act contract? No

The soil type(s) and characteristics on the subject property include:

Mocho fine sandy loam. This nearly level soil is considered moderately drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities, slow percolation. The soil is considered Class III without irrigation and Class II when irrigated.

Mocho Variant fine sandy loam. This nearly level soil is considered well drained. The soil has moderate erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities. The soil is considered Class III without irrigation and Class III when irrigated.

Oceano sand (0 - 9 % slope). This nearly level to gently sloping sandy soil is considered well drained. The soil has low erodibility and low shrink-swell characteristics, as well as having potential septic system constraints due to: poor filtering capabilities. The soil is considered Class VI without irrigation and Class IV when irrigated.

Impact. The Project is located in an area with agricultural activities occurring to the south and east of the project site. Agricultural support activities (packing and shipping) occur in the vicinity of the proposed improvements as well. The project will not encroach upon agricultural operation nor will it interfere with agricultural support activities. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No mitigation measures are necessary.

3. AIR QUALITY
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in a cumulatively considerable net increase of any criteria pollutant either considered in non-attainment under applicable state or federal ambient air quality standards that are due to increased energy use or traffic generation, or intensified land use change?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GREENHOUSE GASES				
f) <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the [2012 CEQA Air Quality Handbook](#) to evaluate Project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Greenhouse Gas (GHG) Emissions are said to result in an increase in the earth's average surface temperature. This is commonly referred to as global warming. The rise in global temperature is associated with long-term changes in precipitation, temperature, wind patterns, and other elements of the earth's climate system. This is also known as climate change. These changes are now thought to be broadly attributed to GHG emissions, particularly those emissions that result from the human production and use of fossil fuels.

The passage of AB32, the California Global Warming Solutions Act (2006), recognized the need to reduce GHG emissions and set the greenhouse gas emissions reduction goal for the State of California into law. The law required that by 2020, State emissions must be reduced to 1990 levels. This is to be accomplished by reducing greenhouse gas emissions from significant sources via

regulation, market mechanisms, and other actions. Subsequent legislation (e.g., SB97-Greenhouse Gas Emissions bill) directed the California Air Resources Board (CARB) to develop statewide thresholds.

In March 2012, the San Luis Obispo County APCD approved thresholds for GHG emission impacts, and these thresholds have been incorporated into the APCD's CEQA Air Quality Handbook. APCD determined that a tiered process for residential / commercial land use projects was the most appropriate and effective approach for assessing the GHG emission impacts. The tiered approach includes three methods, any of which can be used for any given project:

1. Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,
2. Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,
3. Efficiency-Based Threshold: Assesses the GHG impacts of a project on an emissions per capita basis.

For most projects the Bright-Line Threshold of 1,150 Metric Tons CO₂/year (MT CO₂e/yr) will be the most applicable threshold. In addition to the residential/commercial threshold options proposed above, a bright-line numerical value threshold of 10,000 MT CO₂e/yr was adopted for stationary source (industrial) projects.

It should be noted that projects that generate less than the above mentioned thresholds will also participate in emission reductions because air emissions, including GHGs, are under the purview of the California Air Resources Board (or other regulatory agencies) and will be "regulated" either by CARB, the Federal Government, or other entities. For example, new vehicles will be subject to increased fuel economy standards and emission reductions, large and small appliances will be subject to more strict emissions standards, and energy delivered to consumers will increasingly come from renewable sources. Other programs that are intended to reduce the overall GHG emissions include Low Carbon Fuel Standards, Renewable Portfolio standards and the Clean Car standards. As a result, even the emissions that result from projects that produce fewer emissions than the threshold will be subject to emission reductions.

Under CEQA, an individual project's GHG emissions will generally not result in direct significant impacts. This is because the climate change issue is global in nature. However, an individual project could be found to contribute to a potentially significant cumulative impact. Projects that have GHG emissions above the noted thresholds may be considered cumulatively considerable and require mitigation.

Impact. As proposed, the Project will result in the disturbance of approximately 14.4 acres (629,000 square feet). This will result in the creation of construction dust, as well as short- and long-term vehicle emissions associated with on-going maintenance activities. Based on Table 2-1 of the CEQA Air Quality Handbook, the Project may result in an exceedance of the 2.5 ton PM₁₀ quarterly threshold.

Using the GHG threshold information described in the Setting section, the Project is expected to generate less than the Bright-Line Threshold of 1,150 metric tons of GHG emissions. Therefore, the Project's potential direct and cumulative GHG emissions are found to be less significant and less than a cumulatively considerable contribution to GHG emissions. Section 15064(h)(2) of the CEQA Guidelines provide guidance on how to evaluate cumulative impacts. If it is shown that an incremental contribution to a cumulative impact, such as global climate change, is not 'cumulatively considerable', no mitigation is required. Because this Project's emissions fall under the threshold established by the

APCD, no mitigation is required.

The project has the potential to encounter hydrocarbon contaminated soils, Naturally Occurring Asbestos (NOA), existing utility lines, and create construction related dust impacts. The project will also result in vehicle emissions associated with construction activities.

The Project is consistent with the general level of development anticipated and projected in the Clean Air Plan with the inclusion of the mitigation measures discussed below.

Mitigation/Conclusion. The Project's cumulative contribution to GHG emissions is limited to construction and is relatively small and considered insignificant therefore no mitigation is necessary beyond the measures listed below (which have been incorporated into the project description).

The following recommendations (which have been turned into project components) were made by APCD in their May 29, 2012 comment letter for the Project. These measures will mitigate impacts to air quality to a level that is less than significant.

[AQ-1] Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:

- a. Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- b. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- c. Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- d. The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds;
- e. During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
- f. Clean soil must be segregated from contaminated soil.

[AQ-2] Prior to any construction activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the APCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.

[AQ-3] If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this Project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).

[AQ-4] Projects with grading areas that are greater than 4-acres or within 1,000 feet of any sensitive receptors shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD rule 401) and do not impact off-site areas prompting nuisance violations (APCD rule 402):

- a. Reduce the amount of disturbed area where possible;

- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. 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;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All PM₁₀ mitigation measures require should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

[AQ-5] To help reduce the emissions impact of diesel vehicles and equipment used to construct the Project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

- a. 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:
 - 1. 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
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.

- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5 minute idling limit.

[AQ-6] Diesel Idling Regulations Near Sensitive Receptors
 Sensitive receptors appear to be located within 1000 feet of the Project area (residences, Oceano Elementary School grounds). In addition to State required diesel idling requirements, the Project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

[AQ-7] Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to nearby residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.

4. BIOLOGICAL RESOURCES <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species* or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Interfere with the movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Game or U.S. Fish & Wildlife Service?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Species – as defined in Section 15380 of the CEQA Guidelines, which includes all plant and wildlife species that fall under the category of rare, threatened or endangered, as described in this section.

Setting. The following are existing elements on or near the proposed Project relating to potential biological concerns:

On-site Vegetation: Coyote brush scrub, non-native (ruderal) grassland, willow riparian woodland, eucalyptus stand.

Name and distance from blue line creek(s): The Arroyo Grande Creek is approximately 20 feet west of the proposed Project.

The California Natural Diversity Data Base (CNDDDB) was accessed for information on sensitive plant, invertebrate, and wildlife species known to occur in the action area and its vicinity (CNDDDB 2012). A search radius of the USGS Oceano Quadrangle and eight surrounding Quads was used for the CNDDDB. Sensitive species include all federally and state-listed endangered and threatened species, candidates, species proposed for listing, state species of concern, and species considered rare by the California Native Plant Society (CNPS).

Monarch butterfly surveys were conducted on October 25, 2010 and December 7, 2010 at the stand of eucalyptus trees adjacent to Highway 1 by County staff (Katie Drexhage and Kelly Sypolt). A botanical survey was conducted on May 11, 2012 by County staff (Eric Wier and Katie Drexhage). Biological studies have been completed for other on-going projects along the Arroyo Grande Creek including the Arroyo Grande Creek Habitat Conservation Plan and Arroyo Grande Creek Channel Waterways Management Program. Information from these documents also assisted in the preparation of this Biological Assessment.

The Project site is surrounded by State Highway 1, residential homes, industrial facilities, a County airport, and a wastewater treatment facility that services the town of Oceano as well as the cities of Arroyo Grande and Grover Beach. The majority of the Project area is located in an area actively used for industrial purposes and RV storage.

One of the two aspects of the Project that may impact a sensitive habitat is where the new culvert will be created to outlet storm water through the levee into Arroyo Grande Creek. The Arroyo Grande Creek low water channel, which contains constant flowing water as a result of releases from Lopez Dam, will not be disturbed. The culvert would be located approximately 0.65- to 0.76-mile upstream from Arroyo Grande Creek's outlet to the ocean.

As authorized by a separate project, "The Arroyo Grande Creek Channel Waterways Management Plan," this section of creek is actively managed on an annual basis to control vegetative cover within the channel for the purposes of flood control. Vegetation growth and sediment within this section of the channel will be regularly managed, permits pending, for flood control purposes.

The second aspect of the Project that could impact a sensitive habitat is the use of the 0.75-acre area of willow riparian woodland located adjacent to the County airport facility and within the airport's RPZ. This area is considered "Environmentally Sensitive Habitat Area" by the Coastal Commission. This area is highly disturbed as it is regularly used by trespassing transients as living quarters. It is bordered by the airport, the north levee, and an RV storage lot. No construction activities will impact this habitat. Occasional willow trimming/topping would occur to meet FAA and the Caltrans Division of Aeronautics requirements within the RPZ.

Vegetation

Per the California Department of Fish and Games comments received on May 17, 2012, the County addressed potential impacts to Gambel's watercress (*Nasturtium gambelii*), marsh sandwort (*Arenaria paludicola*), and La Graciosa thistle (*Cirsium loncholepis*) (B. Sanderson pers. comm.).

Four plant community types occur within the Project Area including willow riparian woodland, coyote brush scrub, ruderal (weedy) grassland, and a lone stand of eucalyptus trees.

Special Status Plant Species

Based on a records search of the CNPS and CNDDDB inventories and the presence of suitable habitat, the following Federally-listed floral species have the potential to occur within the Project area: Morro Manzanita (*Arctostaphylos morroensis*), marsh sandwort, Chorro Creek bog thistle (*Cirsium fontinale*



var. obispoensis), La Graciosa thistle, Gambel's watercress, Gaviota tarplant (*Deinandra increscens ssp. villosa*), Indian knob mountainbalm (*Eriodictyon altissimum*), Nipomo Mesa lupine (*Lupinus nipomensis*), Pismo clarkia (*Clarkia speciosa ssp. immaculata*), and San Bernardino aster (*Symphyotrichum defoliatum*). Some of the above-listed floral species are both Federally- and State-listed. In addition to this list, the following State-listed species surfaced during the inventory search: surf thistle (*Cirsium rhotophilum*) and beach spectaclepod (*Dithyrea maritima*).

None of these floral species were detected during field surveys conducted in May of 2012; therefore, no impacts to special status plant species are anticipated to occur as a result of the Project.

Wildlife

Per the California Department of Fish and Games comments received on May 17, 2012, the County addressed potential impacts to California red-legged frog, steelhead, and tidewater goby (B. Sanderson pers. comm.). It was also noted that this project would likely require a Lake or Streambed Alteration Agreement from the Department of Fish and Game.

Special status wildlife species include those proposed for listing, candidates for listing, or those listed by either the Federal or State resource agencies as threatened or endangered. Special status wildlife species also includes State species of special concern. In addition, all raptor nests are protected by Fish and Game Code, and all migratory birds are protected by the Federal Migratory Bird Treaty Act.

Special status wildlife species were evaluated for their known and/or potential presence in the Project area as described in Appendix B. Special status wildlife species that are known or likely to inhabit the Project area are described briefly below.

In addition to the wildlife species listed in Appendix B, several other special status wildlife species are known to occur within 10 miles of the general study area vicinity, but are not expected to occur on site because the site lacks suitable habitat.

Impacts to Federally-listed animals and other sensitive species may occur as a result of this Project. Avoidance and minimization measures are recommended below in the Mitigation/Conclusion section.

California red-legged frog (*Rana draytonii*)

The California red-legged frog is federally listed as threatened and is a State Species of Special Concern. This species is found in quiet pools along streams, in marshes, and ponds. Red-legged frogs are closely tied to aquatic environments, and favor intermittent streams which include some areas with water at least 0.7 meters deep, a largely intact emergent or shoreline vegetation, and a lack of introduced bullfrogs and non-native fishes. This species' breeding season spans January to April (Stebbins 1985). Females deposit large egg masses on submerged vegetation at or near the surface. Recent studies have shown that although only a small percentage of red-legged frogs from a pond population disperse, they are capable of moving distances of up to 2 miles (Bulger 1999). The red-legged frog occurs west of the Sierra Nevada-Cascade crest and in the Coast Ranges along the entire length of the state. Much of its habitat has undergone significant alterations in recent years, leading to extirpation of many populations. Other factors contributing to its decline include its former exploitation as food, water pollution, and predation and competition by the introduced bullfrog and green sunfish (Moyle 1973, Hayes and Jennings 1988).

California red-legged frogs have been observed within Arroyo Grande Creek. Surveys conducted downstream of the dam outlet in Arroyo Grande Creek have documented observations of California red-legged frogs (Essex Environmental 2002; Rischbieter 2009). The Project site may provide summer and foraging habitat. The Project site is not likely to provide suitable breeding habitat due to swift winter flows. The Project site is not within the currently designated critical habitat for California red-legged frog (USFWS 2010).



Steelhead Trout, South Central California Coast ESU, (*Onchorynchus mykiss*)

The Steelhead Trout is federally listed as threatened and is a State species of special concern. Steelhead are genetically indistinct from rainbow trout and differ only in their behavior. They prefer cool, clear, coastal streams and rivers with a gradient less than five percent. Steelhead exhibit life cycle strategies similar to other salmonids, known as anadromy. Steelhead enter streams and rivers to prepare for migration to spawning grounds as soon as streamflow is adequate and the summer sand bar present at the mouths of many coastal lagoons have breached.

Central coast steelhead populations have experienced a significant decline in numbers over the last 50 years due to water supply projects, barriers to migration, loss of habitat, reduced water quality, increased fine sediment production, and introduction of non-native predatory fish. The decline in steelhead numbers can often be directly correlated to the level of development within individual watersheds. The most significant impact to steelhead on Arroyo Grande Creek was the building of Lopez Dam, which was completed in 1969. The dam blocked much of the steelhead's historic spawning and rearing habitat located in the primary tributaries such as Lopez Creek. Without access to these areas, steelhead were forced to utilize lower quality habitat on the mainstem that was being impacted by agriculture and urban development. Habitat surveys in 1997 and 2004 suggest that the Arroyo Grande lacks deep pools, has high water temperatures during the summer, and contains non-native fish species that prey on juvenile steelhead. Adult steelhead are also known to have occurred within Arroyo Grande Creek where they were vulnerable to stranding as a result of fluctuations in instream flow levels.

The most recent habitat assessment and steelhead abundance surveys were conducted in 2004 and 2006, respectively. Habitat assessments of the entire mainstem of Arroyo Grande Creek below Lopez Reservoir were conducted in the summer of 2004 by the California Conservation Corps (Close and Smith 2004). Based on this assessment, a random sample of discreet habitat units was surveyed for fish abundance in the fall of 2006 (Dvorsky and Hagar 2008). Within the lower portion of Arroyo Grande Creek, which includes the Project area, a total of five discreet habitat units were sampled representing approximately 840 feet of channel. All of the habitat units were sampled via snorkeling and one of the habitat units was sampled via both snorkeling and electrofishing. The number of steelhead observed via snorkeling in all five habitat units sampled as part of the study was five. No steelhead were captured via electrofishing in the single habitat unit (Dvorsky 2010).

In addition to steelhead a number of other species of fish occur in the system including Sacramento sucker, California roach, and threespine stickleback. Non-native fish species include bullhead, centrarchids, and mosquitofish (Dvorsky 2010). Tidewater gobies occur within the lagoon where Arroyo Grande Creek intersects with Meadow Creek, on the Arroyo Grande Creek side of an earthen levee and flap gates. Occasionally a goby has been found approximately 150 yards upstream of the lagoon area (Rischbieter pers. comm. 2012). Project impacts will not extend down to this area, which is approximately 0.66 mile from the Project site.

Steelhead Critical Habitat

The study area is within the Oceano Hydrologic Sub-area, 331031, of the Estero Bay Hydrologic Unit, 3310, of critical habitat for steelhead (70 FR 52488 - 52627). The primary constituent elements essential for the conservation of the species within ESUs are those sites and habitat components that support one or more life stages, including:

1. Freshwater spawning sites with water quantity and quality conditions and substrates supporting spawning, incubation and larval development;

2. Freshwater rearing sites with: a. Water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; b. Water quality and forage supporting juvenile development; and c. Natural cover such as shade, submerged and overhanging large wood, log jams, and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks;
3. Freshwater migration corridors free of obstruction and excessive predation, with water quantity and quality conditions, and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks, supporting juvenile and adult mobility and survival;
4. Estuarine areas free of obstruction and excessive predation with: a. Water quality, water quantity, and salinity conditions supporting juvenile and adult physiological transitions between fresh- and saltwater; b. Natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels; and c. Juvenile and adult forage, including aquatic invertebrates and fishes, supporting growth and maturation;
5. Nearshore marine areas free of obstruction with water quality and quantity conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation; and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, and side channels;
6. Offshore marine areas with water quality conditions and forage, including aquatic invertebrates and fishes, supporting growth and maturation.

Pacific pond turtle (*Actinemys marmorata*)

The Pacific pond turtle is a Federal and State Species of Special Concern. This aquatic turtle inhabits ponds, lakes, streams, marshes, and other permanent waters located in woodland, grassland, and open forests below 6,000 ft (Stebbins 1985). Pond turtles can often be seen basking in the sun on partially submerged logs, rocks, mats of floating vegetation or mud banks. During cold weather, they hibernate in bottom mud. The diet of these turtles consists of aquatic vegetation, insects, fish, worms, and carrion. Females dig soil nests in or near stream banks (Rathbun et al. 1992). Eggs are deposited between April and August. One factor in the decline of this species is the introduction of non-native fish which prey on hatchlings and juveniles.

Arroyo Grande Creek provides habitat for turtles which have been found approximately 3.3 miles northeast of the Project site in Arroyo Grande Creek (CNDDDB 2012). It is possible that the Project site provides suitable nesting habitat for turtles due to rocky and muddy bottom and stream margins which females utilize to dig nests and deposit eggs.

Two-striped garter snake (*Thamnophis hammondi*)

The two-striped garter snake is a State Species of Special Concern. This species is primarily aquatic and it is diurnal (active during the day). In some areas this species is also active at night and at dusk during hot weather. These snakes can be active from January to November depending on weather conditions. Breeding has been observed in late March and early April, with live young born in late July and August. This species eats tadpoles, newt larvae, small frogs and toads, fish, and occasionally worms and fish eggs. It is likely that this species forages for food in and under water (California Herps 2010).

Two-striped garter snakes have been found in the USGS quadrangle east of the Project's quadrant. There is potential for this species to occur within the Project site. Two-striped garter snakes may be present in the riparian corridor surrounding Arroyo Grande Creek at the Project site but are unlikely in

the agriculturally active fields adjacent to the site due to the lack of thick vegetative cover which offers protection from predation.

Monarch butterfly (*Danaus plexippus*)

The Monarch butterfly has been found about 1.9 miles to the northeast. This species is considered a "threatened phenomenon" by the State and "rare" under CEQA Guidelines Section 15380 because of declining availability of winter roosting habitat. Monarchs from west of the Rocky Mountains spend the winter along the California coast. Overwintering sites typically occur in dense, wind-protected tree groves with eucalyptus, Monterey pine (*Pinus radiata*), and/or Monterey cypress (*Cupressus macrocarpa*) with nectar and water supplies nearby. This species has been found near the coast from northern Mendocino to Baja California (CNDDDB 2012). The reference site located 1.9 miles northeast of the Project site was used to determine whether or not monarchs were present within the area during survey efforts conducted in 2010. Monarchs were present during survey efforts at the reference site; however, no monarchs were present within the eucalyptus trees adjacent to Highway 1. Therefore, impacts to this species are not anticipated.

Impact. Arroyo Grande Creek supports federally threatened California red-legged frog and south-central California coast steelhead and is designated steelhead critical habitat. The Project site has the potential to provide habitat for pacific pond turtles, two-striped garter snakes, and monarch butterflies. No special status or sensitive floral species were detected during field surveys.

Project activities are proposed to occur during the dry season (typically from May 1 to November 1) when California-red legged frogs are less active to avoid or minimize impacts to Federally-listed species. Refer to the Avoidance and Minimization Measures, below in the Mitigation/Conclusion section, for measures proposed to offset impacts associated with erosion and sedimentation.

Because steelhead have been identified in or near the Project site, the proposed Project may affect, but is not likely to adversely affect this species. Appropriate Project timing would minimize potential adverse effects to these species and would reduce impacts to their habitats. The temporary impacts associated with construction of this Project are not anticipated to impact steelhead critical habitat as no activities are proposed to occur within the low water channel, where water is present. All work will occur within the upper channel which consists of non-native grassland and coyote scrub. Avoidance and minimization measures proposed will reduce the potential for the Project to significantly impact habitat within/near the Project site.

Up to four of the 30 eucalyptus trees will be removed to facilitate the construction of roadside ditches and inlets along Highway 1. The four trees are approximately 1 to 5 feet west of Highway 1. If trees will be removed during nesting bird season, surveys will be conducted prior to any removal activities. With the implementation of this avoidance measures, and because these trees do not provide habitat for monarchs, no impacts to sensitive species are anticipated as a result of tree removal and construction of the above referenced project components.

The Project will permanently impact approximately 0.014 acre of coyote brush scrub and nonnative grassland as a result of the installation of a culvert through the existing earthen levee. Storm water will continue to filter through the existing basin (i.e., woodland riparian basin) into Arroyo Grande Creek. Although this Project will create one additional outlet into Arroyo Grande Creek, storm water is anticipated to be cleaner than current conditions with the addition of the new sediment basin.

With the exception of occasional trimming or topping, no additional disturbance will occur within the willow riparian woodland area. This area currently functions as a basin for storm water from the surrounding area. The new sediment basin will become the primary feed to this basin. Water will pool in this area and outlet to Arroyo Grande Creek, as it does now. Surveys would be conducted prior to

trimming/topping activities if they occur within the nesting bird season to avoid disturbing nesting birds.

Currently, the willow woodland/natural basin is used by trespassing transients for shelter. By implementing a regular maintenance program, this area would be cleaned up and cleared of trash which currently could potentially attract wildlife predators of sensitive species. Thus, the habitat within the woodland would be improved by maintenance activities.

Clearing sediment from the new concrete basin would allow it to continue to function as a settling pond and prevent vegetation from growing within the newly-constructed basin. This basin will function for flood control purposes; by preventing vegetation establishment within the basin, wildlife will be discouraged from using the basin as habitat, which will minimize and avoid impacts to sensitive species.

As proposed, the Project will result in the disturbance of an approximately 60-foot by 10-foot area within the upper Arroyo Grande Creek channel to install the new box culvert from the new sediment basin, through the earthen levee, and into Arroyo Grande Creek. Dust, erosion, and/or sedimentation associated with Project activities could impact listed species and their habitats. Although some willows may be trimmed in order to access either Project site, no willows will be removed, as this could compromise creek bank stability. To minimize these impacts, in addition to measures [BR-1] through [BR-12], the contractor shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site.

It is anticipated that Project construction will take approximately 5 months and is anticipated to be completed by November of 2014. Appropriate Project timing would minimize potential adverse effects to these species and would reduce temporary impacts to their habitats. The County is also required to obtain permits from the U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board prior to commencement of disturbance within Arroyo Grande Creek.

In an effort to minimize impacts, construction access will be limited to the western bank of Arroyo Grande Creek in the prescribed Project area and equipment will be operated within the County-Right-of-Way on top of the earthen levee. Trimming of riparian vegetation during proposed site preparation activities including channel excavation could potentially result in harm or take of California red-legged frogs, pacific pond turtles, and two-striped garter snakes. A Habitat Mitigation and Monitoring Plan [BR-10] will reduce habitat degradation from construction access and activities and implement a recovery plan for disturbed areas of the Project.

The Project will temporarily introduce potentially hazardous materials into the area in the form of fuel in construction equipment. A spill and clean-up kit will be stored onsite at all times. All fueling and maintenance of vehicles and other equipment and staging areas will occur at least 20 meters from any riparian habitat or water body. Prior to the onset of work, the County will ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills [BR-6 and -7]. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

With the implementation of avoidance and minimization measures such as preconstruction surveys and relocation efforts, the construction of this Project will have minimal, temporary effects on listed and sensitive species and their habitats. No adverse cumulative effects on biological resources are anticipated to occur as a result of this Project.

The Project should improve water quality by allowing additional settling time for sediments in the newly constructed sediment basin, so cleaner storm water flows to Arroyo Grande Creek. The Project

will also improve water quality by moving storm water off of existing roads, which contain oil and other road-associated contaminants, & directing water to an underground pipeline, a sediment basin, and natural basin where the water can pass through existing bio filters and into Arroyo Grand Creek. Currently, this same storm water picks up road contaminants and contributes to flooding of local residents before finally reaching Arroyo Grande Creek.

Mitigation/Conclusion. Because both Federally-listed species have been identified in or near the Project site, the proposed Project may impact California red-legged frogs, steelhead critical habitat, pacific pond turtles, two-striped garter snakes, and monarchs if they are present. The below mitigation measures will ensure that impacts to biological resources resulting from the Project are less than significant.

[BR-1] Prior to construction, the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE, Section 404 Nationwide Permit 43; (2) RWQCB, Section 401 Water Quality Certification; and (3) CDFG, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever is furthest from the streambed) of Arroyo Grande Creek. The County shall adhere to all conditions included within these permits, approvals, and authorizations.

[BR-2] Prior to construction, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats. The fencing shall remain in place throughout construction.

[BR-3] During Project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

[BR-4] If determined to be necessary by the ACOE (lead federal agency), the ACOE will consult with NMFS and USFWS on behalf of the County for impacts to California red-legged frogs and steelhead. The County will adhere to all conditions included within the Biological Opinions issued for the Project.

[BR-5] Before any construction activities begin on the Project, a biologist shall conduct a training session for all construction personnel. The training session shall include a description of species that may be encountered during construction, the importance of these species and their habitat, the general measures that are being implemented to conserve these species as they relate to the Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

[BR-6] All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. The County shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

[BR-7] Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following:

- a. Silt fencing shall be placed along the down-slope side of the construction zone.
- b. A spill and clean-up kit shall be stored onsite at all times.
- c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).

[BR-8] If construction activities are conducted during the typical nesting bird season (February 15 – September 15th), preconstruction surveys shall be conducted by the County-approved biologist or County Environmental Resource Specialist prior to any construction activity or vegetation trimming to identify potential bird nesting activity, and:

- a. If active nest sites of bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within the vicinity of the Project site, then the Project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
- b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and
- c. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

[BR-9] To avoid inadvertent impacts to western pond turtle, red-legged frog, two-striped garter snake, steelhead, and nesting birds during grading and site disturbance activities, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the Project site, conduct construction employee training prior to site disturbance and continue monitoring during grading and construction activities. In the instance a listed sensitive species is discovered, the County shall contact CDFG, NMFS, and USFWS for consultation, unless otherwise authorized under an NMFS- or USFWS-issued *Biological Opinion*. In the instance nesting birds are discovered, work shall cease until the birds have fledged and left the area, or CDFG or USFWS shall be consulted. If any swallow nests are observed, empty nests shall be removed prior to February 15, and shall continue to remove nests as they are being built to avoid impacts to active nests prior to construction.

[BR-10] A Habitat Mitigation and Monitoring Plan will be prepared and will include specific measures for restoration and revegetation of all temporarily disturbed areas. The Plan will include protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success.

[BR-11] Eucalyptus tree removal and willow trimming and/or topping will occur outside of the nesting bird season. If tree removal and/or willow trimming/topping can not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities. If nesting birds are discovered within the maintenance area, CDFG shall be contacted to establish the appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

[BR-12] Prior to maintenance activities (e.g., sediment removal and/or vegetation trimming/topping), a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-stripe garter snake, and pacific pond turtles). If frogs, garter snakes, or pond turtles are found within

the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling).

5. CULTURAL RESOURCES

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. A Phase I Cultural Resources Study was prepared for the project and one cultural resource was identified within the project area (Applied Earthworks 2012). A segment of the Southern Pacific Railroad Coast Line is within the northern portion of the project area. The storm drain will bore under the railroad and will not impact the structure.

Impact. A Phase I Surface Survey was conducted for areas that will be impacted by the Project. Although no archaeological sites were identified from the field survey, there is a potential for subsurface deposits.

Mitigation/Conclusion. The Phase I Study recommends additional subsurface testing prior to construction or an archaeologist and a Native American monitor during ground-disturbing activities. This measure will ensure that no significant impacts to Cultural Resources occur as a result of the Project.

[CR-1] The County shall conduct additional subsurface testing for buried deposits prior to construction or have an archaeologist and Native American monitor during ground-disturbing activities.

6. GEOLOGY AND SOILS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Per Division of Mines and Geology Special Publication #42

Setting. The following relates to the project's geologic aspects or conditions:

- Topography: Nearly level
- Within County's Geologic Study Area?: No
- Landslide Risk Potential: Low
- Liquefaction Potential: High
- Nearby potentially active faults?: No Distance? Not applicable
- Area known to contain serpentine or ultramafic rock or soils?: No
- Shrink/Swell potential of soil: Low
- Other notable geologic features? None

The Project is not within the Geologic Study area designation; however, Oceano has highly liquefiable soils.

DRAINAGE – The following relates to the Project's drainage aspects:

- Within the 100-year Flood Hazard designation? Yes
- Closest creek? Arroyo Grande Creek Distance? Approximately 20 feet
- Soil drainage characteristics: Well drained

This Project will improve drainage in this area of Oceano.

SEDIMENTATION AND EROSION – The Project's soil types and descriptions are listed in the previous Agriculture section under "Setting". As described in the NRCS Soil Survey, the Project's soil erodibility is as follows:

Soil erodibility: Low

The Project will impact more than 1 acre and will require the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff.

Impact. As proposed, the Project will result in the disturbance of approximately 14.4 acres (629,000 square feet). Although the Project area contains highly liquefiable soils, no new buildings or major underground utilities are proposed as a part of the Project; therefore, mitigation is not warranted (Holzer et al. 2004).

Mitigation/Conclusion. No significant impacts to Geology and Soils were identified; therefore, no mitigation measures are necessary.

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Be located on, or adjacent to, a site which is included on a list of hazardous material/waste sites compiled pursuant to Gov't Code 65962.5 ("Cortese List"), and result in an adverse public health condition?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Impair implementation or physically interfere with an adopted emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>If within the Airport Review designation, or near a private airstrip, result in a safety hazard for people residing or working in the project area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Increase fire hazard risk or expose people or structures to high wildland fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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f) *Other:* _____

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Setting. The Project is not located in an area of known hazardous material contamination. The Project is within the Airport Review area.

With regards to potential fire hazards, the subject Project is within the low Fire Hazard Severity Zone. Based on the County’s fire response time map, it will take approximately 6-10 minutes to respond to a call regarding fire or life safety. Refer to the Public Services section for further discussion on Fire Safety impacts. The Project is within close proximity to a business that includes either permitted hazardous materials or waste storage (Phelan & Taylor Produce Co., 1820 Railroad Street, Oceano).

A Phase I Hazardous Material Assessment was completed and recommended the completion of Preliminary Site Assessment activities along the Project Site between State Route 1 and Railroad Street to assess the proposed storm drain alignment for elevated metals concentrations from historical metals-containing herbicide spraying along the UPRR railroad tracks and at a possible former cooling tower site located east of Railroad Street and the UPRR tracks. The preliminary site assessment should include the advancement of drill holes along the proposed storm drain alignment segment between State Route 1 and Railroad Street, collection of discrete soil samples within the anticipated depth of trenching, and chemical analyses of selected soil samples for the presence of petroleum hydrocarbons, volatile organic compounds, chlorinated herbicides, and California-regulated metals.

Portions of the subject Project are within the 100-year Flood Hazard Combining designation (FH). The Project is within the Lopez Dam “dam inundation” area. The boundary of the dam inundation area is intended to show the maximum water limit line should there be a catastrophic release/failure of the upstream dam. The Project’s goal is to alleviate flooding issues as a result of storm events.

Impact. The Project does not propose the use of hazardous materials. The Project does not present a significant fire safety risk. The Project is not expected to conflict with any regional evacuation plan. A Preliminary Site Assessment was conducted and concluded that none of the soil samples chemically analyzed exceeded established regulatory criteria, with the exception of one soil sample drilled at 5 feet. However, the soil at this depth was observed to contain inert asphaltic fragments. Asphaltic material does not pose a significant risk to human health or the environment. No further action was recommended for the Project. The County Public Works Department is working closely with County Airport representatives to avoid ALUP conflicts and obtain Federal Aviation Administration (FAA) approvals.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate permanent increases in the ambient noise levels in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Cause a temporary or periodic increase in ambient noise in the project vicinity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>If located within the Airport Review designation or adjacent to a private airstrip, expose people residing or working in the project area to severe noise levels?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. A portion of the Project is within close proximity to a transportation noise source (Highway 1), an active airport, and industrial facilities that operate on a daily basis. Work associated with this Project will occur only during daylight hours and construction-related noise is not expected to compete with surrounding noise sources.

Impact. Noise impacts resulting from construction will be of a short duration, during normal work hours, and temporary in nature. It is not expected that County noise standards will be exceeded as a result of the Project. The Project is not expected to generate loud noises, nor conflict with the surrounding uses after completion of construction activities.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no additional mitigation measures are necessary.

9. POPULATION/HOUSING

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly (e.g., construct new homes or businesses) or indirectly (e.g., extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mitigation/Conclusion. No impacts are anticipated therefore impacts are considered less than significant.

11. RECREATION

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on the County Trails Map, the Project is within reasonably close proximity to the Arroyo Grande Creek Trail.

Impact. The proposed Project will not create a significant need for additional park, Natural Area, and/or recreational resources. The trail appears to be proposed along the District’s levee which is a flood-control structure. The levee is zoned as a public facility for storm water purposes. Although it is signed (no trespassing signs citing public and County codes), the levee is used frequently for beach access by pedestrians and equestrians. The Project will have no impact on this proposed trail. Temporary impacts to unauthorized access of the levee may occur during culvert installation activities.

Mitigation/Conclusion. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/CIRCULATION

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing “Level of Service” on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Conflict with an established measure of effectiveness for the performance of the circulation system considering all modes of transportation (e.g. LOS, mass transit, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) <i>Conflict with an applicable congestion management program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12. TRANSPORTATION/CIRCULATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>h) Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>i) Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As a result of the Project, a small number of vehicles may use Highway 1 and surrounding roads to access the site on a daily basis for the construction phase of the project. However, most of the construction will take place in County Right of Way or on adjacent private property. Staging may occur on UPRR property on Highway 1 (with UPRR approval), the Phelan & Taylor property (fronting Highway 1), and possibly a portion of Delta Street during construction.

Airport Review Combining Designation. The Project is within the County's Airport Review combining designation (AR). The AR is used to recognize and minimize the potential conflict between new development around the Oceano airport and the ability of aircraft to safely and efficiently maneuver to and from this airport. This includes additional standards relating to limiting structure/vegetation heights as well as avoiding airport operation conflicts (e.g., exterior lighting, radio/electronic interference, 48-hour maximum storage duration in basin, etc.). The Airport Land Use Plan (ALUP) provides guidance for and limitations to the type of development allowed within the AR designation.

Impact. Construction vehicle access will be needed temporarily during Project construction. Otherwise, the Project may temporarily slow traffic but will have no negative effects on transportation or circulation. The County Public Works Department is working closely with Caltrans on this Project and no significant traffic-related concerns have been identified to date.

The County Public Works Department is working closely with County Airport representatives to avoid ALUP conflicts and obtain Federal Aviation Administration (FAA) approvals.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures are necessary.

13. WASTEWATER

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>b) Change the quality of surface or ground water (e.g., nitrogen-loading, day-lighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. WASTEWATER

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The proposed Project involves reducing flooding of a developed area which is not anticipated to generate waste or wastewater or adversely affect wastewater facilities and solid waste capacity. No impacts resulting from wastewater would occur as a result of the proposed Project.

Mitigation/Conclusion. No significant impacts are anticipated, and no mitigation measures are necessary.

14. WATER & HYDROLOGY

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
QUALITY				
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, sediment, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
QUANTITY				
h) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. WATER & HYDROLOGY

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Expose people to a risk of loss, injury or death involving flooding (e.g., dam failure, etc.), or inundation by seiche, tsunami or mudflow?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The topography of the project is nearly level. Arroyo Grande Creek is located less than 200 feet from the proposed development. As described in the NRCS Soil Survey, the soil surface is considered to have low erodability. The subject property is within the Arroyo Grande groundwater basin.

DRAINAGE – The following relates to the Project’s drainage aspects:

Within the 100-year Flood Hazard designation? Yes

Closest creek? Arroyo Grande Creek Distance? Approximately 20 feet

Soil drainage characteristics: Well drained

SEDIMENTATION AND EROSION – Soil type, area of disturbance, and slopes are key aspects to analyzing potential sedimentation and erosion issues. The Project’s soil types and descriptions are listed in the previous Agriculture section under “Setting”. As described in the NRCS Soil Survey, the the Project’s soil erodibility is as follows:

Soil erodibility: Low

The Project is within close proximity to an area (Phelan & Taylor Packing Facility and Bell Craig Facility) identified as having a problem with an underground tank. The Hazardous Material Site Assessment conducted for the Project found no contamination issues (Section 7).

Impact. The Project could result in water quality impacts through the discharge of sediments during construction or an accidental spill of petroleum based fuels or lubricants. However, mitigation measures will be implemented to decrease these potentials (BR-6 & BR-7). Additionally, this Project will result in more than one acre of disturbance so the County will prepare a [Storm Water Pollution Prevention Plan](#) (SWPPP) to minimize on-site sedimentation and erosion and focus on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

The Project will not affect groundwater levels. The Project should improve water quality by allowing additional settling time for sediments in the newly constructed sediment basin, so cleaner storm water flows to Arroyo Grande Creek. The Project will also improve water quality by moving storm water off of existing roads, which contain oil and other road-associated contaminants, & directing water to underground pipes, a sediment basin, and natural basin where the water can pass through existing bio filters and into Arroyo Grand Creek. Currently, this same storm water picks up road contaminants

and contributes to flooding of local residents before finally reaching Arroyo Grande Creek.

The project will result in a change to the direction of surface runoff. The project includes two Low Impact Development (LID) components: the willow riparian woodland basin, which acts as a second stage settlement basin for storm water overflow; and the installation of road-side infiltrators in Paso Robles Street and 13th Street. These components will also work to improve water quality.

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above the items discussed above have been determined necessary. Standard drainage and erosion control measures will be include as part of the SWPPP for the proposed Project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
<i>Will the project:</i>				
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [County Land Use Element and Ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed Project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance ([LUO](#)), Local Coastal Plan ([CZLUO](#)), etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., APCD for Clean Air Plan, Caltrans. etc.). The Project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The Project is adjacent to an area proposed to be covered by a Habitat Conservation Plan; however, that Plan is not final and the Project is consistent or compatible with the draft Plan. The Project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required were determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE

Potentially Significant Impact can & will be mitigated Insignificant Impact Not Applicable

Will the project:

- a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?*
- b) *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)*
- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Information", or the California Environmental Resources Evaluation System at: http://www.ceres.ca.gov/topic/env_law/ceqa/guidelines for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Divisions have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input type="checkbox"/>	County Public Works Department	Not Applicable
<input type="checkbox"/>	County Environmental Health Division	Not Applicable
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	In File**
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input checked="" type="checkbox"/>	Regional Water Quality Control Board	In File**
<input checked="" type="checkbox"/>	CA Coastal Commission	None
<input checked="" type="checkbox"/>	CA Department of Fish and Game	In File**
<input type="checkbox"/>	CA Department of Forestry (Cal Fire)	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input checked="" type="checkbox"/>	Oceano Community Service District	None
<input checked="" type="checkbox"/>	Other <u>Zone 1-1A</u>	None
<input checked="" type="checkbox"/>	Other <u>U.S. Army Corps of Engineers</u>	None

*** "No comment" or "No concerns"-type responses are usually not attached*

The following checked ("") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Project File for the Subject Application | <input checked="" type="checkbox"/> San Luis Bay(Coastal) and San Luis Bay (Inland) Area Plan and Update EIR |
| <u>County documents</u> | |
| <input type="checkbox"/> Airport Land Use Plans | <input checked="" type="checkbox"/> South County Circulation Study |
| <input checked="" type="checkbox"/> Annual Resource Summary Report | <u>Other documents</u> |
| <input type="checkbox"/> Building and Construction Ordinance | <input checked="" type="checkbox"/> Archaeological Resources Map |
| <input type="checkbox"/> Coastal Policies | <input checked="" type="checkbox"/> Area of Critical Concerns Map |
| <input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland) | <input checked="" type="checkbox"/> Areas of Special Biological Importance Map |
| <input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include: | <input checked="" type="checkbox"/> California Natural Species Diversity Database |
| <input checked="" type="checkbox"/> Agriculture & Open Space Element | <input checked="" type="checkbox"/> Clean Air Plan |
| <input checked="" type="checkbox"/> Energy Element | <input checked="" type="checkbox"/> Fire Hazard Severity Map |
| <input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements) | <input checked="" type="checkbox"/> Flood Hazard Maps |
| <input checked="" type="checkbox"/> Housing Element | <input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County |
| <input checked="" type="checkbox"/> Noise Element | <input checked="" type="checkbox"/> Regional Transportation Plan |
| <input type="checkbox"/> Parks & Recreation Element | <input checked="" type="checkbox"/> Uniform Fire Code |
| <input checked="" type="checkbox"/> Safety Element | <input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3) |
| <input checked="" type="checkbox"/> Land Use Ordinance | <input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.) |
| <input type="checkbox"/> Real Property Division Ordinance | <input type="checkbox"/> Other |
| <input checked="" type="checkbox"/> Trails Plan | |
| <input type="checkbox"/> Solid Waste Management Plan | |



In addition, the following Project specific information and/or reference materials have been considered as a part of the Initial Study:

Bulger, J. B. 1999. Terrestrial activity and conservation of California red-legged frogs (*Rana aurora draytonii*) in forested habitats of Santa Cruz County, California. Report prepared for Land Trust of Santa Cruz, dated March 2, 1999.

California Herps. 2012. Accessed on May 9, 2012. [Http://www.californiaherps.com](http://www.californiaherps.com).

California Natural Diversity Database (CNDDDB), Biogeographic Data Branch, Department of Fish and Game. Version 3.1.0. May 9, 2012.

Close, Bobby Jo and Stacey Smith. 2004. Stream Inventory Report, Arroyo Grande Creek, Summer 2004. Prepared for Central Coast Salmon Enhancement. 71 pp.

Dvorsky, J. and J. Hagar. 2008. Arroyo Grande Creek Steelhead Distribution & Abundance Study - 2006. Prepared for Central Coast Salmon Enhancement in association with Hagar Environmental Science. March 20, 2008.

Dvorsky, John. 2010. Arroyo Grande Creek Channel Waterway Management Program. Prepared for San Luis Obispo County Flood and Water Conservation District Zones 1 and 1A Flood Control District.

Essex Environmental. 2002. 2002 Postconstruction Monitoring Report for the Arroyo Grande Creek Sediment Removal Project. Unpublished report prepared for San Luis Obispo County, November 2002.

Hayes and Jennings. 1988. "Habitat correlates of distribution of California Red-Legged Frog (*Rana aurora draytonii*) and the foothill yellow-legged frog (*Rana boylei*): implications for management," pages 144-158 in Proceedings of the Symposium on the Management of Amphibians, Reptiles and Small Mammals in North America, USDA Forest Service General Technical Report RM-166.

Moyle, P. B. 1973. Effects of introduced bullfrogs, *Rana catesbeiana*, on the native frogs of the San Joaquin Valley, California. *Copeia* 1973:18-22.

Rathbun, G.B., N. Siepel, and D. Holland. 1992. Nesting behavior and movements of Western Pond Turtles, *Clemmys marmorata*. *Southwestern Naturalist* 37:319-324.

Rischbieter, Douglas. 2009. Lower Arroyo Grande Creek and Lagoon Fishery and Aquatic Resources Summary 2008 Monitoring Report. Oceano Dunes State Vehicular Recreation Area, Pismo Dunes Natural Preserve.

Rischbieter, Douglas. 2012. "TWG Upstream Extent (A.G. Creek)." Email to Katie Drexhage, San Luis Obispo County Public Works Department. August 7, 2012.

Stebbins. 1985. A field guide to western reptiles and amphibians. Houghton Mifflin, Boston, MA.

U.S. Fish and Wildlife Service (USFWS). 2010. Revised Designation of Critical Habitat for the California Red-Legged Frog. 75 FR 12816 – 12959.

Exhibit B - Mitigation Summary Table**AIR QUALITY**

- [AQ-1] Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:
- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
 - Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
 - Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
 - The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds;
 - During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
 - Clean soil must be segregated from contaminated soil.
- [AQ-2] Prior to any construction activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the APCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.
- [AQ-3] If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this Project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).
- [AQ-4] Projects with grading areas that are greater than 4-acres or within 1,000 feet of any sensitive receptors shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD rule 401) and do not impact off-site areas prompting nuisance violations (APCD rule 402):
- Reduce the amount of disturbed area where possible;
 - Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever possible;
 - All dirt stock pile areas should be sprayed daily as needed;
 - 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;
 - Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
 - All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;



- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All PM₁₀ mitigation measures require should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

[AQ-5] To help reduce the emissions impact of diesel vehicles and equipment used to construct the Project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

- a. 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:
 - 1. 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
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5 minute idling limit.

[AQ-6]

Diesel Idling Regulations Near Sensitive Receptors

Sensitive receptors appear to be located within 1000 feet of the Project area (residences, Oceano Elementary School grounds). In addition to State required diesel idling requirements, the Project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

[AQ-7]

Proposed truck routes should be evaluated and selected to ensure routing patterns have

the least impact to nearby residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.

BIOLOGICAL RESOURCES

- [BR-1] Prior to construction, the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE, Section 404 Nationwide Permit 43; (2) RWQCB, Section 401 Water Quality Certification; and (3) CDFG, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever is furthest from the streambed) of Arroyo Grande Creek. The County shall adhere to all conditions included within these permits, approvals, and authorizations.
- [BR-2] Prior to construction, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats. The fencing shall remain in place throughout construction.
- [BR-3] During Project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
- [BR-4] If determined to be necessary by the ACOE (lead federal agency), the ACOE will consult with NMFS and USFWS on behalf of the County for impacts to California red-legged frogs and steelhead. The County will adhere to all conditions included within the Biological Opinions issued for the Project.
- [BR-5] Before any construction activities begin on the Project, a biologist shall conduct a training session for all construction personnel. The training session shall include a description of species that may be encountered during construction, the importance of these species and their habitat, the general measures that are being implemented to conserve these species as they relate to the Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
- [BR-6] All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. The County shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- [BR-7] Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following:
- a. Silt fencing shall be placed along the down-slope side of the construction zone.
 - b. A spill and clean-up kit shall be stored onsite at all times.
 - c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).
- [BR-8] If construction activities are conducted during the typical nesting bird season (February 15 – September 15th), preconstruction surveys shall be conducted by the County-approved biologist or County Environmental Resource Specialist prior to any construction activity or vegetation trimming to identify potential bird nesting activity, and:
- a. If active nest sites of bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within the vicinity of the Project site, then the Project shall be modified



and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;

- b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and
- c. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

[BR-9] To avoid inadvertent impacts to western pond turtle, red-legged frog, two-striped garter snake, steelhead, and nesting birds during grading and site disturbance activities, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the Project site, conduct construction employee training prior to site disturbance and continue monitoring during grading and construction activities. In the instance a listed sensitive species is discovered, the County shall contact CDFG, NMFS, and USFWS for consultation, unless otherwise authorized under an NMFS- or USFWS-issued *Biological Opinion*. In the instance nesting birds are discovered, work shall cease until the birds have fledged and left the area, or CDFG or USFWS shall be consulted. If any swallow nests are observed, empty nests shall be removed prior to February 15, and shall continue to remove nests as they are being built to avoid impacts to active nests prior to construction.

[BR-10] A Habitat Mitigation and Monitoring Plan will be prepared and will include specific measures for restoration and revegetation of all temporarily disturbed areas. The Plan will include protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success.

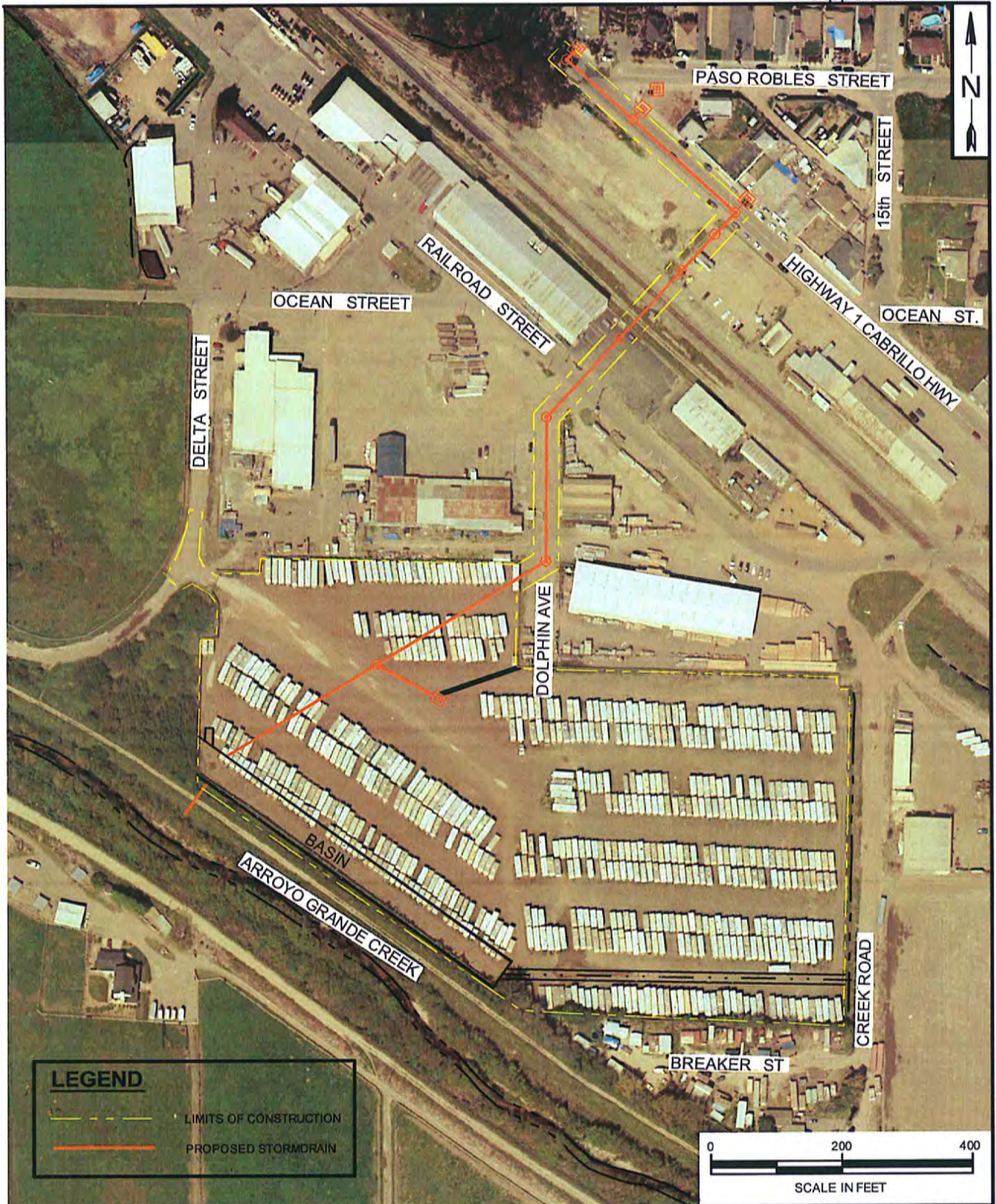
[BR-11] Willow trimming and/or topping would occur outside of the nesting bird season. If willow trimming/topping could not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities. If nesting birds are discovered within the maintenance area, CDFG shall be contacted to establish the appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.

[BR-12] Prior to maintenance activities (e.g., sediment removal and/or vegetation trimming/topping), a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-stripe garter snake, and pacific pond turtles). If frogs, garter snakes, or pond turtles are found within the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling).

CULTURAL RESOURCES

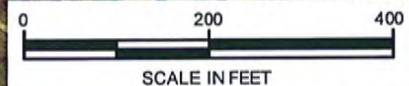
[CR-1] The County shall conduct additional subsurface testing for buried deposits prior to construction or have an archaeologist and Native American monitor during ground-disturbing activities.


Appendix A



LEGEND

- LIMITS OF CONSTRUCTION
- PROPOSED STORMDRAIN



 <p>padre associates, inc. ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS</p>	<p>PROJECT NAME: SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS OCEANO DRAINAGE PROJECT OCEANO, CA</p>	SITE PLAN	PLATE 2
	<p>PROJECT NUMBER: 1201-0131 DATE: March 2012</p>		

Appendix B: 9-quadrangle CNDDDB search results for the Oceano Drainage Project, 300465

Species	Habitat Description	Habitat Presence/Absence	Details
<i>Agrostis hooveri</i> Hoover's bent grass	Chaparral, cismontane woodland, valley and foothill grassland; sandy sites	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Ambystoma californiense</i> California tiger salamander	Need underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding	Absent	Not expected due to lack of suitable habitat.
<i>Anniella pulchra pulchra</i> silvery legless lizard	Sandy or loose loamy soils under sparse vegetation; soil moisture is essential	Absent	Not expected due to lack of suitable habitat.
<i>Aphanisma blitoides</i> Aphanisma	Coastal bluff scrub, coastal dunes, coastal scrub	Absent	Not expected due to lack of scrub and dune habitat. Not detected during field surveys.
<i>Arctostaphylos luciana</i> Santa Lucia Manzanita	Chaparral; on shale outcrops, on slopes, in chaparral	Absent	Not expected due to lack of chaparral habitat. Not detected during field surveys.
<i>Arctostaphylos morroensis</i> Morro Manzanita	Chaparral, cismontane woodland, coastal dunes, coastal scrub	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Arctostaphylos pechoensis</i> Pecho Manzanita	Closed-cone coniferous forest, chaparral, coastal scrub; grows on siliceous shale with other chaparral associates	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Arctostaphylos pilosula</i> Santa Margarita Manzanita	Closed-cone coniferous forest, chaparral; shale outcrops and slopes; reported growing on decomposed granite or sandstone in SLO	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Arctostaphylos rudis</i> sand mesa Manzanita	Chaparral, coastal scrub; on sandy soils in Lompoc/Nipomo area	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Arenaria paludicola</i> marsh sandwort	Marshes and swamps; growing up through dense mats of Typha, Juncus, Scirpus, etc. in freshwater marsh	Absent	Not expected due to lack of suitable marsh habitat. Not detected during field surveys.
<i>Astragalus didymocarpus var. milesianus</i> Mile's milk-vetch	Coastal scrub; clay soils	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Athene cunicularia</i> Burrowing owl	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation	Absent	Not expected due to lack of suitable habitat.
<i>Atriplex serenana var. davidsonii</i> Davidson's saltscale	Coastal bluff scrub, coastal scrub	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	Inhabits small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools	Absent	Not expected due to lack of suitable habitat. Found in quadrangle northwest of Project's quadrangle.
<i>Calochortus</i>	Chaparral, coastal scrub,	Absent	Not expected due to lack of

Appendix B: 9-quadrangle CNDDDB search results for the Oceano Drainage Project, 300465

<i>obispoensis</i> La Panza mariposa-lily	valley and foothill grassland; often in serpentine grassland		suitable habitat. Not detected during field surveys.
<i>Calochortus simulans</i> San Luis Obispo mariposa-lily	Valley and foothill grassland, cismontane woodland, chaparral; decomposed granite	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Calystegia subacaulis</i> <i>ssp. episcopalism</i> Cambria morning-glory	Chaparral, cismontane woodland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Castilleja densiflora</i> <i>ssp. obispoensis</i> San Luis Obispo owl's-clover	Valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Centromadia parryi</i> <i>ssp. congdonii</i> Congdon's tarplant	Valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Charadrius alexandrinus nivosus</i> western snowy plover	Sandy beaches, salt pond levees & shores of large alkali lakes; needs sandy, gravelly or friable soils for nesting	Absent; additionally, proposed critical habitat is not present in the project area.	Not expected due to lack of suitable habitat.
<i>Chenopodium littoreum</i> Coastal goosefoot	Coastal dunes	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Chorizanthe breweri</i> Brewer's spineflower	Chaparral, cismontane woodland, coastal scrub, closed-cone coniferous forest; rocky or gravelly serpentine sites; usually in barren areas	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Chorizanthe rectispina</i> Straight-awned spineflower	Chaparral, cismontane woodland, coastal scrub; often on granite in chaparral	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Cirsium fontinale</i> var. <i>obispoensis</i> Chorro Creek bog thistle	Chaparral, cismontane woodland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Cirsium loncholepis</i> La Graciosa thistle	Coastal dunes, brackish marshes, riparian scrub; lake edges, riverbanks, other wetlands; often in dune areas	Absent; additionally, critical habitat not designated in the project area.	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Cirsium rhotophilum</i> Surf thistle	Coastal dunes, coastal bluff scrub; open areas in central dune scrub; usually in coastal dune	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Clarkia speciosa</i> <i>ssp. immaculata</i> Pismo clarkia	Chaparral, cismontane woodland, valley and foothill grassland; on ancient sand dunes not far from the coast; sandy soils	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Deinandra increscens</i> <i>ssp. foliosa</i> Leafy tarplant	Valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Deinandra increscens</i> <i>ssp. villosa</i> Gaviota tarplant	Coastal scrub, valley and foothill grassland, coastal bluff scrub	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Delphinium parryi</i> <i>ssp. blochmaniae</i> dune larkspur	Chaparral, coastal dunes (maritime); on rocky areas and dunes	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.

Appendix B: 9-quadrangle CNDDDB search results for the Oceano Drainage Project, 300465

<i>Delphinium parryi</i> ssp. <i>eastwoodiae</i> Eastwood's larkspur	Chaparral, valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Delphinium umbracolorum</i> Umbrella larkspur	Cismontane woodland; mesic sites	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Dithyrea maritima</i> beach spectaclepod	Coastal dunes, coastal scrub; formerly more widespread in coastal habitats in So Cal; sea shores on sand dunes and sandy places near shore	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Dudleya abramsii</i> ssp. <i>murina</i> Mouse-gray dudleya	Chaparral, cismontane woodland; serpentine outcrops	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Dudleya blochmaniae</i> ssp. <i>blochmaniae</i> Blochman's dudleya	Coastal scrub, coastal bluff scrub, valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Actinemys marmorata</i> Pacific pond turtle	Inhabits permanent or nearly permanent bodies of water in many habitat types; requires basking sites such as partially submerged logs, vegetation mats, or open mud banks	Present	Has been found along Arroyo Grande Creek; potential to occur in uplands near culvert outlet into creek.
<i>Erigeron blochmaniae</i> Blochman's leafy daisy	Coastal dunes	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Eriodictyon altissimum</i> Indian knob mountainbalm	Chaparral (maritime), cismontane woodland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Eryngium aristulatum</i> var. <i>hooveri</i> Hoover's button-celery	Vernal pools	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Eucyclogobius newberryi</i> tidewater goby	Brackish water habitats along the CA coast from Agua Hedionda Lagoon, San Diego Co. to the mouth of the Smith River; found in shallow lagoons and lower stream reaches, they need fairly still but not stagnant water & high oxygen levels	Absent	This species has been found in Arroyo Grande Creek in the lagoon. Species is not expected at project site due to lack impacts to low water channel and/or brackish water.
<i>Gila orcuttii</i> Arroyo chub	Los Angeles basin south coastal streams; slow water stream sections with mud or sand bottoms	Absent	Species is not expected at project site due to lack impacts to low water channel.
<i>Gymnogyps californianus</i> California condor	Requires vast expanses of open savannah, grasslands, and foothill chaparral in mountain ranges or moderate altitude; deep canyons containing clefts in the rocky walls provide nesting sites; forages up to 100 miles from roost/nest	Present	There is potential for this species to fly over the project site. Project activities will be temporary in nature and are not expected to affect this species. No trees will be removed as a result of project activities.
<i>Horkelia cuneata</i> ssp. <i>puberula</i> mesa horkelia	Chaparral, cismontane woodland, coastal scrub; sandy or gravelly sites	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Horkelia cuneata</i> ssp.	Closed-cone coniferous	Absent	Not expected due to lack of

Appendix B: 9-quadrangle CNDDDB search results for the Oceano Drainage Project, 300465

<i>Sericea</i> Kellogg's horkelia	forest, coastal scrub, chaparral; old dunes, coastal sandhills		suitable habitat. Not detected during field surveys.
<i>Laterallus jamaicensis coturniculus</i> California black rail	Inhabits freshwater marshes, wet meadows and shallow margins of saltwater marshes bordering larger bays	Absent	Species is not expected at project site due to lack impacts to low water channel and/or meadow or marsh habitat.
<i>Layia jonesii</i> Jones' layia	Chaparral, valley and foothill grassland; clay soils and serpentine outcrops	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Lupinus ludovicianus</i> San Luis Obispo County lupine	Chaparral, cismontane woodland; open areas in sandy soil, Santa Margarita formation	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Lupinus nipomensis</i> Nipomo Mesa lupine	Coastal dunes; dry sandy flats, restricted to back dunes, assoc with central dune scrub habitat – a rare community type	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Monardella crista</i> crisp monardella	Coastal dunes, coastal scrub	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Monardella frutescens</i> San Luis Obispo monardella	Coastal dunes, coastal scrub; stabilized sand of the immediate coast	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Monardella palmeri</i> Palmer's monardella	Cismontane woodland, chaparral	Absent	Not expected due to lack of suitable habitat. CNDDDB lists occurrences in quadrants northwest and north of Tar Springs.
<i>Nasturtium gambelii</i> Gambel's water cress	Marshes and swamps; freshwater and brackish marshes at the margins of lakes and along streams, in or just above the water level	Absent	Species is not expected at project site due to lack impacts to low water channel and/or meadow or marsh habitat. Not detected during field surveys.
<i>Nemacladus secundiflorus var. robbinsii</i> Robbin's nemacladus	Chaparral, valley and foothill grassland	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Oncorhynchus mykiss irideus</i> Steelhead	Runs in coastal basins from the Pajaro River south to, but not including, the Santa Maria River	Present	This species has been found in Arroyo Grande Creek. Species is not expected at project site due to lack impacts to low water channel.
<i>Phrynosoma coronatum</i> (frontale population) coast horned lizard	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes; open areas for sunning, bushes for cover, patches of loose soil for burial & abundant supply of ants and other insects	Absent	Not expected due to disturbed nature of habitat.
<i>Rana draytonii</i> California red-legged frog	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation	Present	Has been found along Arroyo Grande Creek; potential to occur in uplands near culvert outlet into creek.
<i>Scrophularia atrata</i> Black-flowered figwort	Closed-cone coniferous forest, chaparral, coastal dunes, coastal scrub,	Absent	Not expected due to lack of suitable habitat. Not detected during field

Appendix B: 9-quadrangle CNDDDB search results for the Oceano Drainage Project, 300465

	riparian scrub; sand, diatomaceous shales, and soils derived from other parent material; around swales and in sand dunes		surveys.
<i>Spea hammondi</i> Western spadefoot	Occurs primarily in grassland habitats but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for egg-laying	Absent	Not expected due to lack of suitable breeding habitat.
<i>Sternula antillarum browni</i> California least tern	Nests along the coast; colonial breeder on bare or sparsely vegetated, flat substrates; sand beaches, alkali flats, landfills, or paved areas	Absent	Not detected during field surveys.
<i>Symphotrichum defoliatum</i> San Bernardino aster	Meadows and seeps, marshes and swamps, coastal scrub, cismontane woodland, lower montane coniferous forest, grassland. Vernal mesic grassland or near ditches, streams and springs; disturbed areas	Absent	Not expected due to lack of suitable habitat. Not detected during field surveys.
<i>Taricha torosa torosa</i> Coast Range newt	Coastal drainages; lives in terrestrial habitats and will migrate over 1 km to breed in ponds, reservoirs, and slow moving streams	Present	Potential to occur within either project site. This species has been found in Arroyo Grande Creek at the base of Lopez Dam, approximately 12 miles north of the project sites.
<i>Taxidea taxus</i> American badger	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats with friable soils; need sufficient food, friable soils & open, uncultivated ground	Absent	Not detected during field surveys.
<i>Thamnophis hammondi</i> Two-striped garter snake	Coastal California; highly aquatic, found in or near permanent freshwater; often along streams with rocky beds and riparian growth	Present	Potential to occur within the project site.

**Authority to Use
Grant Funds**

COPY

FY-15-CPD-033

To: (name & address of Grant Recipient & name & title of Chief Executive Officer)
James A. Bergman, Director
Department of Planning & Building
County of San Luis Obispo
County Government Center, Rm. 317
San Luis Obispo, CA 93408

Copy To: (name & address of Sub Recipient or Secondary Contact)
Tony Navarro, Planner III
Department of Planning & Building
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, CA 93408

We received your Request for Release of Funds and Certification, form HUD-7015.15 on

1/28/2015

Your Request was for HUD/State Identification Number

B-11-UC-06-0508 and B-13-UC-06-0508

All objections, if received, have been considered and the minimum waiting period has transpired. You are hereby authorized to use funds provided to you under the above HUD/State Identification Number. File this form for proper record keeping, audit, and inspection purposes.

Project/Activity:

Oceano Drainage Project at Highway 1 and 13th Street, Oceano, CA by the County of San Luis Obispo Public Works Department

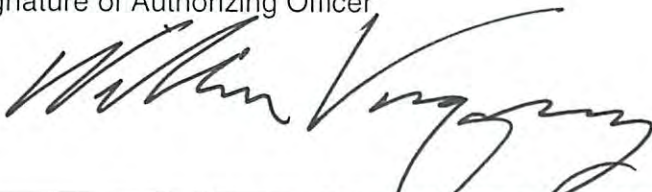
Location:

Project located at the beginning of the 13th Street/Paso Robles Street intersection and terminates approximately 1,250 feet to the southwest at Arroyo Grande Creek, Oceano, County of San Luis Obispo, CA

Funding Source:

CDBG

Comments:

Typed Name of Authorizing Officer: William G. Vasquez, Director Office of CPD Los Angeles Field Office	Signature of Authorizing Officer 	Effective Release Date: 2/13/2015
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EO:

Action Number: **FY-15-CPD-033**

form HUD-7015.16 (2/94)
ref. Handbook 6513.0



**Authority to Use
Grant Funds**

COPY

FY-15-CPD-033

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James A. Bergman, Director
Department of Planning & Building
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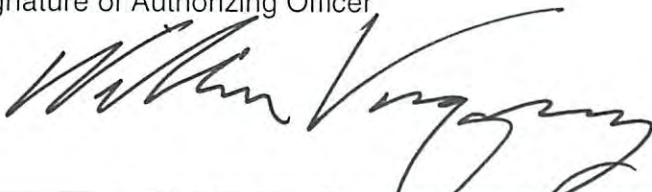
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EO:

Action Number: **FY-15-CPD-033**

form HUD-7015.16 (2/94)
ref. Handbook 6513.0



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

MH

**NOTICE OF PERMIT WAIVER EFFECTIVENESS**

Date: April 21, 2014
To: San Luis Obispo County Department of Public Works
From: Madeline Cavalieri, Central Coast District Manager *MC*
Justin Buhr, Coastal Planner
Subject: Coastal Development Permit (CDP) Waiver 3-14-0221-W

Please note that CDP Waiver 3-14-0221-W was reported to the California Coastal Commission on April 9, 2014 and became effective as of that date. CDP Waiver 3-14-0221-W allows to:

Construct a new storm drain to alleviate flooding problems on Highway 1 at 13th Street in Oceano. The project will move stormwater from Highway 1 through an underground drainage system to a sedimentation basin, which will assist in the removal of debris and sediment before discharge into the adjacent willow riparian area and Arroyo Grande Creek. The majority of the project components are located in the County's jurisdiction and the County approved those project components on June 4, 2013. A small portion of the proposed project (approximately 0.78 acres) is located in the Commission's original permitting jurisdiction and includes a portion of the sedimentation basin and willow riparian area directly adjacent to the sedimentation basin.

Please be advised that CDP Waiver 3-14-0221-W only authorizes the development as proposed and described in the Commission's files; any changes to the proposed and described project may require a CDP to account for the changes or a CDP for the entire project. If you have any questions, contact Justin Buhr in the Central Coast District Office at the address and phone number above.



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV

**NOTIFICATION OF FINAL APPEAL ACTION**

Date: February 20, 2014

RECEIVED

To: Nancy Orton, Permit Chief
San Luis Obispo County Planning Department
976 Osos Street, Room 300
San Luis Obispo, CA 93408

FEB 24 2014

PLANNING & BUILDING

From: Madeline Cavaleri, District Manager *MC*
Justin Buhr, Coastal Planner

Subject: Appeal of San Luis Obispo County Permit Number DRC 2012-00044 to the Coastal Commission (Commission Appeal Number A-3-SLO-13-0220). Appeal by Jeff Edwards of County approved permit to County Department of Public Works for a drainage improvement project to alleviate flooding at Highway 1 and 13th Street, including a new culvert, drainage swale, and a sedimentation basin, as well as placement of fill at an existing recreational vehicle storage lot, in the community of Oceano, San Luis Obispo County (APNs 062-118-013; 062-118-014; 062-118-002; 061-093-044, and County and Railroad rights-of-way).

Pursuant to Title 14, Section 13120 of the California Code of Regulations, please be advised that on February 13, 2014 the California Coastal Commission, after public hearing, found that no substantial issue exists with respect to the grounds on which the above-referenced appeal was filed under Section 30603 of the Coastal Act regarding consistency with the certified County of San Luis Obispo Coastal Program and the Coastal Act's access and recreation policies as applicable. As such, the Coastal Commission declined to take jurisdiction over the coastal development permit for this project, and any terms and conditions of the County of San Luis Obispo decision remain unchanged.

If you have any questions, please contact Justin Buhr, Coastal Planner, at (831) 427-4863.

Cc: Jeff Edwards





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

June 26, 2013

County of San Luis Obispo
Attn: Department of Public Works (INTER-OFFICE)
1087 Santa Rosa Street
San Luis Obispo, CA 93408



NOTICE OF FINAL COUNTY ACTION

HEARING DATE: June 4, 2013

SUBJECT: County of San Luis Obispo Public Works Drainage Improvement Project
County File No. DRC2012-00044
Conditional Use Permit/Coastal Development Plan
Coastal Development Permit

LOCATED WITHIN COASTAL ZONE: YES

The above-referenced application was approved by the Board of Supervisors, based on the approved Findings and Conditions, which are attached for your records. This Notice of Final Action is being mailed to you pursuant to Section 23.02.033(d) of the Land Use Ordinance.

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

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

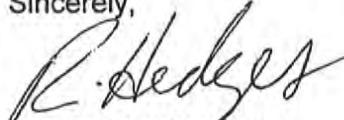
If the use authorized by this Permit approval has not been established, or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time

period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 23.02.050 of the Land Use Ordinance.

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

If you have questions regarding your project, please contact me at (805) 781-5612.

Sincerely,



RAMONA HEDGES
Custodian of Records

cc: California Coastal Commission,
725 Front Street, Suite 300, Santa Cruz, California 95060
Jeff Lee, San Luis Obispo County Department of Public Works
Jeff Edwards, P.O. Box 6070, Los Osos, California 93412

(Planning Department Use Only – for California Coastal Commission)

Date NOFA copy mailed to Coastal Commission:

Enclosed: X Staff Report(s) dated 6/4/13
 X Resolution with Findings and Conditions

Attachment 1

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

Tuesday, June 4, 2013

PRESENT: Supervisors Frank Mecham, Bruce Gibson, Adam Hill, Debbie Arnold and
Chairperson Paul A. Teixeira

ABSENT: None

RESOLUTION NO. 2013-136

RESOLUTION AFFIRMING THE DECISION OF THE
PLANNING COMMISSION AND CONDITIONALLY APPROVING
THE APPLICATION OF THE COUNTY OF SAN LUIS OBISPO
FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT
DRC2012-00044

The following resolution is now offered and read:

WHEREAS, on March 14, 2013, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the "Planning Commission") duly considered and conditionally approved the application of the County of San Luis Obispo for Development Plan/Coastal Development Permit DRC2012-00044; and

WHEREAS, Jeff Edwards has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 23 of the San Luis Obispo County Code; and

Attachment 1

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on June 4 2013, and determination and decision was made on June 4, 2013; and

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

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

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

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in revised Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the Mitigated Negative Declaration prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
4. That the appeal filed by Jeff Edwards is hereby denied and the decision of the Planning Commission is affirmed and that the application of County Department of Public Works for Development Plan/Coastal Development Permit DRC2012-00044 is

Attachment 1

hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

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

AYES: Supervisors Chairperson Teixeira, Hill, Mecham, Gibson and Arnold

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

Paul A. Teixeira
Chairperson of the Board of Supervisors

ATTEST:

Julie L. Rodewald
Clerk of the Board of Supervisors
By: /s/Sandy Currens
Deputy Clerk

[SEAL]

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EXHIBIT A
DRC2012-00044 PROJECT FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 31, 2013 and is hereby adopted for this project. Mitigation measures are proposed to address air quality, biological resources, cultural resources, and water are included as conditions of approval.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with the intent of all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code and the Local Coastal Program.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project is designed to improve flood control protection along Arroyo Grande Creek and Highway 1 in the vicinity of the Oceano County Airport, and does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project would expand existing storm water drainage infrastructure that is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because construction-related impacts will be mitigated to acceptable levels and no long-term traffic impacts are expected to occur.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project would not affect existing access, the project is not adjacent to the beach, and public access is already allowed

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over the majority of the site because the project is located primarily in existing public right-of-ways. .

Airport Review Area

- H. The proposed project and land use will not generate hazards or obstructions to aircraft operations in the vicinity of the airport because proposed improvements would be located underground or at ground level. Annual vegetation management would maintain willows in the project area to allowable heights as defined by state and federal airport regulations in order to maintain flight safety, as the vegetation to be trimmed is near the end of the airport runway.
- I. The project would not result in any significant changes in existing developed uses and will be compatible with airport activities. The project is consistent with the Airport Land Use Plan in that it does not expose additional people or structures to significant hazards associated with the airport.

Flood Hazard Area

- J. The project is designed to improve storm water drainage and flood conditions in the project vicinity and would not subject additional people or structures to increased damage as a result of flood inundation. The project is compatible with the flood hazard designation and would result in improved capacity of storm water drainage facilities and alleviate flooding that currently exists in the project area.
- K. Grading associated with the project will incorporate standard drainage and erosion control measures to minimize the potential for soil erosion and sedimentation, including through development of a new sediment basin and annual sediment and trash removal.

Sensitive Resource Areas (SRA)

- L. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and the project includes elements that are beneficial to habitat and water quality within Arroyo Grande Creek.
- M. Natural features and topography have been considered in the design and siting of all proposed physical improvements and the project is proposed to avoid and minimize impacts to the sensitive resources within, adjacent to, and downstream of the proposed improvements.
- N. The proposed ground disturbance and tree trimming is the minimum necessary to provide improvements to the drainage system in compliance with mandatory regulations (Federal Aviation Administration) and will not create significant adverse effects on the identified sensitive resource, because best management practices will be implemented during construction to minimize impacts and disturbance to the SRA.
- O. The soil and subsoil conditions are suitable for any proposed grading and site preparation and drainage improvements have been designed to prevent soil erosion,

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and sedimentation of streams through undue surface runoff. The County is required to comply with all state and federal sedimentation and erosion control requirements, and the project as proposed is designed to have minimal or no disturbance to the sensitive lagoon habitat area as the project is not adjacent to the lagoon.

Environmentally Sensitive Habitats

- P. There will be no significant negative impact on the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat because the project as proposed is designed to have minimal or no disturbance to the sensitive lagoon habitat area as the project is not adjacent to the lagoon and is sited partially within and adjacent to an existing disturbed area. Overall, the project would have beneficial effect on habitat and water quality within the Environmentally Sensitive Habitat Area.
- Q. The proposed use will not significantly disrupt the habitat because measures to avoid unnecessary disturbance have been adopted through project design and construction.

Archaeologically Sensitive Area

- R. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected. An archaeological assessment was conducted for this project with no significant resources identified and additional subsurface testing prior to construction is a condition of the project. Should any archaeological resources be discovered, construction activities would stop until a qualified archaeologist has analyzed the resource and developed a mitigation plan, which the project would implement prior to commencing construction.

Local Coastal Program

- S. The proposed project is consistent with the Local Coastal Program and the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project site is within the proximity of adequate public beach access and is designed to protect sensitive coastal and biological resources.

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EXHIBIT B

DRC2012-00044 PROJECT CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes a request by the San Luis Obispo County Department of Public Works, in coordination with Caltrans and other local agencies, for a Coastal Development Permit for development of the Oceano Drainage Project. Implementation of the project would involve construction of new storm water drainage system components, grading alterations, and annual vegetation and sedimentation maintenance. The project would be located in and alongside State Highway 1 in Oceano, beginning at the intersection of 13th Street/Paso Robles Street and Highway 1 and terminating approximately 1,250 feet to the southwest at Arroyo Grande Creek. It would include improvements within County and State right of way and on private property, and would result in the disturbance of approximately 14.4 acres and 12,500 cubic yards of cut and fill.

Conditions required to be completed prior to the start of construction

Site Development

2. **Prior to start of construction**, plans submitted shall show all development consistent with the approved site plan.

Fire Safety

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Mitigation Measures

Air Quality

4. [AQ-1] Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:
 - a. Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
 - b. Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
 - c. Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
 - d. The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total

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- emissions exceed the APCD's construction phase thresholds;
- e. During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
 - f. Clean soil must be segregated from contaminated soil.
5. [AQ-2] Prior to any construction activities at the site, the Project proponent shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the APCD. If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.
 6. [AQ-3] If building(s) are removed or renovated; or utility pipelines are scheduled for removal or relocation, this Project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).
 7. [AQ-4] Projects with grading areas that are greater than 4-acres or within 1,000 feet of any sensitive receptors shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD rule 401) and do not impact off-site areas prompting nuisance violations (APCD rule 402):
 - a. Reduce the amount of disturbed area where possible;
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever possible;
 - c. All dirt stock pile areas should be sprayed daily as needed;
 - d. 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;
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
 - i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;

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- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All PM10 mitigation measures require should be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

8. [AQ-5] To help reduce the emissions impact of diesel vehicles and equipment used to construct the Project, the applicant shall implement the following idling control techniques:

California Diesel Idling Regulations

- a. On-road diesel vehicles shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling form 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:
 - 1. 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
 - 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
- b. Off-road diesel equipment shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the State's 5 minute idling limit.

9. [AQ-6] Diesel Idling Regulations Near Sensitive Receptors

Sensitive receptors appear to be located within 1000 feet of the Project area (residences, Oceano Elementary School grounds). In addition to State required diesel idling requirements, the Project applicant shall comply with these more

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restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.
10. [AQ-7] Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to nearby residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.

Biological Resources

11. [BR-1] Prior to construction, the County shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) ACOE, Section 404 Nationwide Permit 43; (2) RWQCB, Section 401 Water Quality Certification; and (3) CDFG, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever is furthest from the streambed) of Arroyo Grande Creek. The County shall adhere to all conditions included within these permits, approvals, and authorizations.
12. [BR-2] Prior to construction, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats. The fencing shall remain in place throughout construction.
13. [BR-3] During Project activities, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
14. [BR-4] If determined to be necessary by the ACOE (lead federal agency), the ACOE will consult with NMFS and USFWS on behalf of the County for impacts to California red-legged frogs and steelhead. The County will adhere to all conditions included within the Biological Opinions issued for the Project.
15. [BR-5] Before any construction activities begin on the Project, a biologist shall conduct a training session for all construction personnel. The training session shall include a description of species that may be encountered during construction, the importance of these species and their habitat, the general measures that are being implemented to conserve these species as they relate to the Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

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16. [BR-6] All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. The County shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the County shall ensure that the contractor has prepared a plan to allow a prompt and effective response to accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
17. [BR-7] Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following:
 - a. Silt fencing shall be placed along the down-slope side of the construction zone.
 - b. A spill and clean-up kit shall be stored onsite at all times.
 - c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).
18. [BR-8] If construction activities are conducted during the typical nesting bird season (February 15 – September 15th), preconstruction surveys shall be conducted by the County-approved biologist or County Environmental Resource Specialist prior to any construction activity or vegetation trimming to identify potential bird nesting activity, and:
 - a. If active nest sites of bird species protected under the Migratory Bird Treaty Act (MBTA) are observed within the vicinity of the Project site, then the Project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;
 - b. If active nest sites of raptors and/or bird species of special concern are observed within the vicinity of the Project site, then CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and
 - c. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.
19. [BR-9] To avoid inadvertent impacts to western pond turtle, red-legged frog, two-striped garter snake, steelhead, and nesting birds during grading and site disturbance activities, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the Project site, conduct construction employee training prior to site disturbance and continue monitoring during grading and construction activities. In the instance a listed sensitive species is discovered, the County shall contact CDFG, NMFS, and USFWS for consultation, unless otherwise authorized under an NMFS- or USFWS-issued

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Biological Opinion. In the instance nesting birds are discovered, work shall cease until the birds have fledged and left the area, or CDFG or USFWS shall be consulted. If any swallow nests are observed, empty nests shall be removed prior to February 15, and shall continue to remove nests as they are being built to avoid impacts to active nests prior to construction.

20. [BR-10] A Habitat Mitigation and Monitoring Plan will be prepared and will include specific measures for restoration and revegetation of all temporarily disturbed areas. The Plan will include protection measures, standards for revegetation, a monitoring program to ensure proper implementation and maintenance of restored areas, and performance criteria to determine success.
21. [BR-11] Willow trimming and/or topping would occur outside of the nesting bird season. If willow trimming/topping could not occur outside of nesting bird season, a qualified biologist will conduct surveys for nesting birds prior to maintenance activities. If nesting birds are discovered within the maintenance area, CDFG shall be contacted to establish the appropriate buffer around the nest site. Maintenance activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the County, USFWS, and CDFG, documenting Project compliance with the MBTA and applicable Project mitigation measures.
22. [BR-12] Prior to maintenance activities (e.g., sediment removal and/or vegetation trimming/topping), a qualified biologist will survey for sensitive species (e.g., California red-legged frog, two-stripe garter snake, and pacific pond turtles). If frogs, garter snakes, or pond turtles are found within the maintenance area, maintenance activities will halt until the animal has moved out of the Project area without assistance (e.g., harassment or handling).

Cultural Resources

23. [CR-1] The County shall conduct additional subsurface testing for buried deposits prior to construction or have an archaeologist and Native American monitor during ground-disturbing activities

Conditions to be completed prior to completion of the project

24. Prior to completion of the project, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

25. This land use permit is valid for a period of 48 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use

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Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

26. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

August 25, 2015

Kate Ballantyne
Environmental Programs Manager
San Luis Obispo County
Department of Public Works
Attn: Katie Drexhage
County Government Center, Room 206
San Luis Obispo, CA 93408

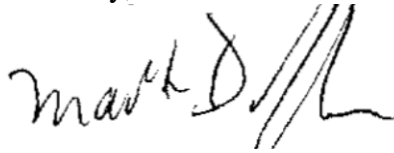
Applicant: **San Luis Obispo County Department of Public Works**
Location: **Highway 1 and 13th St., Oceano, San Luis Obispo Co.**
Project: **Oceano Drainage Project**

CCC Federal Consistency No.: **NE-0006-15**
CCC Permit/Appeal No.: **A-3-SLO-13-220 (Appeal) and 3-14-0221-W (CDP Waiver)**
Local Govt. CDP No.: **DRC 2012-00044**

The Coastal Commission staff has received your request to identify Commission jurisdiction for the purposes of processing an individual, nationwide, general or regional permit from the Army Corps of Engineers (Corps). Pursuant to the federal Coastal Zone Management Act (CZMA), the Corps cannot issue a permit for an activity, either in or out of the coastal zone, that affects land and water uses or natural resources of the coastal zone until the applicant has complied with the requirements of Section 307(c)(3)(A) of the CZMA. (16 USC Section 1456[c][3][A].) The applicant can meet these requirements by receiving a Commission concurrence with either (1) a consistency certification prepared by the applicant or (2) a showing that the activity does not affect the coastal zone. Alternatively, the applicant can satisfy these requirements by the issuance of a Commission approved coastal development permit. Since the Commission cannot delegate federal consistency authority to local governments, a coastal development permit issued by a local agency does not replace the requirement for a consistency certification. The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has made the following determination:

The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) portions of this project are within the County's coastal development permit (CDP) jurisdiction; (2) the County approved a CDP with conditions; (3) that approval was appealed to the Commission; (4) the Commission determined the appeal raised no substantial issue; (5) portions of the project are within the Commission's CDP jurisdiction; (6) the Commission granted a CDP waiver for this portion of the project; and (7) with the conditions imposed on the permit by the County, the project does not raise significant concerns over protection of coastal resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplane". The signature is written in a cursive style with a large, stylized "M" and "D".

MARK DELAPLAINE
Manager, Energy, Ocean Resources,
and Federal Consistency Division

cc: Santa Cruz District
Army Corps, L.A. District

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
REGION 4 - CENTRAL REGION
1234 EAST SHAW AVENUE
FRESNO, CALIFORNIA 93710



STREAMBED ALTERATION AGREEMENT
NOTIFICATION No. 1600-2013-0109-R4
ARROYO GRANDE CREEK
SAN LUIS OBISPO COUNTY

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS
COUNTY GOVERNMENT CENTER, ROOM 206
SAN LUIS OBISPO, CALIFORNIA 93408

OCEANO DRAINAGE PROJECT AT HIGHWAY 1 AND 13TH STREET (PROJECT)

This Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Wildlife (CDFW) and the County of San Luis Obispo (referred to as Permittee), represented by Dave Flynn.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) Section 1602, Permittee notified CDFW on June 26, 2013, that Permittee intends to complete the Project described herein.

WHEREAS, pursuant to FGC Section 1603, CDFW has determined that the Project could substantially adversely affect existing fish or wildlife resources and has included Protective Measures in this Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed this Agreement and accepts its terms and conditions, including the Protective Measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the Project in accordance with this Agreement.

PROJECT LOCATION

The Project is located on Arroyo Grande Creek within the City of Oceano in San Luis Obispo County, State of California; Township 32 South, Range 13 East, United States Geological Survey (USGS) map Oceano, MDB&M; Latitude 35°5'59", Longitude -120°36'56" (Figure 1).

PROJECT DESCRIPTION

The Project includes activities related to storm water drainage improvements in the City of Oceano in and around the intersection of Highway 1 and 13th Street, and trimming of willow trees in a 0.75-acre area on the north bank of Arroyo Grande Creek within a County Airport Runway Protection Zone.

A new reinforced concrete pipe culvert will be installed to convey storm water from a retention basin to Arroyo Grande Creek. The pipe will be 42 inches in diameter, approximately 65 feet long, and will be installed through an existing levy via jack and bore. Boring will occur through a levy next to a recreational vehicle park proceeding toward the creek, and all equipment and materials will be staged in this area. A concrete floor approximately nine feet long, ten feet wide, and two feet thick will be cast-in-place at the culvert outlet. A headwall approximately six feet long, seven feet tall, and one foot thick and two wingwalls each approximately 9.3 feet long, seven feet tall, and one foot thick will also be cast-in-place at the culvert outlet. Approximately 55 cubic yards of concrete will be required for the culvert, headwall, wingwalls, and floor. No rip rap will be used. A receiving pit approximately 20 feet long, 10 feet wide and 15 feet deep will be excavated for the jack and bore where the culvert daylight on the north bank of the creek. Approximately 100 cubic yards of soil will be excavated for the receiving pit.

Willow trimming will be done in order to conform with Federal Aviation Administration line-of-sight requirements near airport runways, and to facilitate flows through an existing storm water basin, and discourage transient activity. Horizontal branches four inches in diameter at breast height (DBH) or greater within six feet of the ground will be removed. Horizontal branches less than four inches DBH within six inches of the ground will be removed and horizontal branches less than four inches DBH and greater than six inches from the ground will be left in place. Willow topping will reduce the height of the trees to no lower than 20 feet above the ground. Minimal trimming in subsequent years will be done to maintain the trees in this condition. Equipment to be used includes a bulldozer, dump trucks, and hand tools. Project activities will take place when no water is present in the work area; no diversion of water or dewatering will occur.

PROJECT IMPACTS

The Project will temporarily impact willows within approximately 0.75 acre along 200 linear feet of stream and permanently impact approximately 0.0019 acre of coyote brush (*Baccharis pilularis*) and grassland habitat along 15 linear feet of stream. Approximately 100 cubic yards of soil will be excavated and 55 cubic yards of concrete will be poured or placed in the stream.

Other potential impacts related to disturbance during Project implementation include but are not limited to those resulting from noise and vibration; trampling/crushing of animals, plants, and habitat features; erosion resulting from vegetation removal and ground disturbing activity; loss of habitat for foraging, breeding/nesting, or other activities;

impacts to nesting or denning animals; changes to the stream banks; permanent and temporary placement of fill or spoil material, and surface water contact with construction-related materials; pollution caused by leaking or malfunctioning vehicles or equipment; and introduction of nonnative species.

This Agreement is intended to avoid, minimize, and mitigate adverse impacts to the fish and wildlife resources that could occupy the Project area and the adjacent habitat. Absent implementation of the Protective Measures required by this Agreement, the following species and their habitat types could potentially be impacted: the Federal threatened and State species of special concern California red-legged frog (*Rana draytonii*) and the State species of special concern western pond turtle (*Actinemys marmorata*) and two-striped garter snake (*Thamnophis hammondi*), as well as other birds, mammals, fish, reptiles, amphibians, invertebrates, and plants that compose the local riparian ecosystem.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative Protective Measure described below.

- 1.1 Documentation at Project Site. Permittee shall make this Agreement, all extensions and amendments to this Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the Project site at all times and shall be presented to CDFW personnel or personnel from another State, Federal, or local agency upon request.
- 1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of this Agreement and all extensions and amendments to this Agreement to all persons who will be working on the Project at the Project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.
- 1.3 Notification of Conflicting Provisions. Permittee shall notify CDFW if Permittee determines or learns that a Protective Measure in this Agreement might conflict with a provision imposed on the Project by another local, State, or Federal agency. In that event, CDFW shall contact Permittee to resolve any conflict.
- 1.4 Project Site Entry. Permittee agrees that CDFW personnel may enter the Project site at any time to verify compliance with this Agreement.
- 1.5 Legal Obligations. This Agreement does not exempt Permittee from complying with all other applicable local, State, and Federal law, or other legal obligations.

1.6 Unauthorized Take.

- (a) This Agreement does not authorize the “take” (defined in Fish and Game Code §86 as to hunt, pursue, catch, capture, or kill; or attempt to hunt, pursue, catch, capture, or kill) of State- or Federally-listed threatened or endangered species. All such take shall require separate permitting. Liability for any take of such listed species remains the separate responsibility of Permittee for the duration of the Project.
- (b) Permittee shall take prudent measures to ensure that all take of threatened and endangered species is avoided. Permittee acknowledges and fully understands that it does not have State incidental take authority. Permittee shall immediately notify CDFW of the discovery of any such threatened or endangered species prior to and during Project implementation.

1.7 Property Not Owned by Permittee. To the extent that the Protective Measures of this Agreement provide for activities on another owner’s property, they are agreed to with the understanding that Permittee shall first acquire the legal right to enter.

1.8 Work Schedule. Permittee shall submit a work schedule to CDFW prior to beginning any construction or willow trimming activities covered by this Agreement. Permittee shall also notify CDFW upon the completion of the activities covered by this Agreement.

1.9 Training. Prior to starting any activity within the stream bed or bank, all employees, contractors, and visitors who will be present during Project activities shall receive training from a qualified individual on the contents of this Agreement, the resources at stake, and the legal consequences of noncompliance. Permittee shall provide to CDFW the sign-in sheet that includes the printed and signed name of each attendee, the name and qualifications of the person providing training, a copy of training materials, and the date of the training. Permittee shall provide this information to CDFW within one week following the completion of each training.

2. **Avoidance and Minimization Measures**

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each Protective Measure listed below.

2.1 Construction/Work Hours. All work activities shall be confined to daylight hours. For purposes of this Agreement, “daylight hours” are defined as that daytime period between sunrise and sunset.

2.2 Flagging. Prior to Project activity at each location, Permittee shall identify the limits of the required access routes and encroachment into jurisdictional areas. These “work area” limits shall be identified with brightly-colored flagging. Work completed under this Agreement shall be limited to this defined area only. Flagging shall be

maintained in good repair for the duration of the Project. All stream areas beyond the identified work area limits shall be considered Environmentally Sensitive Areas and shall not be disturbed.

2.3 Listed Species and Other Special Status Species.

- (a) Pre-activity surveys for special status species shall be conducted by a qualified biologist within 30 days prior to commencement of any Project activity. Surveys shall be conducted on the Project work area and all access routes to avoid and minimize incidental take, confirm previous observations, identify any areas potentially occupied by listed or sensitive species, and clearly mark all resources to be avoided by Project activities. If State- or Federally-listed threatened or endangered species are found or could be impacted by the work proposed, Permittee shall notify CDFW of the discovery prior to commencement of Project activity. A revised Agreement and/or a State Incidental Take Permit may be necessary and an amended CEQA analysis may need to be conducted, before work can begin.
- (b) California Red-Legged Frog. A qualified biologist shall survey the Project work area for California red-legged frog within 48 hours prior to commencing any Project activity. Permittee shall submit survey results to CDFW. If any California red-legged frogs are found prior to the Project or at any time during Project activities, work shall cease or shall not commence (whichever applies); Permittee shall contact CDFW within 24 hours of each detection and shall not proceed with Project activity until CDFW provides written approval for work to continue. In addition, Permittee shall remove vegetation by hand, without heavy equipment, prior to ground disturbing Project activity.
- (c) Western Pond Turtle and Two-Striped Garter Snakes. Any western pond turtles or two-striped garter snakes discovered at the Project work area immediately prior to or during Project activities shall be allowed to move out of the area on their own volition. If this is not feasible, they shall be captured by a qualified biologist, and relocated out of harm's way to the nearest suitable habitat at least 100 feet upstream or downstream from the Project site.

2.4 Fish and Wildlife.

- (a) If fish or wildlife is encountered during the course of Project implementation, said fish or wildlife shall be allowed to leave the Project area unharmed.
- (b) To protect nesting birds, no Project activity shall be completed from February 1 through August 31 unless the following Avian Nesting Surveys are completed by a qualified biologist within 30 days prior to commencing Project activities.

Birds of Prey: Survey for nesting activity of birds of prey within the Project work area and a 500-foot radius. If any active nests are observed, these nests shall be protected by a minimum 500-foot avoidance buffer until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival.

Other Avian Species: Survey for nesting activity within the Project work area and a 250-foot radius. If any nesting activity is found, Permittee shall protect nests and nest substrate (trees, shrubs, ground, or burrows) with a minimum 250-foot buffer until young have fledged and are no longer reliant on the nest site or parental care.

CDFW may consider variances from these buffers when there is a compelling biological or ecological reason to do so, such as when the Project work area would be concealed from a nest site by topography.

2.5 Vegetation.

- (a) Permittee shall restrict the disturbance to vegetation to the minimum amount necessary to complete the Project.
- (b) Vegetation removal following initial tree trimming shall be limited to the amount necessary to maintain the conditions described in the Project Description of this Agreement.
- (c) All invasive, exotic plant species that are disturbed during Project implementation shall be removed from the Project site. Any Vinca, Cape or German ivy, Castor bean, Arundo, or other exotic plant species shall be bagged and appropriately disposed of in a landfill. Exotic species shall not be used in mulching, composting, or otherwise placed in or around the Project work area.
- (d) Vegetation removed from the Project work area shall be disposed of at an appropriate and legal off-site location where the material cannot enter the stream channel (i.e., outside of the floodplain). No such material shall be stockpiled in the streambed, banks, or channel.

2.6 Vehicles and Equipment.

- (a) Vehicles, equipment, and other machinery shall be inspected for the presence of undesirable plant species and cleaned prior to entering the work area, to reduce the risk of transporting exotic, invasive plant species.
- (b) Vehicle access to the work area shall be limited to predetermined ingress and egress corridors on existing roads. All other stream areas outside the work area shall remain off-limits to vehicles and equipment.

- (c) Any equipment or vehicles shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic and terrestrial life.
- (d) Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the channel, shall be positioned over drip-pans. Vehicles shall be moved away from the channel prior to refueling and lubrication.

2.7 Structures and Engineering. Permittee shall ensure that all structures and installed features are designed (i.e., size and alignment) and constructed such that they will not fail, will accommodate high (e.g., 100-year) flows, and will not cause long-term changes in water flows that adversely modify the existing upstream or downstream channel bed/bank contours (e.g., headcutting or down cutting), increase sediment deposition, or cause significant new erosion.

2.8 Fill/Spoil.

- (a) Long-term spoil storage sites shall not be located within the stream, where spoil could be washed into the stream, or where it could cover aquatic or riparian vegetation.
- (b) Rock, gravel, and/or other fill materials shall not be imported into the stream.
- (c) Soils that are excavated and temporarily displaced shall be used to backfill excavations and return areas to original contours.
- (d) Permittee shall cover temporary stockpiles with plastic sheeting or visquine when rainy or windy conditions could erode loose soils.

2.9 Erosion.

- (a) Permittee shall not conduct Project work during rain or immediately following large rainfall events (defined as $\frac{1}{4}$ inch of rain in any 24-hour period).
- (b) All disturbed soils within the Project work area shall be stabilized to reduce erosion potential during and following Project activities. Temporary erosion control devices, such as straw bales, silt fencing, and sand bags, may be used, as appropriate, to prevent siltation of the channel. To minimize the risk of ensnaring and strangling wildlife, coir rolls, erosion control mats or blankets, straw or fiber wattles, or similar erosion control products shall be composed entirely of natural-fiber, biodegradable materials. Permittee shall not use "photodegradable" or other plastic erosion control materials.

- (c) Unvegetated areas created by the Project shall be seeded (with weed-free straw or mulch) with a blend of a minimum of three (3) locally native grass species and coyote brush. One (1) or two (2) sterile non-native perennial grass species may be added to the seed mix provided that amount does not exceed 25 percent of the total seed mix by count. Locally native wildflower and/or shrub seeds may also be included in the seed mix. The seeding shall be completed as soon as possible, but no later than November 15 of the year Project activity ends, unless otherwise agreed to in advance by CDFW. A seed mixture shall be submitted to CDFW for approval prior to application. At the discretion of CDFW, all exposed areas where seeding is considered unsuccessful after 90 days shall receive appropriate soil preparation and a second application of seeding, straw, or mulch as soon as is practical on a date mutually agreed upon.

2.10 Pollution.

- (a) During Project implementation, Permittee shall not dump litter or debris within any stream. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
- (b) Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders located within or adjacent to the stream shall be positioned over drip-pans.
- (c) Asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to fish or wildlife resulting from Project-related activities, shall be prevented from contaminating the soil and/or entering the "Waters of the State".
- (d) Permittee shall install containment structures, in addition to concrete formwork, to control the placement of wet concrete/cement and to prevent it from entering into the channel outside of those structures. No concrete/cement shall be poured or applied if the seven-day weather forecast indicates any chance of rain. At all times when Permittee is pouring or working with wet concrete/cement there shall be a designated monitor to inspect the containment structures and ensure that no concrete or other debris enters into the channel outside of those structures. Poured concrete/cement shall remain isolated from surface waters and soils that could become saturated, and allowed to cure for a minimum of 30 days or until the pH as tested with tap water does not exceed 9.0, using methods approved in advance by CDFW. Any rain water that comes into contact with the concrete structures shall be contained and isolated from stream flows; the water pH shall be tested, and water shall be removed from the site and

disposed of lawfully if the pH exceeds 9.0. Permittee shall submit to CDFW the results of all pH testing, including measurements that demonstrate a pH at or below 9.0 as tested prior to removing the containment structures.

- (e) Permittee and all contractors shall be subject to the water pollution regulations found in FGC Sections 5650 and 12015.
- (f) A Spill Response Plan shall be prepared and submitted to CDFW for approval prior to the start of Project activities, and kept on-site during all phases of the Project. The Plan shall identify the actions that shall be taken in the event of a spill of petroleum products, concrete, contaminated soil, or other materials harmful to fish, plants, or aquatic life. Emergency response materials shall be kept at the site and readily available to allow rapid containment and cleanup of any spilled material. In the event that a spill occurs, all Project activities shall immediately cease until cleanup of the spilled materials is completed. CDFW shall be notified immediately by Permittee of all spills.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

3.1 Obligations of Permittee.

- a) Permittee shall have primary responsibility for monitoring compliance with all Protective Measures in this Agreement. Protective Measures shall be implemented within the time periods indicated in this Agreement and the reporting program described below.
- b) Permittee (or Permittee's designee) shall ensure the implementation of the Protective Measures of this Agreement, and shall monitor the effectiveness of the Protective Measures.

3.2 Reports. Permittee shall submit the following Reports to CDFW:

- Work schedule, submitted to CDFW prior to commencing Project activities (Administrative Measure 1.8).
- Worker training documentation, submitted to CDFW within one (1) week of each training (Administrative Measure 1.9).
- Results of the pre-activity surveys, submitted to CDFW at least one (1) week prior to commencement of Project activity (Avoidance and Minimization Measure 2.3(a)).
- Results of surveys for California red-legged frog, submitted to CDFW within two (2) weeks following survey completion (Avoidance and Minimization Measure 2.3(b)).

- Results of surveys for nesting birds, if Project activities are scheduled during the avian nesting season, submitted to CDFW within one (1) week of the survey (Avoidance and Minimization Measure 2.4(b)).
- A seed mixture to be used to control erosion, submitted to CDFW for approval prior to application (Avoidance and Minimization Measure 2.9(c)).
- Results of pH testing, if not waiting 30 days for concrete to cure, submitted to CDFW within five (5) days of completion (Avoidance and Minimization Measure 2.10(d)).
- A Spill Response Plan, submitted to CDFW for approval at least two (2) weeks prior to the start of Project activity (Avoidance and Minimization Measure 2.10(f)).
- A Final Project Report to be submitted within 30 days after Project construction is completed and following each willow trimming activity. The Final Project Report shall summarize Project activity, and address the implementation of each Protective Measure included in this Agreement. Before, during, and after photo documentation of the Project work area shall be included in the report.

CONTACT INFORMATION

Any communication that Permittee or CDFW submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or CDFW specifies by written notice to the other. Permittee shall submit all schedules, survey results, reports, and/or plans required by this Agreement in hard copy to the address below; Permittee may additionally submit those materials electronically by email to the CDFW contact identified below (or subsequent contact) **and** to R4LSA@wildlife.ca.gov.

To Permittee:

County of San Luis Obispo
Department of Public Works
Dave Flynn
County Government Center, Room 206
San Luis Obispo, California 93408
Phone: (805) 781-5252
dflynn@co.slo.ca.us

To CDFW:

California Department of Fish and Wildlife
Region 4 - Central Region
1234 East Shaw Avenue
Fresno, California 93710
Attn: Lake and Streambed Alteration Program – Charles Walbridge
Notification No. 1600-2013-0109-R4
Phone: (559) 243-4014 ext. 352
Fax: (559) 243-4020
charles.walbridge@wildlife.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of this Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the Project or any activity related to it that this Agreement authorizes.

This Agreement does not constitute CDFW's endorsement of, or require Permittee to proceed with the Project. The decision to proceed with the Project is Permittee's alone.

SUSPENSION AND REVOCATION

CDFW may suspend or revoke in its entirety this Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with this Agreement.

Before CDFW suspends or revokes this Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before CDFW suspends or revokes this Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused CDFW to issue the notice.

ENFORCEMENT

Nothing in this Agreement precludes CDFW from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking this Agreement.

Nothing in this Agreement limits or otherwise affects CDFW's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with, from obtaining any other permits or authorizations that might be required under, other federal, state, or local laws or regulations before beginning the project or an activity related to it. For example, if the project causes take of a species listed as threatened or endangered under the Endangered Species Act (ESA), such take will be unlawful under the ESA absent a permit or other form of authorization from the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the Fish and Game Code including, but not limited to, Fish and Game Code sections 2050 *et seq.* (threatened and endangered species), section 3503 (bird nests and eggs), section 3503.5 (birds of prey), section 5650 (water pollution), section 5652 (refuse disposal into water), section 5901 (fish passage), section 5937 (sufficient water for fish), and section 5948 (obstruction of stream).

Nothing in this Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

CDFW may amend this Agreement at any time during its term if CDFW determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend this Agreement at any time during its term, provided the amendment is mutually agreed to in writing by CDFW and Permittee. To request an amendment, Permittee shall submit to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the corresponding amendment fee identified in CDFW's fee schedule at the time of the request (see Cal. Code Regs., Title 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of this Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter CDFW approves the transfer or assignment in writing.

The transfer or assignment of this Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit

to CDFW a completed CDFW "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in CDFW's fee schedule at the time of the request (see Cal. Code Reg., Title 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one (1) extension of this Agreement, provided the request is made prior to the expiration of this Agreement's term. To request an extension, Permittee shall submit to CDFW a completed CDFW "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in CDFW's fee schedule at the time of the request (see Cal. Code Reg., Title 14, § 699.5). CDFW shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend this Agreement prior to its expiration, Permittee shall submit a new notification and notification fee before beginning or continuing the Project this Agreement covers (FGC § 1605, subd. (f)).

EFFECTIVE DATE

This Agreement becomes effective on the date of CDFW's signature, which shall be: 1) after Permittee's signature; 2) after CDFW complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.wildlife.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall remain in effect for five (5) years beginning on the date signed by CDFW, unless it is terminated or extended before then. All provisions in this Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing provisions specified herein to protect fish and wildlife resources after this Agreement expires or is terminated, as FGC section 1605(a) (2) requires.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

In approving this Agreement, CDFW is independently required to assess the applicability of CEQA. The features of this Agreement shall be considered as part of the overall Project description.

Permittee's concurrence signature on this Agreement serves as confirmation to CDFW that the activities conducted under the terms of this Agreement are consistent with the Project as described in the CEQA Mitigated Negative Declaration prepared by the County of San Luis Obispo as the Lead Agency for the Oceano Drainage Project (State Clearinghouse No. 2013011045), approved on June 11, 2013. A copy of the Mitigated Negative Declaration was provided to CDFW by Permittee.

CDFW, as a CEQA Responsible Agency, shall submit a Notice of Determination to the State Clearinghouse upon signing this Agreement.

EXHIBITS

The document listed below is included as an exhibit to this Agreement and is incorporated herein by reference.

Figure 1. Project Vicinity USGS Quad Map.

AUTHORITY

If the person signing this Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

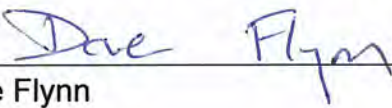
AUTHORIZATION

This Agreement authorizes only the Project described herein. If Permittee begins or completes a Project different from the Project this Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify CDFW in accordance with FGC section 1602.

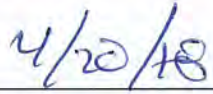
CONCURRENCE

The undersigned accepts and agrees to comply with all the provisions of this Agreement.

FOR COUNTY OF SAN LUIS OBISPO

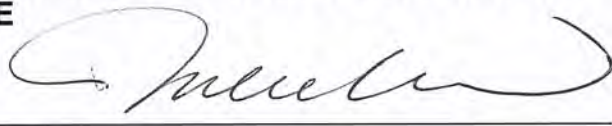


Dave Flynn

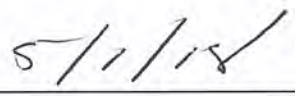


Date

FOR CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE



Julie A. Vance
Regional Manager - Central Region



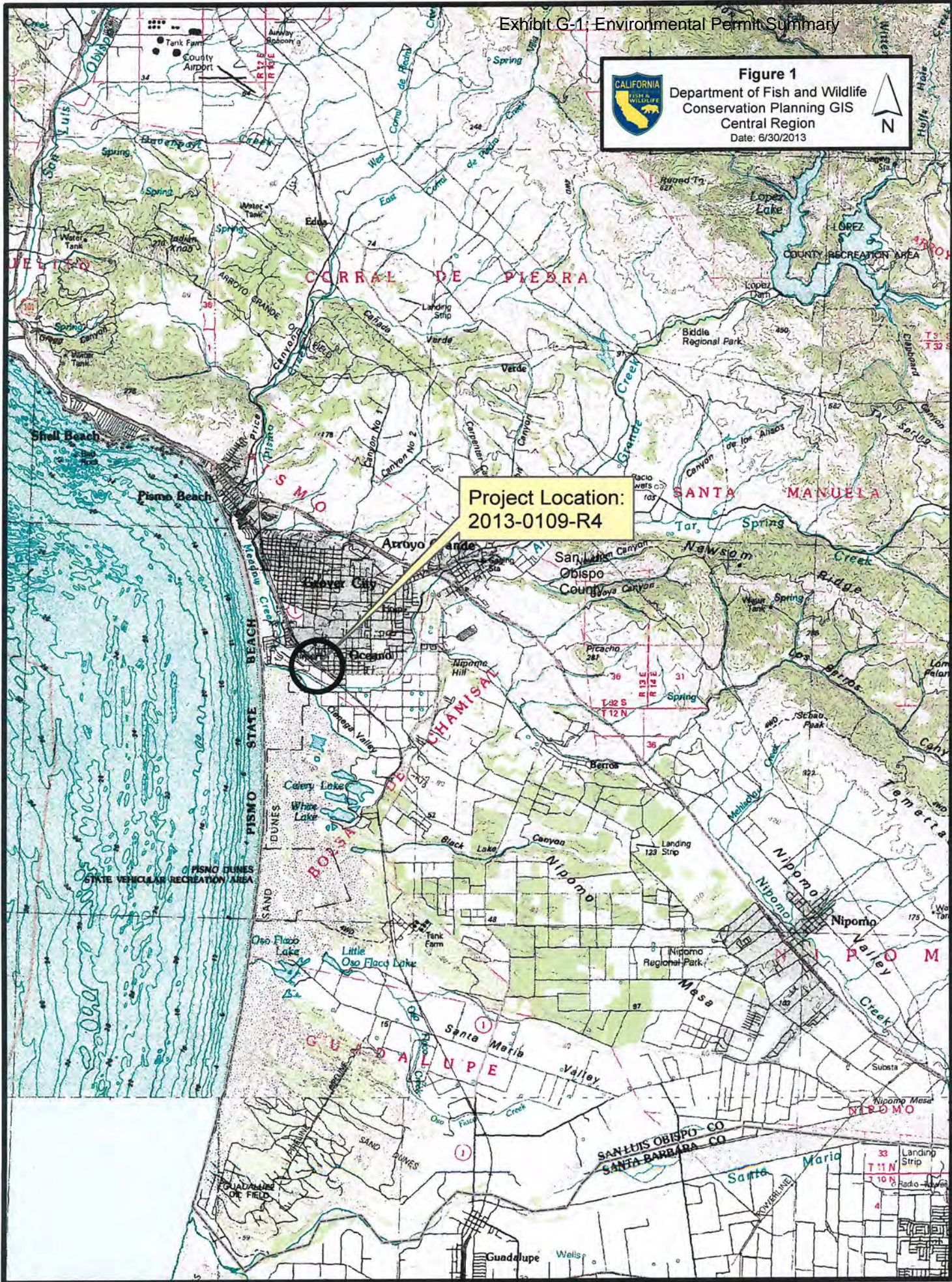

Date

Prepared by: Charles Walbridge
Environmental Scientist

Figure 1

Exhibit A

Figure 1
Department of Fish and Wildlife
Conservation Planning GIS
Central Region
Date: 6/30/2013



Project Location:
2013-0109-R4

A local newspaper advertisement legal notice, announcing the availability of the EA and participation under Section 106 of the National Historic Preservation Act, were published on 01/10/2015, in The Tribune newspaper, San Luis Obispo County, CA. A copy of the EA was available for public review at the County of San Luis Obispo Dept of Planning and Building, 1035 Palm St, Room 370, San Luis Obispo, CA. The 14-day comment period ended on 01/24/2015. County received and responded to one comment letter contained in the Environmental Assessment.

F. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, USDA-RD has concluded that the proposed Project would have no significant effects to land use; floodplains; wetlands; cultural resources; biological resources; water resources; air quality; noise; socioeconomic & environmental justice issues; transportation; aesthetics (visual resources); and health & human safety. The proposed Project will have no effects on historic properties listed or eligible for listing on the National Register of Historic Places and no effects to federally listed species or designated critical habitat.

The proposed Project would not disproportionately affect minority or low-income populations.

In accordance with the National Environmental Policy Act, as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR 1500-1508), and RD's Environmental Policies and Procedures (7 CFR Part 1970), USDA-RD has determined that the environmental impacts of the proposed Project have been adequately addressed and that no significant impacts to the quality of the human environment would result from construction and operation of the proposed Project. Any final action by County related to the proposed Project will be subject to, and contingent upon, compliance with all relevant federal and state environmental laws and regulations. Because County's action will not result in significant impacts to the quality of the human environment, USDA-RD will not prepare an Environmental Impact Statement for its potential federal action associated with the proposed Project.

G. USDA-RD LOAN REVIEW AND RIGHT OF ADMINISTRATIVE REVIEW

This FONSI is not a decision on a loan application and therefore not an approval of the expenditure of federal funds. Issuance of the FONSI and its notices concludes USDA-RD's environmental review process. The ultimate decision on loan approval depends upon conclusion of this environmental review process in addition to financial and engineering reviews. Issuance of the FONSI and publication of notices will allow for these reviews to proceed. The decision to provide financial assistance also is subject to the availability of loan funds for the designated purpose in County's budget. There are no provisions to appeal this decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in Federal District Court under the Administrative Procedures Act.

H. APPROVAL

This Finding of No Significant Impact is effective upon signature.
Dated: **July 31, 2018**



PETE YRIBARREN
Water Programs Director
USDA, Rural Development

Contact Person - For additional information on this FONSI and EA, please contact
Al Correale, Community Programs Specialist
USDA, Rural Development



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

May 5, 2014

Refer to NMFS No: 2014-9847

Mr. Tony Navarro
Department of Planning and Building
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, California 93408

Re: Endangered Species Act Section 7(a)(2) Concurrence Letter for the Oceano Drainage Project at Highway 1 and 13th Street

Dear Mr. Navarro:

On December 6, 2013, NOAA's National Marine Fisheries Service (NMFS) received the U.S. Department of Housing and Urban Development's (HUD) October 29, 2013, request for written concurrence under Section 7 of the U.S. Endangered Species Act (ESA). Through the Community Development Block Grant Program, the HUD may partially fund the Oceano Drainage project (proposed action) that is proposed by the San Luis Obispo County Department of Public Works (County). The County is serving as the lead Federal agency for the proposed action in accordance with the provisions of HUD regulations (24 CFR 58.5), thus NMFS regards all requests for ESA Section 7 consultations from "responsible entities" as official requests submitted by a Federal action agency as defined under the interagency consultation regulations at 50 CFR part 402 (NMFS 2003¹). This proposed action is of concern to NMFS because Arroyo Grande Creek (AGC) is within the threatened South-Central California Coast (S-CCC) Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss*) and is designated critical habitat for the species.

This response to your request was prepared by NMFS pursuant to section 7(a)(2) of the ESA, implementing regulations at 50 CFR 402, and agency guidance for preparation of letters of concurrence. This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554). The concurrence letter will be available through NMFS' Public Consultation Tracking System [<https://pcts.nmfs.noaa.gov/pcts-web/homepage.pcts>]². A complete record of this consultation is on file at the Southern California Branch of the California Coastal Area Office in Long Beach, California.

¹ National Marine Fisheries Service. 2003. Memorandum to Regional Administrators from William Hogarth, Ph.D. *Subject: Endangered Species Act Consultation Compliance with "Responsible Entities" under U.S. Department of Housing and Urban Development's Assumption Authority (24 CFR Part 58)*. April 23. Silver Spring, MD.

² Once on the homepage, use the following PCTS tracking number within the Quick Search column: 2014-9847



Proposed Action and Action Area

The proposed action is the construction and operation of a storm-drain system for storm-water infiltration, evapotranspiration, and ultimate drainage into AGC through the existing levee. The construction duration is anticipated to be five months, starting in June 2014 and concluding by November 1, 2014. The project site is approximately 0.7 miles upstream from the AGC lagoon. The action area includes the following: (1) an existing flap gate in the willow riparian woodland area adjacent to the recreational vehicle (RV) storage lot and the proposed outlet structure upstream of the exiting outlet, both on the north side of the existing levee, (2) the low-flow channel and the upper terrace of AGC and riparian vegetation on the south end of the levee, and (3) all downstream riparian habitat from the new discharge outlet to the lagoon entrance. AGC is bordered by an earthen levee throughout the action area. Components of the proposed action are: (1) new culvert outlet to convey storm-water drainage into AGC, and (2) a new concrete-sedimentation basin within an existing RV storage lot to capture storm-water runoff from the underground storm-drain system. There is no interrelated or interdependent action as a result of the proposed action.

Action Agency's Effects Determination

The County determined the proposed action is not likely to adversely affect threatened S-CCC steelhead (71 FR 834) or its designated critical habitat (70 FR 52488). They determined that there will be no impact to the low-flow channel during construction with implementation of a 30-foot construction buffer, laterally from the low-flow channel, and a three-foot vertical buffer maintained above the elevation of the channel. Also, the County anticipates there will be no water present during work activities, thus no living space for steelhead is expected within the project area. The County also explains the proposed action will improve the quality of storm-water runoff that is currently entering AGC by collecting debris and trash, removing or minimizing the threat of fuel and other lubricants found on cars that currently drive through portions of the action area, and allowing sediment to settle out of the water column before entering AGC.

Consultation History

On December 6, 2013, the County sent NMFS an electronic correspondence concerning the status of the concurrence request and provided the consultation package in an attachment. NMFS also requested correspondence from HUD documenting the designation of a non-Federal representative to initiate informal consultation with NMFS. HUD sent correspondence³ to NMFS on December 19, 2013, providing the necessary information and citing appropriate NMFS policy (NMFS 2003) and HUD regulations (24 CFR Part 58) to assign the County as the non-Federal representative to carry out informal consultation with NMFS under Section 7 of the ESA. After a review of the consultation package, NMFS requested and subsequently attended a February 10, 2014, site visit led by the County. During the site visit, the County provided additional, new information on the catch-basin insert filters proposed for the storm-drain pipe system. On February 19, 2014, NMFS provided the County a list of additional clarifying

³ Electronic correspondence from Ernest Molins on December 19, 2013, entitled *Concurrence request for Oceano Drainage Project, SLO County*. Regional Environmental Officer, U.S. HUD Region IX, 600 Harrison Street, San Francisco, CA 94107.

questions to inform NMFS' understanding of how the proposed action would achieve improved water quality of discharged storm-water into AGC. The County responded to NMFS on February 28, 2014, with new information concerning the County's National Pollutant Discharge Elimination System (NPDES) Urban Storm Water Management Permit. On March 3, 2014, NMFS requested the County to provide a copy of above-mentioned permit to NMFS for the purposes of understanding existing water quality standards within the action area. The County provided the permit to NMFS on March 25, 2014.

Effects of the Action

Under the ESA, "effects of the action" means the direct and indirect effects of an action on the listed species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline (50 CFR 402.02). The applicable standard to find that a proposed action is not likely to adversely affect listed species or critical habitat is that all of the effects of the action are expected to be discountable, insignificant, or completely beneficial. Beneficial effects are contemporaneous positive effects without any adverse effects to the species or critical habitat. Insignificant effects relate to the size of the impact and should never reach the scale where take occurs. Discountable effects are those extremely unlikely to occur.

The potential effects of the proposed action are described below:

- With regard to the permanently impacted area of 83-square feet (footprint of the outlet) on the north side of the existing levee due to the installation of a culvert through the existing earthen levee:
 - Under certain circumstances, new outlets have the potential to cause entanglement and stranding after high-flow events recede through an action area. The outlet will be blocked to preclude access for threatened steelhead after high-flow events, thus stranding and entanglement of individual steelhead is discountable. Therefore, during these high-flow events, NMFS anticipates juvenile steelhead will move through the action area without experiencing delay due to the proposed action.
 - The footprint of the outlet is not in designated critical habitat, therefore, the permanent loss of existing ground due to the footprint of the outlet will not reduce available designated critical habitat or diminish the value of available primary constituent elements (PCEs) within the action area such as rearing and migratory habitat.
- With regard to the water quality PCE and water quality effects on threatened steelhead, effects of culvert discharge are insignificant for the reasons set forth herein:
 - the County has proposed minimization measures and is bound by prohibitions in their Phase II Small MS4 General Permit (Permit) as well as the Water Quality Control Plan for the Central Coastal Basin (Basin Plan) (June 2011). Currently

untreated waters that discharge into AGC will be treated at three different stages (i.e., in-drain filters, concrete-sediment basin, and the natural bio-filter area) prior to release into AGC. Within the Discharge Prohibitions of the Permit, any discharge may not occur in a manner causing or threatening to cause a condition of pollution as defined in Water Code §13050. Within the Basin Plan, the suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to adversely affect threatened steelhead.

- Storm-water discharge has the potential to influence available dissolved oxygen for threatened steelhead in AGC if discharged waters contain measurable levels of total suspended solids (TSS) and biostimulatory substances, which can result in anaerobic conditions forcing individuals to alter their breathing patterns or lower their level of activity. The woodland riparian area (i.e., 0.75-acre bio filter) is expected to function as a bio-swale and remove approximately 77 percent of TSS and approximately 60 percent of nitrates (Taylor and Barrett 2004⁴), and roadside infiltrators are likely to work in concert with the bio filter to remove 80 percent of TSS from storm-water runoff within the storm-drain system, which will discharge to the constructed-sediment basin, then into the woodland riparian area, and finally the resulting flow will enter AGC, thus, taking into account the expected initial quality of the runoff, effects on the water-quality PCE, such as harmful turbidity or reductions in dissolved oxygen from storm-water runoff, are insignificant; similarly, for the reasons articulated above, the discharge of stormwater as described in the project description is not likely to adversely affect steelhead individuals.
- The removal of nitrogen through plant uptake, denitrification, adsorption, long-term storage in soil organic matter, and immobilization owing to the utilization of the existing woodland riparian area (i.e., a 0.75-acre bio filter) will remove contaminants as well as help moderate soil moisture levels. In turn, these processes are expected to increase infiltration, thereby decreasing surface run-off directly into AGC.
- Stream-bank erosion is a natural phenomenon and source of both sediment and nutrients. However, urbanization can greatly accelerate the process of stream-bank erosion. Accelerated stream-bank erosion is a risk from storm-water runoff into an active stream channel, however, due to the anticipated slow flow rate (velocity) of water from the outlet into AGC, accelerated erosion at this discharge point will not result in adverse effects to critical habitat or threatened steelhead, thus accelerated channel erosion is insignificant. Additionally, alteration of the streambed composition, such as the grain-size distribution in the immediate project area of AGC, from storm-water runoff can result in adverse effects to spawning gravels. Based on the anticipated turbidity levels (TSS amounts), the water being discharged into AGC is not expected by NMFS to influence the intergravel

⁴Taylor, S. and Barrett, M., "Caltrans BMP Retrofit Pilot Program," Presentation at Caltrans BMP Workshop, RBF Consulting, Irvine, CA (2004).

environment in a measurable way, this effect to the PCE of spawning habitat is discountable.

- The County will not enter AGC or the low-flow channel during construction or ongoing operations and maintenance, which when wetted, provides migratory and rearing habitat for threatened steelhead. Under certain circumstances, construction staging and on-going operation activities have the potential to cause disturbance to habitat features within the low-flow channel by re-shaping active channel contours changing the velocity and direction of instream flows. Given the absence of instream activities, NMFS does not anticipate impact to the low-flow channel from ongoing operations, thus adverse effects to available steelhead living space within the action area (i.e., when the channel is wetted) are discountable. During high-flow events, the ongoing maintenance and performance of the proposed action by design will not preclude juvenile steelhead from rearing behaviors within the action area.
- The ongoing vegetation maintenance and storm-drain maintenance, including inspection, cleaning, and disposal of waste material from the catch basins, performed by the County will only impact vegetation that is separated from AGC by the existing levee, thus effects to individual steelhead or PCEs of designated critical habitat including refuge and rearing habitat, on which steelhead rely, is discountable.
- Under certain circumstances, new culvert construction has the potential to cause stranding or trampling, however, culvert construction activities will occur approximately 30 feet from and 3 feet above the elevation of the low-flow channel. There will be no water present during construction activities, therefore no living space for threatened steelhead during this period of work, thus stranding or trampling of this species during construction is discountable.
- Sediment disturbance during construction in the upper-terrace-vegetation habitat from placement of the new culvert and outlet is anticipated by NMFS; however, because of the construction buffer, sediment disturbance in the upper terrace-vegetation habitat is expected to be minimized to an insignificant level with regard to designated critical habitat. Sediment disturbance will not likely degrade the upper terrace-vegetation habitat of AGC, which contributes to shading AGC and providing refuge habitat for steelhead. Furthermore, because of the buffer, sediment mobilized during construction is not expected to enter the waterway, and therefore effects to individuals from such sediment are discountable.

Conclusion

Based on this analysis, NMFS concurs with the County that the proposed action is not likely to adversely affect the subject listed species or designated critical habitat for this species.

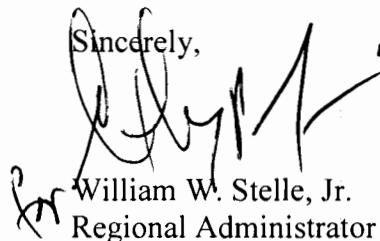
Reinitiation of Consultation

Reinitiation of consultation is required and shall be requested by the County or by NMFS, where discretionary Federal involvement or control over the action has been retained or is authorized by law and (1) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter; or if (3) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

Section 7(a)(1) of the ESA directs Federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of threatened and endangered species. The County also has the same responsibilities, and informal consultation offers action agencies an opportunity to address their conservation responsibilities under section 7(a)(1). NMFS released the Final South-Central California Coast Steelhead Recovery Plan (Plan) on December 20, 2013. The County can use this Plan as a tool for implementation of identified critical recovery actions for AGC (see page 12-20, Table 12-3⁵).

Please direct questions regarding this letter to Brittany Struck (Brittany.Struck@noaa.gov), Southern California Branch of the California Coastal Area Office, 562-432-3905.

Sincerely,



William W. Stelle, Jr.
Regional Administrator

cc: Ernest Molins, HUD, San Francisco
Katie Drexhage, County of San Luis Obispo
Daniel Robinson, California Coastal Commission, Santa Cruz
Administrative File: 151422SWR2013PR00289

⁵ Direct link to subject section of the Final Recovery Plan.

http://www.westcoast.fisheries.noaa.gov/publications/recovery_planning/salmon_steelhead/domains/south_central_southern_california/chapter_12_san_luis_obsipo_terrace_bpg_sccs_recovery_plan_final_-_20_december_2013.pdf



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2014-I-0022

February 14, 2014

Tony Navarro, Planner III
Department of Planning and Building
County of San Luis Obispo
976 Osos Street, Room 300
San Luis Obispo, California 93408

Subject: Informal Consultation for the Oceano Drainage Project at Highway 1 and 13th Street, San Luis Obispo County, California

Dear Mr. Navarro:

We have reviewed your letter dated October 28, 2013, and received in our office on October 29, 2013, requesting our concurrence with your determination that the Oceano drainage project at Highway 1 and 13th Street in Oceano, San Luis Obispo County, California, may affect but is not likely to adversely affect the federally threatened California red-legged frog (*Rana draytonii*). The project will receive funding from the U.S. Department of Housing and Urban Development (HUD). The County of San Luis Obispo (County) is making this request as the designated non-federal representative of HUD, under authorities of section 7(a)(2) of the Endangered Species Act of 1973, as amended (see enclosure).

The proposed project would design and construct new storm drain improvements to alleviate existing drainage issues along State Highway 1 in Oceano. The improvements would include new drainage inlets and conveyance of water by an underground pipe to a new concrete sediment basin along with roadside infiltrators that would capture and treat first flush storm runoff. The project also includes regular maintenance of sediment basins to remove trash, sediment and excessive vegetation. Construction duration is anticipated to span 5 months, starting in June 2014 and ending by November 2014; however, the project may be pushed to 2017 depending on the other permitting processes.

The County proposes to implement the following measures to avoid California red-legged frogs and their habitats:

- Project activities are proposed to occur during the dry season (typically from May 1 to November 1) when California red-legged frogs are less active;
- Exclusionary fencing will be erected at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent creek/wetland habitats;

Tony Navarro

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- Before any construction activities begin, a biologist will conduct a training session for all construction personnel that includes a description of species that may be encountered during construction, and the measures being implemented to conserve these species; and
- To avoid inadvertent impacts to California red-legged frog, a biological monitor will conduct preconstruction surveys in Arroyo Grande Creek and adjacent areas within the project site and continue monitoring during grading and construction activities. If a listed species is identified, the County will contact the U.S. Fish and Wildlife Service (Service) for consultation.

In a follow-up email on December 18, 2013, Katie Drexhage from the Environmental Programs Division, Public Works Department of the County, committed to implementing the following additional measures to avoid California red-legged frogs and their habitats. We changed the wording of some measures to improve clarity, but we have not changed the substance of the measures the County proposed.

- Only silt fencing, or other wildlife-safe methods, will be used to designate work limits along Arroyo Grande Creek levee for the construction of the new flapgate; no orange fencing will be used. A qualified biologist will also check the silt fencing on a daily basis for sensitive and/or listed species;
- If the National Weather Service forecast predicts a rain event of ½ inch or more over a 48 hour period for the worksite area, construction activities within 500 feet of Arroyo Grande Creek will be halted 24 hours before the rain event is anticipated to begin. Construction activities, for the purposes of this protective measure, consist of all activities which pose a risk of crushing dispersing amphibians including driving construction vehicles and equipment, and activities that alter the natural contours of the existing property including digging trenches, modifying drainages, vegetation clearing and grubbing, land grading, and pouring of building pads for new structures. After a rain event, a qualified biologist will conduct a pre-construction survey for amphibians dispersing through the project site. Construction will resume only after the site has sufficiently dried and the qualified biologist determines that amphibians are unlikely to be dispersing through the project site;
- All trenches will be covered at the end of each day to prevent the trapping or injury of any wildlife; and
- The new sediment basin will be shallow and will drain with no standing water remaining after 48 hours. Since the concrete basin provides flood control functions, vegetation establishment will be prevented within the basin to discourage wildlife from using it as habitat.

Arroyo Grande Creek provides habitat for California red-legged frogs, and the species is known to occur in the low-flow channel, which contains constant flowing water as a result of releases from Lopez Dam. This low-flow channel will not be disturbed during the project. The project

Tony Navarro

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may impact California red-legged frog habitat in the upper terrace area of Arroyo Grande Creek, and in a disturbed willow riparian woodland area adjacent to the County airport facilities. The upper terrace has been surveyed for California red-legged frogs on an annual basis between 2010 and present, and no frogs have been found.

We concur with your determination that the Oceano Drainage Project at Highway 1 and 13th Street may affect but is not likely to adversely affect the California red-legged frogs because:

- The low-flow channel habitat where California red-legged frogs are known to occur will not be impacted by construction activities;
- The project will be implemented during the dry season when California red-legged frogs are less likely to be actively dispersing;
- Surveys for California red-legged frogs have been conducted between 2010 and the present and have never detected any California red-legged frogs in the upper terrace area where the construction activities are planned to occur;
- Biological monitors will be present during construction activities to ensure California red-legged frogs will not be harmed by construction activities; and
- Water quality flowing into Arroyo Grande Creek is anticipated to improve as a result of this project.

If circumstances arise indicating that the proposed project may result in adverse effects to any federally-protected species, construction activities should be suspended and the Service should be contacted immediately to determine whether additional consultation is required. If you have any questions regarding this matter, please contact Jenny Marek of our staff at (805) 644-1766, extension 325.

Sincerely,



Colleen Draguesku
Acting Deputy Assistant Field Supervisor

Enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

In Reply Refer To:
FWS/AES/OCHR/006577

Memorandum

APR 17 2002

To: Regional Directors, Region 1, 2, 3, 4, 5, 6, and 7
Manager, California - Nevada Operations Office

From: **Deputy** Director
/s/ Marshall P. Jones

Subject: Endangered Species Act Consultation Compliance with "Responsible Entities"
under U. S. Department of Housing and Urban Development's Assumption
Authority (24 CFR Part 58)

The purpose of this memorandum is to clarify Service policy regarding consultation under section 7 of the Endangered Species Act for certain projects authorized by the Department of Housing and Urban Development. Under 12 HUD Programs, States, Indian Tribes, units of general local government and certain insular areas (Guam, the Northern Mariana Islands, the Virgin Islands, American Samoa, and Palau) are required to assume, or in some cases may choose to assume, the environmental compliance responsibilities that would otherwise be the responsibility of HUD. Nine of the programs for which these "responsible entities" may assume responsibilities are described in regulations found at 24 CFR Part 58. The three additional responsibilities are described in regulations found at 24 CFR Part 58. The three additional programs that by more recently-enacted statutory provisions are subject to the environmental provisions in Part 58 are: (1) assistance under the Native American Housing Assistance and Self-Determination Act of 1996, (2) loan guarantees for Indian housing under Section 184 of the Housing and Community Development Act of 1992, and (3) Housing Opportunities for Persons with AIDS grants under the AIDS Housing Opportunity Act. The regulations specifically mention that section 7 of the Endangered Species Act is one of the laws for which responsible entities may assume responsibility for compliance.

According to HUD regulations and statutes, when eligible general government applicants apply for and accept HUD money under 24 CFR Part 58 programs, they agree to become the "responsible entity." These local governments are directly responsible for ensuring compliance with those Federal environmental laws described in the regulation, and as such, they constitute the "Federal agency" responsible for consulting with the Service under section 7 of the Endangered Species Act. However, Indian Tribes under NAHASDA and Section 184 have the option of agreeing to be the "responsible entity" or having HUD retain environmental responsibility. The unit of general local government is requested to be the "responsible entity" in instances when the applicant is not a governmental entity.

Service offices should regard all requests for section 7 consultation from "responsible entities" as official requests submitted by a Federal action agency as defined under the interagency consultation regulations at 50 CFR part 402. Both HUD and the local government entity will submit certification letters to the Field Office with the request for section 7 consultation (see attachment) to reaffirm the status of the local government entity as the "responsible entity" under part 58. In addition, any questions about who the responsible entities are for a particular geographic area should be directed to the appropriate Community Planning and Development Director. A list of HUD regional/state contacts and a list of CPD Directors are attached.

According to HUD's regulations (24 CFR 58.5) and statutes, the "responsible entity's" assumption of responsibility for compliance with the Endangered Species Act, "particularly Section 7," includes both substantive as well as procedural compliance with section 7. Part 58 and the assumption provisions in HUD's statutes make the responsible entity the responsible Federal official at the project level for each project for which a Request for Release of Funds and certification is submitted and approved. For any activity that may require compliance with the Endangered Species Act or any of the other listed Federal environmental compliance provisions, "responsible entities" must give public notice and submit a request for release of funds to HUD along with a certification that they have fully carried out the environmental responsibilities they have assumed, and that they agree to Federal court jurisdiction for enforcement of these responsibilities. The Service should be notified by the "responsible entity" that a request for release of funds has been submitted to HUD for any action that was reviewed for section 7 compliance.

If a Federal agency makes a finding that the project is unsatisfactory from the standpoint of environmental quality, HUD may determine not to release any funds for the project or exercise other corrective measures. In the event that a "responsible entity" fails to follow the procedural and substantive requirements of section 7, the Service should notify HUD that the responsible entity has not satisfied the requirements of the Endangered Species Act. In particular, if the Service makes a jeopardy or adverse modification determination, a copy of the biological opinion should be provided to the appropriate CPD Director with a request for HUD not to release the funds without first coordinating with the Services (see attachment no. 4). In addition, if the responsible entity is not cooperative in implementing the Reasonable and Prudent Measures or the project is modified from that described in the biological opinion, it may be necessary to work with the appropriate CPD Director as HUD has continuing monitoring responsibilities.

Please direct any questions concerning this matter to Renne Lohofener, Chief, Division of Consultation, Habitat Conservation Planning, Recovery, and State Grants at (703) 358-2171.

Attachments

cc: 3012-MIB-FWS/Directorate Reading File
3242-MIB-FWS/AES RF
420-ARLSQ-FWS/TE
420-ARLSQ-FWS/TE BCH Ctrl #006577
420-ARLSQ-FWS/TE RF

FWS/TE:MMorgan:emj:2/19/02:703-358-2106:S:\BCH\HUD\HUD final v3.doc
Revised:MMorgan:emj:04/09/02

[CPD Director]
Field Housing and Urban Development Office

Re: Notification of Jeopardy/Adverse Modification determination by the Service on [project]

Dear [CPD Director]:

The U.S. Fish and Wildlife Service/National Marine Fisheries Service has determined that implementation of the proposed [project] by [responsible entity] will likely jeopardize the continued existence of [one or more species] and/or result in destruction or adverse modification of critical habitat. We have provided [responsible entity] the following reasonable and prudent alternatives:[list]. Because the biological opinion has found [jeopardy/destruction or adverse modification of critical habitat] the responsible entity is required to notify the Service of its final decision on the implementation of the reasonable and prudent alternatives.

We request that HUD not release the funds for the proposed project until the responsible entity has notified the Service of its intentions and HUD has coordinated the release with the Service.

If you have any questions or comments please contact [Name] at [number].

Sincerely,

Field Supervisor

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OCEANO COMMUNITY SERVICES DISTRICT

OCEANO DRAINAGE UTILITY RELOCATION PROJECT

**OCEANO, CA
CONTRACT NO. 2019-02**

EXHIBIT "G-2"

CALTRANS PERMIT 0517 NUL 0545

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

ENCROACHMENT PERMIT RIDER

TR-0122 (REV 6/99)

Collected By	Permit No. (Original) 0517 NUL 0545
Rider Fee Paid \$ Exempt	Dist/Co/Rte/PM 05-SLO-1-12.4
Date January 2, 2019	Rider Number 0519 NRT 0006

1st Rider

TO: [Ocean Community Services District
c/o Keone Kauo
1050 Southwood Drive
San Luis Obispo, CA 93401
ATTN: Paavo Ogren
PHONE: (805) 503-4573]

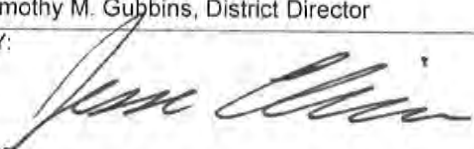
, **PERMITTEE**

In compliance with your request of January 2, 2019 we are hereby amending the above numbered encroachment permit as follows:

Original permit number 0517 NUL 0545 is void unless the work is completed before the extended date of July 3, 2019.

Except as amended, all other terms and provisions of the original permit and any rider thereto shall remain in effect.

Page 1 of 1

FILE Permittee Peter Mututwa-Whitley Garden RE Off. (Insp.) Cindy Knoeck-D.O.	APPROVED: Timothy M. Gubbins, District Director
	BY:  For Peter A. Hendrix, District Encroachment Permit Engineer

DEPARTMENT OF TRANSPORTATION

ENCROACHMENT PERMIT OFFICE
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3152
FAX (805) 549-3062
TTY 711
<http://www.dot.ca.gov/dist05>



*Making Conservation
a California Way of Life.*

January 22, 2018

05-SLO-1-12.4
0517 NUL 0545

Oceano Community Services District
c/o Cannon Associates
Attn: Keone Kauo, PE
1050 Southwood Dr
San Luis Obispo, CA 93401

Keone:

Attached is your approved encroachment permit. **DO NOT BEGIN WORK UNTIL YOU HAVE FIRST READ THE PERMIT CAREFULLY AND COMPLETELY, AND CONTACTED THE STATE INSPECTOR LISTED ON YOUR PERMIT.**

Failing to comply with the above requirements will result in the rejection of your future application or denial of your request.

Notification requirements that will impact your work schedule:

1. Changes to horizontal or vertical clearances; minimum of 25-day advance notification.
2. Lane closures; completed "Weekly Traffic Update" form must be submitted by noon the Tuesday prior to date of lane closure.
3. Public Affairs; completed "Public Affairs – Permitted Activity Notification" form must be submitted by noon the Wednesday prior to begin activity date.
4. Contact the Caltrans Permit Inspector to coordinate the items above, and to schedule a pre-job meeting a minimum of two working days prior to starting work.

This permit is a legal and binding contract once work on it has begun. You are subject to the provisions contained in the permit and in the attached Encroachment Permit General Provisions. If there is any question regarding interpretation of any detail in the permit or the General Provisions, you may contact the inspector listed on your permit or our office at (805) 549-3152. Thank you in advance for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter A. Hendrix".

Peter A. Hendrix
District Encroachment Permit Engineer

ENCROACHMENT PERMIT

TR-0120 (REV. 6/2012)

Permit No. 0517 NUL 0545	
Dist/Co/Rte/PM 05-SLO-1-12.4	
Date January 22, 2018	
Fee Paid \$ Exempt	Deposit \$
Performance Bond Amount (1) \$	Payment Bond Amount (2) \$
Bond Company	
Bond Number (1)	Bond Number (2)

In compliance with (Check one):

- Your application of **October 25, 2017**
- Utility Notice No. _____ of _____
- Agreement No. _____ of _____
- RW Contract No. _____ of _____

TO: Oceano Community Services District
c/o Cannon Associates
Attn: Keone Kauo, PE
1050 Southwood Dr
San Luis Obispo, CA 93401

Phone: (805) 503-4573
Permittee's Reference No.

, PERMITTEE

And subject to the following, PERMISSION IS HEREBY GRANTED to:

Adjust profile of approximately 100 LF of 12-inch PVC water main to accommodate proposed storm drain improvements under Encroachment Permit 0516-NDD-0338 as shown on the attached plans and as directed by the permit provisions in State Route 1 right of way at postmile 12.4 in the County of San Luis Obispo.

Permittee must contact the State Permit Inspector listed below, a minimum of two working days prior to commencing work to arrange a pre-job meeting in accordance with Provision 6 of the attached General Provisions. When work has been interrupted for more than five (5) working days, the Permittee must notify the Caltrans Permit Inspector a minimum of two working days prior to restarting work unless a pre-arranged agreement has been made with the Department's representative.

State Permit Inspector: Peter Mututwa	Phone: (805) 549-3418
Email: peter.mututwa@dot.ca.gov	Fax: (805) 549-3062

The issuance of this permit does not entitle the Permittee to start work immediately within the Caltrans right of way. If Permittee's operations will reduce the vertical roadway clearance, horizontal roadway clearance, or detour traffic, implementation of prescribed traffic control measures may require up to a 25-day waiting period from date of traffic control notification and the submittal of the attached "Weekly Traffic Update" form.

THIS PERMIT IS NOT A PROPERTY RIGHT AND DOES NOT TRANSFER WITH THE PROPERTY TO A NEW OWNER.

The following attachments are also included as part of this permit (Check applicable):	In addition to fee, the Permittee will be billed actual costs for:
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No General Provisions (TR-0045)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Review
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Utility Maintenance Provisions	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Inspection
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Special Provisions	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Field Work
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No A Cal-OSHA permit, if required: Permit No. _____	(If any Caltrans effort expended)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No As-Built Plans Submittal Route Slip for Locally Advertised Projects	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Std. Storm Water Pollution Prevention Special Provisions	

Yes No The information in the environmental documentation has been reviewed and is considered prior to approval of this permit.

This permit is void unless the work is complete before **July 31, 2018**

This permit is to be strictly construed and no other work other than specifically mentioned is hereby authorized.

No project work shall be commenced until all other necessary permits and environmental clearances have been obtained.

cc:
Permit File
Peter Mututwa-Permit Office (Insp.)
Cindy Knoeck-D.O.

APPROVED:



Timothy M. Gubbins, District Director

BY:

Peter A. Hendrix, District Encroachment Permit Engineer

ADDITIONAL ATTACHMENTS

- Attached if checked:
- WEEKLY TRAFFIC UPDATE
 - PUBLIC AFFAIRS PROJECT NOTIFICATION
 - CALTRANS STANDARD PLANS T9-T14
 - FORM DC-CEM-3101
 - PEDESTRIAN SAFETY (MCP)
 - SIDEWALKS (CS)
 - STEEL PLATE BRIDGING UTILITY PROVISIONS (TR-0157)
 - SURVEYS (SV)
 - TRAFFIC STRIPING, MARKERS, & SIGNS (MSC)
 - UTILITY ANNUAL PROVISIONS (UE) (TR-0160)
 - UTILITY MAINTENANCE PROVISIONS (UM) (TR-0161)
 - UTILITY UNDERGROUND PROVISIONS (UG) (TR-0163)
 - ENCROACHMENT PERMIT TRENCH DETAIL (TR-0153)
 - Other:
 - Permit Inspector Territories Map and Contact Information
 - Limits of Grind and Overlay for Pavement Replacement
 - Typical Temporary Sign Support Details

PLANS AND SPECIFICATIONS

If conflicts arise between Special Provisions, Plans, Caltrans Standard Plans, Standard Specifications, or other Caltrans standards, the Caltrans Inspector shall make the final determination regarding selection or interpretation of standards and/or specifications. State Standards and Specifications must apply to all work within the State right of way unless directed otherwise by the State Inspector. Reference to the Engineer in the State Standard Specifications must include the State Representative (Caltrans Permit Inspector or District Encroachment Permit Engineer).

Attention is directed to Section 5 of the current State Standard Specifications and the Encroachment Permit General Provisions (TR-0045) regarding control of work and permit work plan revisions. Additionally, the State Permit Inspector may require reasonable additions, modifications, or revisions to the scope of work at no cost to the State if the change is in the best interest of the State facility where the encroachment permit is being granted and Caltrans policy, Standard Specifications, or Permit Provisions are unclear.

WORK HOURS

All work on this permit must be performed on weekdays between the hours of 9:00 AM and 3:00 PM, excluding designated legal holidays, unless stated otherwise for traffic control. The State Inspector must approve deviations from these hours in advance.

All work that will impact the normal operations of Caltrans traffic signal facilities must be performed under traffic control and during the hours approved by the Caltrans Inspector and Caltrans District 5 Traffic Management Center.

Designated legal holidays are:

January 1st - (New Year's Day), the third Monday in January - (Martin Luther King Jr. Day)

The third Monday in February - (Washington's Birthday)

March 31st - (Cesar Chavez's Day)

The last Monday in May - (Memorial Day)

July 4th - (Independence Day)

The first Monday in September - (Labor Day)

November 11th - (Veteran's Day), 4th Thursday and Friday in November - (Thanksgiving Holiday)

December 25th - (Christmas Day)

When a designated legal holiday falls on a Sunday, the following Monday shall be a designated legal holiday. When November 11th falls on a Saturday, Friday November 10th shall be a designated legal holiday.

CONDITIONS OF APPROVAL/SPECIAL REQUIREMENTS

Encasement required for entire length of installation within Caltrans right-of-way.

DOUBLE PERMIT

Notwithstanding General Provision #4, your Contractor is required to apply for and obtain an encroachment permit prior to starting work. The Contractor must include a fee deposit of \$1,230.00 with the encroachment permit application, made payable to the State of California Department of Transportation, to compensate the State for the estimated time needed to inspect that portion of construction within the State's right of way. The Contractor will be billed for any amount exceeding the deposit, or refunded any unused portion thereof after completion of the project. The Contractor's encroachment permit application must state that it is a "Double Permit for permit number 0517 NUL 0545."

The Permittee's contractor is responsible to provide a traffic handling plan. Traffic handling plan must be prepared by a Registered Civil Engineer.

The Permittee's contractor is responsible to provide an excavation protective system in compliance with California Code of Regulations, Title 8 – Industrial Relations, Division 1 – Department of Industrial Relations, Chapter 4 – Division of Industrial Safety, Subchapter 4 – Construction Safety Orders, Article 6 - Excavations, Section 1541.1 – Requirements for Protective Systems; for the protection of personnel in excavations and to preserve the stability of the roadbed and other structures.

The Permittee's contractor is responsible to provide a Water Pollution Control Plan document using the Caltrans template found at the link below and the following information.

<http://www.dot.ca.gov/hq/construc/stormwater/>

Traffic handling plan, excavation protection system plan, and storm water document must be submitted for approval to Caltrans Permits Department prior to the issuance of the double permit. Construction must not begin until the double permit has been issued.

The application and material for the double permit may be mailed or delivered to:

CALTRANS
ENCROACHMENT PERMIT OFFICE
Attention: Jesse Cline
50 Higuera Street
San Luis Obispo, CA 93401

Any questions concerning the double permits should be directed to Jesse Cline at (805) 549-3830.

NOTIFICATIONS

Notice of Materials Used

Permittee's attention is directed to the State Standard Specification – Section 6 “Control of Materials.”

The Permittee must bear all costs for source material inspection. Please note that these materials may require source inspection and approval at the manufacturer's plant.

Permittee shall be solely responsible to furnish a list of materials to be used on the permitted project by completing the attached Form CEM-3101 "Notice of Materials Used" for traffic signal standards, lighting (electrolier) standards, metal poles, mast arms, foundation bolts, overhead sign trusses, guard rail components, column casings, epoxy coated rebar, reinforced concrete pipe, steel girders, sign panels, and other items as specified by the State representative. Form must be submitted to the Caltrans Permit Inspector and METS Material Administrator.

The METS Material administrator must determine which materials will require source inspection and which will require onsite inspection in coordination with the Caltrans Permit Inspector. Additional form submissions may be required to address additional items that require source inspection.

Please allow a minimum of six weeks for source inspection, testing, and approval of materials to be used.

The METS Material Administrator can be reached via fax at 916-227-7084 or via email at materials_administrator-METS@dot.ca.gov.

TRAFFIC CONTROL AND PUBLIC SAFETY

All traffic control must be performed under the direction of qualified and competent traffic control personnel. If it becomes apparent to the Caltrans Permit Inspector that the Permittee's contractor does not have adequately trained and competent staff to perform traffic control, the Permittee or Permittee's contractor must hire a suitable contractor to provide traffic control.

Traffic control and construction zone signing must be performed per an approved traffic control plan.

In the absence of a project specific traffic control plan:

All traffic control must be performed in compliance with the applicable Caltrans Standard Plans for traffic control, California Manual on Uniform Traffic Control Devices, or as approved by and as directed by the Caltrans Permit Inspector,

or

If requested by the Caltrans Permit Inspector, Permittee or Permittee's contractor must provide a traffic control plan prepared by a duly licensed individual for review and approval. Plans must bear the licensed individual's signature and identifying licensing information.

All traffic control personnel performing flagging operations must be trained in accordance with Cal/OSHA Title 8, Division 1, Chapter 4, subchapter 4 Construction Safety Orders, Article 11, Section 1599 (f) and (g), and must provide certification of training if requested by the State Permit Inspector.

All traffic control devices must comply with the current California Manual of Uniform Traffic Control Devices.

The Permittee must provide all traffic control devices and personnel. All expenses incurred from traffic control operations must be borne by the Permittee.

Work must not interfere with traffic and no equipment must be parked on or operated from the traveled way unless approved by the Caltrans representative.

Notwithstanding lane closures noted in the traffic control plans or elsewhere in this permit, the full width of the traveled way must be open for use by public traffic on Saturdays, Sundays, designated legal holidays, the day preceding designated legal holidays, after 3:00 PM on Fridays, and when construction operations are not actively in progress.

On multilane roadways, a minimum of one-paved traffic lane, not less than 12 feet wide, must be open for use by public traffic in each direction of travel.

On 2-lane, two-way roadways a minimum of one-paved traffic lane not less than 12 feet wide must be open for use by public traffic. When construction operations are not actively in progress, not less than 2 of these lanes must be open to public traffic.

If approved by the State Inspector, one lane may be closed during construction and public traffic stopped for periods not to exceed 5 minutes. After each closure, all accumulated traffic must be allowed to pass through the work before another closure is made. Lane closures must not exceed 0.5 mile in length.

Minor deviations from the requirements of this section concerning hours of work may be permitted upon the written request of the Permittee if, in the opinion of the Inspector, public traffic will be better served and the work expedited. The Permittee must not adopt these deviations until the Inspector has approved them in writing.

Except for installing, maintaining and removing traffic control devices, whenever work is performed or equipment is operated in the following work areas the Permittee must close the adjacent traffic lane:

APPROACH SPEED OF PUBLIC TRAFFIC (Posted Speed Limit) (mph)	WORK AREA
Over 45	Within 6 feet of a traffic lane but not on a traffic lane.
35 to 45	Within 3 feet of a traffic lane but not on a traffic lane.

The lane closure provisions of this section shall not apply if permanent railing, temporary railing or a barrier protects the work area.

“NO PARKING” zones must be posted a minimum of 48 hours in advance of proposed parking lane closure.

Suspended Loads

Suspended loads or equipment must not be moved nor positioned over public traffic or pedestrians.

GENERAL REQUIREMENTS

Project/Work Site

All disturbed areas must be restored to original or better condition.

Any change in the existing drainage pattern, whether occasioned by increase or diversion, and the cost of damage, repair or restoration of the State highway right of way must be the responsibility of the Permittee.

No earth or construction materials are to be dragged or scraped across the highway pavement. No excavated earth shall be placed or allowed to remain at a location where it can be tracked on the highway traveled way, public or private approach by the Permittee’s construction equipment or by traffic entering or leaving the highway traveled way. The Permittee must immediately remove excavated earth or mud so tracked onto the highway pavement or public or private approach.

No excavation, maintenance hole, pull box, or vault shall be left open overnight or unattended during work hours without written permission from the Caltrans representative and adequate protection for traffic and pedestrians is provided.

Personnel Protective/Safety Equipment

All personnel working within the State right of way must wear the appropriate personnel safety/protective equipment as specified by the personnel's employer's "Injury and Illness Prevention Program" required by the California Code of Regulations 3203. If requested by the Caltrans Permit Inspector, personnel's employer must provide a copy of said "Injury and Illness Prevention Program" and identify the locations within the document that addresses, but not limited to, personal protective equipment, head protection, and warning garments.

In the absence of an "Injury and Illness Prevention Program," all other personnel within the project work zone must conform to the personnel protective/safety equipment requirements in the latest edition of the Caltrans Safety Manual.

Aerially Deposited Lead (ADL) for Minimal Disturbance

Permittee must reuse the soil within the work limits in the immediate area from which it was excavated. If any excess soil is generated, it becomes the property of the Permittee. Permittee must transport all excess soil outside of Caltrans' right-of-way, and dispose of it in accordance with all applicable environmental laws and regulations.

Construction Debris and Waste Materials

The Permittee solely owns all construction debris and waste materials, including hazardous waste, generated by this permitted project. Said materials must be removed from the State right of way, stored, and disposed of in accordance with applicable local, regional, State, and Federal specifications or regulations. Construction debris and waste materials must be disposed of:

at designated off-site commercial facilities approved to accept said materials;

at non-commercial permitted sites approved to accept said materials (Permittee must provide copies of all necessary local and State agency permits prior to disposal.);

or at sites outside of the State of California approved to accept said materials (Permittee to provide copies of permits issued by the local and State agency with jurisdiction over the site prior to disposal.).

Permittee must provide a copy of documentation as proof of the proper disposal of said materials if so requested by the State Permit Inspector.

Survey Monumentation

Permittee's attention is directed to Section 5-1.36, "Property and Facility Preservation," Caltrans Standard Specifications and "Professional Land Surveyors' Act," Section 8771 of the State of California Business and Professions Code. Permittee must physically inspect the work site and locate survey monuments

prior to work commencement. Monuments that might be disturbed must be referenced or reset in accordance with the standards mentioned above.

If feasible, monuments should not be set within the traveled way. All monuments that must be set or perpetuated in paved surfaces must be constructed in accordance with Caltrans Standard Specifications, Section 78-2, "Survey Monuments," and Caltrans Standard Plan A74, Type D, or equal with prior approval of the District Surveys Engineer.

Copies of Corner Record files or Record of Surveys recorded in compliance with the Business and Professions Code must be forwarded to the Caltrans District 5 Surveys Engineer at the following address:

Department of Transportation
Survey Section
Attn: Jeremy Villegas
50 Higuera Street
San Luis Obispo, CA 93401

Material Testing

Material testing and quality control must conform to the State Construction Manual and to the State Material Testing Manual. Testing must be performed by a certified material-testing consultant acceptable to the State and paid for by the Permittee. Material testing and quality control tests must be performed as required by the State's Inspector and the results thereof must be made immediately available.

All required construction compliance tests must be performed with the California Test Methods and must be in accordance with the latest edition of Caltrans Independent Assurance Program Manual. A Caltrans certified laboratory must also perform all tests and all laboratory reports must be furnished to the Department's representative at no cost to the State.

Backfill Requirements

All backfilling and compaction must conform to the applicable sections of the Department's Standard Specifications Section 19-5 "Compaction."

Backfilling using ponding or jetting methods are prohibited.

Caltrans Standard Specification 2-sack slurry cement should be used for backfill under all paved surfaces to expedite roadway repairs.

All backfill material must comply with and must be constructed per Caltrans Standard Specifications.

Backfill material must be approved by the Caltrans Permit Inspector prior to beginning excavation.

Culverts with less than 2 feet of cover must be backfilled as directed by the State Inspector with minor concrete conforming to the provisions in **Section 90-2** of the Caltrans Standard Specifications.

Relative Compaction (90 Percent)

Embankment compaction beyond the roadbed or outside of structure backfill must not be less than 90 percent relative compaction unless stated otherwise in the Caltrans Standard Specifications or Caltrans Highway Design Manual.

Relative Compaction (95 Percent)

Relative compaction of not less than 95 percent must be obtained for a minimum depth of 0.5-foot below the grading plan for the width between the outer shoulders, whether in excavation or embankment.

In addition, relative compaction of not less than 95 percent must be obtained for a minimum depth of 2.5 feet below the finished grade for the width of the traveled way plus 3 feet on each side thereof, whether in excavation or embankment.

For limits of 95 percent compaction of embankment adjacent to abutments and for retaining walls without pile foundations reference Caltrans Standard Specifications Section 19-5.03B.

Existing Trees and Vegetation

Unless stated elsewhere in this permit or shown on the approved permit plans, this permit does not authorize the removal, severing of roots or trimming of vegetation. If work of this nature is required, a written request and approval, by the Caltrans Permit Inspector, is required in advance of performing the work. Replacement planting may be required as a mitigation measure. Excavations should be done outside of drip line to reduce tree damage and integrity of trees. If excavations must be made within the drip line of trees (or extending tree roots) along the right of way, the trenches must be hand dug and the utility routed beneath or around root structure. Major tree roots must not be cut or damaged. Additionally, the exposed roots must be wrapped and kept moist until the excavation is back filled with the native material. Requests for exceptions must be accompanied by an Arborist's recommendation.

Archaeological/Cultural Requirements

If archaeological resources or human remains are accidentally discovered during construction, work must be halted within 150 feet of the find until a qualified professional archaeologist can evaluate it. Permittee must notify Caltrans District Archaeologist Krisstin Sibley, (805) 549-3193, about the discovery immediately. If the find is determined to be significant, appropriate mitigation measures must be formulated and implemented.

Signs

Installation of roadside signs must comply with all applicable portions of the current Caltrans Standard Specifications Section 56-3, Caltrans Standard Plans, California Manual on Uniform Traffic Control Devices, and Caltrans policies.

Temporary and permanent signs placed within the State right of way must comply with minimum retroreflectivity requirements of the most current of the following: Federal Highway Administration Manual on Uniform Traffic Control Devices - Section 2A.08, Caltrans Standards, or Caltrans policy.

With the exception of white background signs, retroreflective sheeting must conform to ASTM D4956-13 Type XI and Caltrans "Prequalified and Tested Signing and Delineation Materials."

White background sign retroreflective sheeting must conform to ASTM D4956 Type VIII or Type IX and Caltrans "Prequalified and Tested Signing and Delineation Materials."

Retroreflective sheeting must be applied to sign panels as recommended by the retroreflective-sheeting manufacturer without stretching, tearing or damage.

Roadside signs mounted on post(s) must be placed at locations shown on the permit plans and must be installed in compliance with the latest edition of Caltrans Standard Plan RS1 through RS4.

Temporary signs mounted on barricades and barricade/sign combinations must be crashworthy.

The bottom of a temporary sign mounted on a barricade, or other portable support, must be at least 1 foot above the traveled way or the existing surface at the location of placement.

Proposed sign placement must not interfere with the visibility of any existing warning, regulatory, information or guide signs along the State Highway.

A safe pedestrian passageway width of 4 feet must be maintained at any sign installation in areas normally traversed by pedestrians. The minimum passageway adjacent to a drop off, such as a curb face or gutter must be at least 5 feet.

Paving - Type A Hot Mix Asphalt (Type A HMA)

The structural section of the new pavement should have been determined in accordance with pre-project R-value tests of the soil and the Traffic Index value for that portion of roadway as shown on the approved plans, and must be no less than the adjacent pavement. If any question should arise concerning the R-values and Traffic Index values, the Caltrans Permit Inspector shall make the final determination regarding which values will be used.

If basement soils differ from the anticipated site conditions, the Caltrans Permit Inspector may request R-value verification tests at spot locations at no cost to the State.

Once excavation has been initiated to place a structural section for pavement replacement, complete excavation, placement of structural base courses, and paving must be performed in succession and continuously, without delay, until completed.

Newly placed asphalt concrete roadway pavement or shoulder paving must have a minimum width of 3 feet or as directed by the State's inspector to allow a roller compactor to compact the roadway section without contact over existing surfaces. Pavement or shoulder sawcutting to acquire the 3 feet minimum width must be done radial to or perpendicular to the lip of curb, curb face, edge of pavement, centerline or as directed by the State Inspector.

Asphalt concrete must be Type A HMA, 1/2, 3/4, or 1 inch aggregate gradation, and must conform to the specifications in Section 39, "Asphalt Concrete", of the Caltrans Standard Specifications.

The placement and use of asphalt concrete products, which includes but not limited to, asphalt, aggregate, pavement reinforcing fabric, storage, drying, proportioning, mixing, subgrade preparation, prime coat, paint binder (tack coat), spreading and compacting must comply with Caltrans Standard Specifications – Section 39, "Asphalt Concrete".

All conform locations in open cuts or where new paving meets existing paving must be saw cut to a neat line the full depth of the pavement with a power driven saw or rock cutting excavator before removing any surfacing. The surfacing to remain in place must not be disturbed or displaced by cutting or removal methods employed.

The area to which paint binder has been applied must be closed to public traffic. Care must be taken to avoid tracking binder material onto existing pavement surfaces beyond the limits of construction.

A drop-off of more than 0.15 feet will not be allowed at any time between adjacent lanes open to public traffic.

At the end of each working day if a difference exists between the elevation of the existing pavement and the elevation of any excavation within 15 feet of the traveled way, material must be bladed up and compacted against the vertical cuts adjacent to the traveled way. During excavation operations, native material may be used for this purpose; however, once the placing of the structural section commences, structural material must be used. The material must be placed to the level of the top of existing pavement and tapered at a slope of 4:1 (horizontal:vertical) or flatter to the bottom of the excavation.

Department Standard Specifications

39-2.02B(11) Type A Hot Mix Asphalt Production

If RAP is used, the asphalt plant must automatically adjust the virgin asphalt binder to account for RAP percentage and RAP binder.

During production, you may adjust hot- or cold-feed proportion controls for virgin aggregate and RAP. RAP must be within ± 3 of RAP percentage described in you contractor Job Mix Formula Proposal form without exceeding 25 percent.

39-2.02C Construction

Where the pavement thickness shown is greater than 0.30 foot, you may place Type A HMA in multiple lifts not less than 0.15 foot each. If placing Type A HMA in multiple lifts:

1. Aggregate gradation must comply with the requirements shown in the following table:

Aggregate Gradation Requirements

Type A HMA lift thickness	Gradation
0.15 to less than 0.20 foot	½ inch
0.20 foot to less than 0.25 foot	¾ inch
0.25 foot or greater	¾ inch or 1 inch

2. Apply a tack coat before placing a subsequent lift.
3. The Engineer evaluates each HMA lift individually for compliance.

Spread Type A HMA at the ambient air and surface temperatures shown in the following table:

	Minimum Ambient Air and Surface Temperatures			
	Ambient air (°F)		Surface (°F)	
	Unmodified asphalt binder	Modified asphalt binder	Unmodified asphalt binder	Modified asphalt binder
<0.15	55	Lift thickness (feet)	60	55
≥0.15	45	45	50	50

For method compaction, the maximum lift thickness must be 0.25 foot.

For Type A HMA placed under method compaction, if the asphalt binder is:

1. Unmodified, complete:
 - 1.1. 1st coverage of breakdown compaction before the surface temperature drops below 250 degrees F
 - 1.2. Breakdown and intermediate compaction before the surface temperature drops below 190 degrees F
 - 1.3. Finish compaction before the surface temperature drops below 150 degrees F
2. Modified, complete:
 - 2.1. 1st coverage of breakdown compaction before the surface temperature drops below 240 degrees F
 - 2.2. Breakdown and intermediate compaction before the surface temperature drops below 180 degrees F
 - 2.3. Finish compaction before the surface temperature drops below 140 degrees F

EXISTING FACILITIES

Existing improvements must be protected or relocated as required by the work authorized by this permit. If existing improvements including pavement markings and delineation are damaged or their operation impaired by this work, they must be replaced or restored to the satisfaction of the Caltrans representative. Such work must be done immediately if requested by the Caltrans representative.

IT SHALL BE THE PERMITTEE'S RESPONSIBILITY TO FULLY INVESTIGATE THE PROPOSED WORK AREA FOR POSSIBLE CONFLICTS WITH EXISTING UTILITIES AND FACILITIES, INCLUDING BUT NOT LIMITED TO SEWERS, ELECTRICAL CONDUCTORS, GAS LINES, WATER PIPES AND TRAFFIC SIGNAL FACILITIES. THE PERMITTEE AGREES TO ACCEPT ALL LIABILITY FOR DAMAGES DONE TO EXISTING FACILITIES CAUSED BY THE WORK AUTHORIZED UNDER THIS PERMIT.

Caltrans Traffic Signals, Lighting, and Electrical Facilities

Caltrans does not subscribe to underground utility locating services. It is the Permittee's sole responsibility to investigate, locate, and mark existing Caltrans traffic signal equipment, loops, conduits, and street lighting facilities prior to work in or between signalized intersections and street lighting facilities.

If it is apparent that impacting traffic signal conduits during construction will be unavoidable Permittee must install temporary overhead wiring for the signal at Permittee's own expense. Permittee must have on hand at all times all necessary equipment and personnel needed to provide traffic control at an intersection should the traffic signal malfunction.

If a signal detector loop, including the portion leading to the adjacent pull box is damaged by Permittee's operations the entire detector loop must be replaced, in kind, within 24 hours of the occurrence. If an adjacent loop is damaged during the replacement, that loop must also be replaced. The Caltrans Inspector must be notified immediately when damage occurs. Arrangements for Caltrans Electrical operations staff must be made to have the traffic signal controller reprogrammed.

Utility Relocations

If existing public or private utilities conflict with the construction PROJECT, PERMITTEE will make necessary arrangements with the owners of such utilities for their protection, relocation, or removal. PERMITTEE must inspect the protection, relocation, or removal of such facilities. Total costs of such protection, relocation, or removal which STATE or PERMITTEE must legally pay, will be borne by PERMITTEE. If any protection, relocation, or removal of utilities is required, including determination of liability for cost, such work must be performed in accordance with STATE policy and procedure. PERMITTEE must require any utility company performing relocation work in the STATE's right-of-way to obtain a State Encroachment Permit before the performance of said relocation work. Any relocated utilities must be correctly located and identified on the as-built plans.

WATER POLLUTION CONTROL

Discharge of Storm Water and Non-Storm Water

Work within State highway right-of-way must be conducted in compliance with all applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Department of Transportation (Department), to govern the discharge of storm water and non-storm water from its properties. Work must also be in compliance with all other applicable Federal, State and Local laws and regulations, and with the Department's Encroachment Permits Manual and encroachment permit.

The Department's NPDES Permit requires the Permittee to comply and maintain, if applicable, the approved Storm Water Special Provisions for Minimal or No Impact (TR-0400), Water Pollution Control Program, or Storm Water Pollution Prevention Plan.

The Contractor (permittee) must be responsible for fines assessed or levied against the Contractor or the Department as a result of the Contractor's (permittee) failure to comply with these provisions. Fines shall include civil liability fines, criminal penalties and/or damages, assessed, or levied against the Department or the Contractor, Contractor liability for failure to comply with these provisions shall also include reimbursement for payments made or costs incurred by the Department in settlement for alleged violations of the Permits, the Manuals, or applicable laws, regulations, or requirements. Costs incurred could include sums spent in lieu of fines or penalties, in mitigation or to remediate or correct violations.

In the event that an unforeseen illicit discharge is generated during construction activities and the Caltrans Permit Inspector cannot be contacted, the Permittee or Permittee's contractor must contact the Encroachment Permit Storm Water Coordinator, Bryan Parker (805) 459-3980 immediately. The Permittee or Permittee's contractor is responsible to contain and remediate the illicit discharge as directed by the Caltrans Permit Inspector or Encroachment Permit Storm Water Coordinator at no cost to the State.

Unless stated otherwise in this permit, approved plan, or approved specifications, seeds sown for erosion control must achieve 70% germination over the disturbed soil area as determined by the Caltrans Permit Inspector.

The Caltrans Permit Inspector must approve the seed mix prior to its application.

PROJECT COMPLETION

As-Built Requirement

Upon completion of the project, the Permittee must submit "As-Built" plans to the State Inspector showing the actual location of the newly constructed facility to the nearest 0.1-foot horizontally and vertically. Plans must be stamped "As-Built" and signed by the Permittee's representative who was responsible for overseeing the work. Work shall be considered incomplete until the receipt of the "As-Built" plans.

Immediately following completion of the work permitted herein, the Permittee must fill out and mail the Notice of Completion attached to this permit.

PLEASE USE THE ATTACHED ENVELOPE (PRE-PAID POSTAGE) TO SEND THE ATTACHED NOTICE OF COMPLETION AND QUESTIONNAIRE. THANK YOU!

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
ENCROACHMENT PERMIT ANNUAL UTILITY PROVISIONS

TR - 0160 (Rev. 12/2006)

Any public utility or public corporation, who lawfully maintains a utility encroachment, or their agent, may perform routine or emergency maintenance on such facility in accordance with the following provisions:

- UE1. EXCLUSIONS:** These provisions do not authorize tree trimming, work on freeways, expressways, aerial capacity increases on designated "Scenic Highways," or other activities not specifically provided for in this permit.
- UE2. POSSESSION OF PERMIT REQUIRED:** The permit or a copy thereof shall be kept at the work site and must be shown to any Departmental representative or any law enforcement officer on demand. **WORK SHALL BE SUSPENDED IF PERMIT IS NOT AT JOB SITE AS REQUIRED.**
- UE3. NOTICE REQUIRED:** The permittee shall notify the Department's representative and the Transportation Management Center (TMC) 7 days before initiating a lane closure. A conformation notification should occur 3 days before closure. In emergency situations that may impact traffic, TMC and the Department's representative shall be notified as soon as possible.
- UE4. STANDARDS OF WORK:** All work shall conform to recognized standards of utility construction and Department's current Standard Specifications, Environmental and Stormwater requirements.
- UE5. EMERGENCY REPAIRS:** The permittee may make emergency repairs, alter traffic flow, and excavate through improved surfaces only when breaks in the conduit, cable, or pipeline over or under the pavement presents a definite public hazard or serious interruption of essential services. In such cases, the Department's representative shall be notified immediately.
- UE6. OPEN EXCAVATIONS:** No excavation shall be left open after daylight hours unless specifically authorized and adequate protection for traffic is provided in accordance with General Provisions, "Public Traffic Control." Backfill and pavement replacement shall be performed in accordance with General Provisions, "Restoration and Repairs in Rights of Way."
- UE7. TRAFFIC CONTROL HOURS:** Work requiring traffic control shall be conducted between 9:00 a.m. and 3:00 p.m. or as otherwise authorized by the Department's representative.
- UE8. WORK PERMITTED - AERIAL:**
1. Install additional capacity (in the same location), except facilities over the traveled way, on designated "Scenic Highways," or on Structures.
 2. Maintain, inspect, remove, repair or replace (in the same location) all aerial facilities except over the traveled way or on Structures, this requires the placement of "H" poles and netting as per TR-0108, located in Appendix "E" of the Encroachment Permits Manual, under a new permit.
 3. Permittee is authorized to clear grasses from around base of poles and excavate around poles for inspection, including tamping and straightening.
 4. Perform insulator washing and interconnect splicing of cables.
 5. Install or remove service connections with potential to ground of 300 volts or less, except over the traveled way.
 6. Install, maintain, remove, repair or replace aerial service connections with potential to ground of 300 volts or less, except over the traveled way, unless specifically stated in permit.
7. Installations and clearances shall be equal to those required by either the State of California Public Utilities Commission orders or the California Occupational Safety and Health Regulations (CAL-OSHA), Division of Industrial Safety, Safety Orders, promulgated in the California Code of Regulations, Title 8, Chapter 4, whichever is greater.
- UE9. WORK PERMITTED - UNDERGROUND:**
1. Maintain, inspect, remove, repair or replace (in the same location) all underground facilities except those requiring trenching in the traveled way.
 2. Install additional capacity in existing ducts except for facilities not in compliance with the Department's current "Manual on High and Low Risk Facilities within Highway Rights of Way" or on Structures.
 3. Install air flow monitoring transducers and piping in existing ducts.
 4. Barholing, potholing, cleaning, rodding and placing float ropes.
 5. Adjust access cover to grade and replace in kind or with larger size pull boxes.
 6. Interconnect splicing of cables.
 7. Install service connections perpendicular to the highway using either directional drilling, jacking and boring, or trenching methods as determined by the District Permit Engineer. Electrical service is restricted to a potential to ground of 300 volts or less. Gas and domestic water services are restricted to 2" in diameter or less.
 8. Permanent pavement patching for work authorized by this permit.
- UE10. POLE MAINTENANCE & CHEMICAL TREATMENT:**
1. Utility Companies are to provide a list of the pole identification, locations, type of chemicals and quantities used for their pole treatment maintenance operations. This information shall be provided upon expiration of their annual permit or upon request of the Department during the annual/biennial permit life as needed.
 2. Utility Companies shall submit copies of the MSDS sheets for all chemical compounds to be used in their pole treatment maintenance operations, in conjunction with the permit application submittal.
 3. Utility Companies are to notify the District Landscape Specialist or their designee and the District Encroachment Permits Office when there is any change or modification in the type(s) of chemical used in their pole treatment maintenance operations.
 4. Prior to any application of Tree Growth Regulators (TGR) approval shall be obtained from the District Landscape Specialist or their designee, and the products used must be on the Caltrans approved chemical list.
- UE11 FAILURE TO COMPLY:** Failure to comply with the terms and conditions above shall be grounds for permit revocation.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

ENCROACHMENT PERMIT UTILITY MAINTENANCE PROVISIONS

TR - 0161 (Rev. 05/2006)

Any public utility or public corporation who lawfully maintains a utility encroachment, or their agent, may perform routine or emergency maintenance on such facility in accordance with the following provisions (unless updated at some future time, thence the future provisions shall govern.

UM1. EXCLUSIONS:

These provisions do not authorize tree trimming, work on freeways, expressways, or other activities not specifically provided for in this permit.

UM2. POSSESSION OF PERMIT REQUIRED:

The permit or a copy thereof shall be kept at the site of the work and must be shown to any Departmental representative or any law enforcement officer on demand. **WORK SHALL BE SUSPENDED IF PERMIT IS NOT AT WORK SITE AS REQUIRED.**

UM3. NOTICE REQUIRED:

The permittee shall notify the Department's representative and the Transportation Management Center (TMC) 7 days before initiating a lane closure. A confirmation notification should occur 3 days before closure. In emergency, situations that may impact traffic, TMC and the Department's representative shall be notified as soon as possible.

UM4. STANDARD OF WORK:

All work shall conform to recognized standards of utility construction and the Department's current Standard Specifications.

UM5. EMERGENCY REPAIRS:

The permittee may make emergency repairs, alter traffic flow, and excavate through improved surfaces only when breaks in the conduit, cable or pipeline over or under the pavement present a definite public hazard or serious interruption of essential service. In such cases, the Department's representative shall be notified immediately.

UM6. OPEN EXCAVATIONS:

No excavation shall be left open after daylight hours unless specifically authorized and adequate protection for traffic is provided in accordance with the General Provisions "Protection of Traffic."

Backfill and pavement replacement shall be performed in accordance with the applicable General Provisions (i.e., "Restoration and Repairs in Rights of Way").

UM7. SERVICE CONNECTION:

These provisions do not authorize installation of conduit, cable, gas, or water service connections within State rights of way, regardless of the location of the main, existing conduit, or cable. All new underground or pipe abandon services must be

covered by individual permits. See Section "UM8-4" regarding service connections for aerial wires.

UM8. ROUTINE INSPECTION AND MAINTENANCE:1. Routine Maintenance and Inspection:

Roadbed work shall be conducted between 9:00 a.m. and 3:00 p.m., or as otherwise authorized, in writing, by the Department's representative.

2. Manholes:

The permittee may open existing manholes to repair underground cables. Where the manhole lies within the improved surface of the highway, the permittee will provide adequate protection for traffic in accordance with the General Provisions "Public Traffic Control".

3. Excavations:

Routine inspection and repair of pipeline and cables shall:

A. Not be made in improved surfaces, landscaped areas or closer than 10' to the edge of the pavement without a special permit; and

B. Not uncover more than 50' of line at any one time.

4. Pole Lines:

Permittee is authorized to:

A. Stub, or reset existing pole, provided no change in location of pole or anchor is made. Stubs and anchors must not be placed between existing pole and traveled way.

B. Replace poles, guy poles, and crossarms in same location limited to two (2) consecutive poles. No additional poles or guys poles are authorized under this routine maintenance provision.

C. Replace broken pins and/or insulators, repair broken wires, pull slack wires, and replace or pull broken or slack guys.

D. Repair and complete transfer work on existing aerial cables.

- E. Install new and replace existing transformers on existing poles.
- F. Replace aerial wires and crossarms on existing poles except where wires cross the highway. Unless otherwise specifically required by the Department, protected cable, tree wire or plastic tree wire guard used for communication lines may be used through trees where necessary, provided the appearance of the tree or the tree itself will not be damaged. *This section (F) does not apply to scenic highways.*
- G. Installations and clearances shall be equal to those required by either the California Public Utilities Commission Orders or the California Occupational Safety and Health (CAL-OSHA) Safety Orders, whichever is greater. *Also see "OH 2" of the Overhead Utility Provisions.*
- H. Clear grass from around base of poles and excavate around poles for inspection, including tamping and straightening. The use of herbicides or other chemicals is not authorized by this permit. A separate encroachment permit must be applied for and issued for that purpose.

**STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
ENCROACHMENT PERMIT UNDERGROUND UTILITY PROVISIONS**

TR - 0163 (Rev. 03/2013)

Highway and Freeway encasement requirements for Transverse crossings of Utility installations, installed by the following methods. The pavement or roadway shall not be open-cut unless specifically allowed under a "UT" permit. Utility installations shall not be installed inside of culverts or drainage structures.

The installation of Uncased High Pressure Natural Gas pipelines, on a case by case basis may be allowed, when in compliance with TR-0158 Special Provisions, "Exception to Policy" for Uncased High Pressure Natural Gas Pipelines.

Encasement Requirements based on: Installation Method, Type of Highway Facility and Material Transported in carrier.						
Facility Type	Bore and Jack		Directional Drilling		Trenching	
	Frwy/Expwy	Conventional	Frwy/Expwy	Conventional	Frwy/Expwy	Conventional
High Risk (Section 605)	Encase	Encase	Encase	Encase	Encase	Encase
Low Risk (Section 605)	Encase	Encase	Encase	Encase	Encase	Encase*
Exempt Facilities (Section 605)	Encase	Encase	Encase*	Encase*	Encase*	Encase*
Pressurized Fluids	Encase	Encase	Encase	Encase	Encase	Encase
Natural Gas Lines Minimum 7.5' Depth (Appendix H)	Encase*	Encase*	Encase*	Encase*	Encase*	Encase*
Gravity Flows	Encase	Encase	Encase	Encase	Encase*	Encase*

*NOTE: The District Permit Engineer may waive at his/her discretion the encasement requirement when warranted.

UG 1. CASINGS:

Casings should be steel conduit with a minimum inside diameter sufficiently larger than the outside diameter of the pipe or ducts to accommodate placement and removal. The casing can be either new or used steel pipe, or an approved connector system. Used pipe shall be pre-approved by the Department's engineer or representative before installation.

When the method of Horizontal Directional Drilling is used to place casing, the use of High Density Polyethylene Pipe (HDPE) as casing is acceptable. In specific instances the approval of Headquarters Office of Encroachment Permits, may be required.

Reinforced Concrete Pipe (RCP) in compliance of State Standard Specifications is an acceptable carrier for storm drain gravity flow or non-pressure flow. RCP when installed by Bore & Jack shall have rubber gaskets at the joints, and holes for grouting of voids left by jacking operations, see "E" below.

- A. All pipes 6" or larger in diameter, or placement of multiple pipes or ducts, regardless of diameters, shall require encasement.
- B. Minimum wall thickness for steel pipe casing for different lengths and diameters of pipes are as follows:

Minimum Wall Thickness		
Casing Pipe (Diameter)	Up to 150 ft (Length)	Over 150 ft (Length)
6" to 28"	1/4"	1/4"
30" to 38"	3/8"	1/2"
40" to 60"	1/2"	3/4"
62" to 72"	3/4"	3/4"

- C. Spiral welded casing is authorized provided the casing is new and the weld is smooth.

- D. The ends of the casing shall be plugged with ungrouted bricks or other suitable material approved by the Department's representative.
- E. When required by the Department's representative, the permittee shall at his expense, pressure grout the area between the pavement and the casing from within the casing in order to fill any voids caused by the work covered under this permit. The increments for grout holes inside the pipe shall be 8' staggered and located 22-1/2 degrees from vertical axis of the casing. Pressure shall not exceed 5 psig for a duration sufficient to fill all voids.
- F. There is a spacing requirement when placement of multiple encasements is requested. The distance between multiple encasements shall be the greater of either 24" or twice that of the diameter of the larger pipe being installed.
- G. The casings placed within freeway right-of-way shall extend to the access control lines.
- H. Wing cutters, if used, shall be a maximum of 1" larger than the casing. Voids caused by the use of wing cutters shall be grouted in accordance with "E" above.
- I. A band welded to the leading edge of the casing should be placed square to the alignment. The band should not be placed on the bottom edge. Flaring the lead section on bores over 100' shall not be permitted.
- J. All casing lengths shall equal to the auger length.
- K. The casings within conventional highways shall extend 5' beyond the back of curb or edge of pavement, or to the right of way line if less. Where PCC cross-gutter exists, the casing shall extend at least 5' beyond the back of the cross-gutter, or to the right of way line if less.

Bore and receiving pits shall be:

- A. Located at least 10' or more from the edge of pavement on conventional highways in rural areas.
- B. Located 5' behind the concrete curb or AC dike on conventional highways in urban areas.
- C. Located 5' outside the toe of slope of embankment areas.

- D. Located outside freeway right of way.
- E. Adequately fenced and/or have a Type-K barrier placed around them.
- F. Adequately shored in accordance with Cal-OSHA requirements. Shoring for jacking and receiving pits located within 15' of traffic lanes on a State highway shall not extend more than 36" above the pavement grade unless otherwise authorized by Department's representative. Reflectors shall be affixed to the shoring on the sides facing traffic. A 6' chain link fence shall be installed around the perimeter of the pits during non-working hours.
- G. All pits should have crushed-rock and sump areas to clear groundwater and water used to clean the casing. Where ground water is found and pumping is required, the pits shall be lined with filter fabric.

**UG 2. DIRECTIONAL DRILLING:
Bore and Receiving Pits**

When directional drilling is the approved method for pipe installation, drilling plans shall contain information listed as follows:

1. Location of: entry and exit point, access pit, equipment, and pipe staging area.
2. Proposed drill path alignment (horizontal and vertical).
3. Location and clearances of all other facilities.
4. Depth of cover.
5. Soil analysis.*
6. Carrier pipe length, diameter, thickness, and material (HDPE/steel) and ream pipe diameter.
7. Detailed carrier pipe calculations confirming ability to withstand installation loads and long term operational loads including H2O.
8. Proposed drilling fluid composition, viscosity, and density (based on soils analysis).
9. Drilling fluid pumping capacity, pressures, and flow rates
10. State right-of-way lines, property, and utility right of way or easement lines.
11. Elevations.
12. Type of tracking method/system and accuracy used.
13. A detailed plan for monitoring ground surface movement (settlement or heave) resulting from the drilling operation.

* May be waived by the District Permit Engineer for HDD jobs less than 6" in diameter and a traverse crossing less than 150'.

UG 3. LIMIT OF EXCAVATION:

No excavation is allowed within 10' from the edge of pavement except in curbed urban areas or as specified in the permit. Where no curb exists and excavations within 10' of the traveled way are to remain open, a temporary Type-K railing shall be placed at a 20:1 taper or as otherwise directed by the Department.

UG 4. TUNNELING:

Review, requirements of Section 623.6 of the Encroachment Permits Manual, if applicable. In addition to the requirements of "UG1" the following requirements apply:

- A. For the purpose of this provision, a tunnel is defined as any pipe, 30" or larger in diameter placed.
- B. When tunneling is authorized, the permittee shall provide full-time inspection of tunneling operations. The Department's representative shall monitor projects.

- C. A survey grid shall be set and appropriately checked over the centerline of the pipe jacking or tunneling operation. Copies of the survey notes shall be submitted to the Department's representative.
- D. Sand shields may be required as ground conditions change.
- E. The method used to check the grade and alignment shall be approved by the Department's representative.
- F. Pressure grouting for liner plates, rib and spiling, or rib and lagging tunnels shall be at every 8' section or at the end of work shift before the next section is excavated. All grouting shall be completed at the end of each workday.
- G. A method for securing the headway at the end of each workday is required. Breastplates shall be installed during working hours for running sand or super-saturated soil.

UG 5. HIGH AND LOW RISK FACILITIES:

High and Low Risk Facilities, as defined in the Department's current Manual on High and Low Risk Underground Facilities, shall be installed with a minimum cover of 42".

UG 6. EXEMPT AND OTHER UNDERGROUND FACILITIES:

A. Exempt Facilities:

1. Gas service lines no larger than 2" in diameter or operating at 60 psig or less.
2. Underground electrical service conductors with a potential to ground of 300 volts or less.
3. Departmental owned electrical systems.

B. All facilities other than high and low risk shall have a minimum cover of 36" except for service connections, which shall have a minimum cover of 30".

UG 7. DETECTOR STRIP:

A continuous metallic detector strip shall be provided with non-metallic main installations. Service connections shall be installed at right angles to the centerline of the State highway where possible.

UG 8. BACKFILLING:

All backfilling shall conform to the applicable sections of the Department's Standard Specifications. Ponding or jetting methods of backfilling is prohibited.

Any required compaction tests shall be performed by a certified laboratory at no cost to the Department and the laboratory report furnished to the Department's representative.

UG 9. ROADWAY SURFACING AND BASE MATERIALS:

When the permit authorizes installation by the open cut method, surfacing and base materials and thickness thereof shall be as specified in the permit.

Temporary repairs to pavements shall be made and maintained upon completion of backfill until permanent repairs are made. Permanent repairs to pavements shall be made within thirty (30) days of completion of backfill unless otherwise specified by the Department. Temporary pavement patches shall be placed and maintained in a smooth riding plane free of humps and/or depressions.

UG 10. DAMAGE TO TREE ROOTS:

No tree roots over 3" will be cut within the tree drip line when trenching or other underground work is necessary adjacent to roadside trees. The roots that are 3" or more in diameter inside the tree drip line shall be tunneled under and wrapped in burlap and kept moist until the trench is refilled. Trenching machines may not be used under trees if the trunk or limbs will be damaged by their use.

If the trees involved are close together and of such size that it is impractical to protect all roots over 3" in diameter, or when roots are less than 4" in diameter, outside tree drip line, special arrangements may be made whereby pruning of the tree tops to balance the root loss can be done by the permittee under the close supervision of the District Landscape Specialist or District Tree Maintenance Supervisor. Manholes shall not be installed within 20' of any trunk.

UG 11. PIPES ALONG ROADWAY:

Pipes and conduits paralleling the pavement shall be located as shown on the plans or located outside of pavement as close as possible to the right-of-way line.

UG 12. BORROW AND WASTE:

Borrow and waste will be allowed within the work limits only as specified in the permit.

UG 13. MARKERS:

The permittee shall not place any markers that create a safety hazard for the traveling public or departmental employees.

UG 14. CATHODIC PROTECTION:

The permittee shall perform stray current interference tests on underground utilities under cathodic protection. The permittee shall notify the Department prior to the tests. The permittee shall perform any necessary corrective measures and advise the Department.

UG 15. TIE-BACKS:

- A. Tie-backs shall be placed for the sole purpose of supporting shoring and/or soldier piles placed outside State highway rights-of-way to facilitate permittee's excavation.
- B. Tiebacks shall be disconnected from the shoring and/or soldier piles one (1) year prior to releasing the bond.

UG 16. INSTALLATION BY OPEN CUT METHOD:

When the permit authorizes installation by the open cut method no more than one lane of the highway pavement shall be open-cut at any one time. Any exceptions shall be in writing by the Department's representative. After the pipe is placed in the open section, the trench is to be backfilled in accordance with specifications, temporary repairs made to the surfacing and that portion opened to traffic before the pavement is cut for the next section.

If, at the end of the working day, backfilling operations have not been properly completed, steel plate bridging shall be required to make the entire highway facility available to the traveling public in accordance with the Steel Plate Bridging Special Provisions (TR-0157)

UG 17. PAVEMENT REMOVAL:

PCC pavement to be removed shall be saw cut at a minimum depth of 4" to provide a neat and straight pavement break along both sides of the trench. AC pavement shall be saw cut to the full depth.

Where the edge of the trench is within 2' of existing curb and gutter or pavement edge, the asphalt concrete pavement between the trench and the curb or pavement edge shall be removed.

UG 18. MAINTAIN ACCESS:

Where facilities exist (sidewalks, bike paths), a minimum width of 4' shall be maintained at all times for safe pedestrian and bicyclist passage through the work area.

UG 19. SIDES OF OPEN-CUT TRENCHES:

Sides of open cut trenches in paved areas shall be kept as nearly vertical as possible. Trenches shall not be more the 2' wider than the outside diameter of the pipe to be laid therein, plus the necessary width to accommodate shoring.

UG 20. EXCAVATION UNDER FACILITIES:

Where it is necessary to excavate under existing curb and gutter, or underground facilities, the void shall be backfilled with two (2) sack cement-sand slurry.

UG 21. PERMANENT REPAIRS TO PCC PAVEMENT:

Repairs to PCC pavement shall be made of Portland Cement Concrete containing a minimum of 658 lbs. or 7 sack of cement per cubic yard. Replaced PCC pavement shall equal existing pavement thickness. The concrete shall be satisfactorily cured and protected from disturbance for not less than forty-eight (48) hours. Where necessary to open the area to traffic, no more than two (2%) percent by weight of calcium chloride may be added to the mix and the road opened to traffic after six (6) hours.

UG 22. REMOVAL OF PCC SIDEWALKS OR CURBS:

Concrete sidewalks or curbs shall be saw cut to the nearest score marks and replaced equal in dimension to that removed with score marks matching existing sidewalk or curb.

UG 23. SPOILS:

No earth or construction materials shall be dragged or scraped across the highway pavement, and no excavated earth shall be placed or allowed to remain at a location where it may be tracked on the highway traveled way, or any public or private approach by the permittee's construction equipment, or by traffic entering or leaving the highway traveled way. Any excavated earth or mud so tracked onto the highway pavement or public or private approach shall be immediately removed by the permittee.

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DATE	COUNTY	ROUTE	POST MILES	SHEET TOTAL
				NO. SHEETS

REGISTERED CIVIL ENGINEER
Devin S. Smith
January 20, 2017
PLANS APPROVAL DATE
THIS SEAL IS VALID FOR THE PROJECT AND SHALL NOT BE REUSED FOR ANY OTHER PROJECT.
LICENSE NO. 45423
EXPIRES 12/31/17

TO ACCOMPANY PLANS DATED _____

TABLE 1

SPEED (S)	MINIMUM TAPER LENGTH * FOR WIDTH OF OFFSET 12 FEET (ft)				MAXIMUM CHANNELIZING DEVICE SPACING			
	MERGING		SHIFTING SHOULDER		TAPER		TANGENT CONFLICT	
	2L	L	L/2	L/3	X	Y	Z	W
20	160	80	40	27	20	40	10	10
25	250	125	63	42	25	50	12	12
30	360	180	90	60	30	60	15	15
35	480	240	120	84	35	70	17	17
40	640	320	160	107	40	80	20	20
45	1080	540	270	180	45	90	22	22
50	1200	600	300	200	50	100	25	25
55	1320	660	330	220	50	100	25	25
60	1440	720	360	240	50	100	25	25
65	1560	780	390	260	50	100	25	25
70	1680	840	420	280	50	100	25	25
75	1800	900	450	300	50	100	25	25

* - For other offsets, use the following tapering taper length formula for L:
For speed of 40 mph or less, $L = 85S/60$
For speed of 45 mph or more, $L = 95S$

Where: L = Taper length in feet

W = Width of offset in feet

S = Posted speed limit, off-peak 85th-percentile speed prior to work starting, or the anticipated operating speed in mph

** - Use for taper and tangent sections where there are no pavement markings or where there is a conflict between existing pavement markings and channelizers (CA).

TABLE 2

SPEED * mph	Min D ** ft	DOWNGRADE Min D *** ft		-9% ft
		-3%	-6%	
20	115	116	120	126
25	155	158	165	173
30	200	205	215	227
35	250	257	271	287
40	305	315	333	354
45	360	378	400	427
50	425	446	474	507
55	495	520	553	593
60	570	598	638	686
65	645	682	728	785
70	730	771	825	891
75	820	866	927	1003

* - Speed is posted speed limit, off-peak 85th-percentile speed prior to work starting, or the anticipated operating speed in mph

** - Longitudinal buffer space or flagger station spacing

*** - Use on unaligned downgrades steeper than -3 percent and longer than 1 mile.

TABLE 3

ROAD TYPE	DISTANCE BETWEEN SIGNS * ft		
	A	B	C
URBAN - 25 mph OR LESS	100	100	100
URBAN - MORE THAN 25 mph TO 40 mph	250	250	250
URBAN - MORE THAN 40 mph	350	350	350
RURAL	500	500	500
EXPRESSWAY / FREEWAY	1000	1500	2640

* - The distances are approximate, are intended for guidance purposes only, and should be applied with engineering judgment. The distances are based on the posted speed limit, the field conditions, if necessary, by increasing or decreasing the recommended distances.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

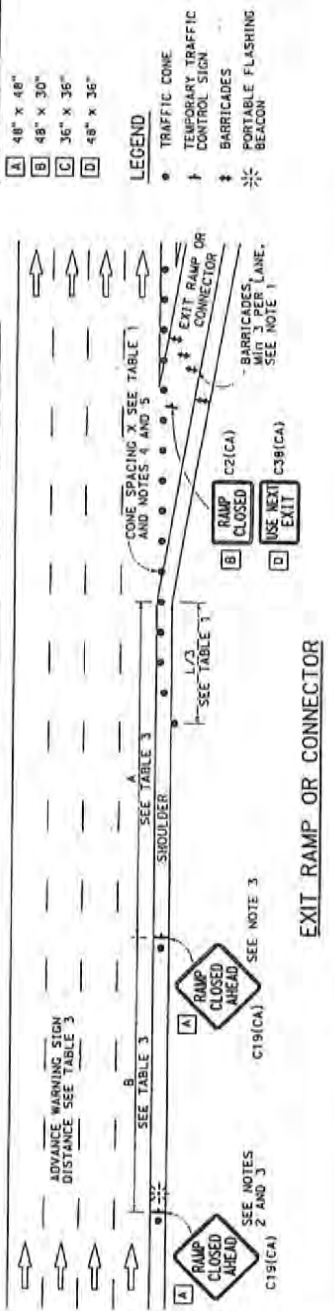
TRAFFIC CONTROL SYSTEM TABLES
FOR LANE AND RAMP CLOSURES

NO SCALE

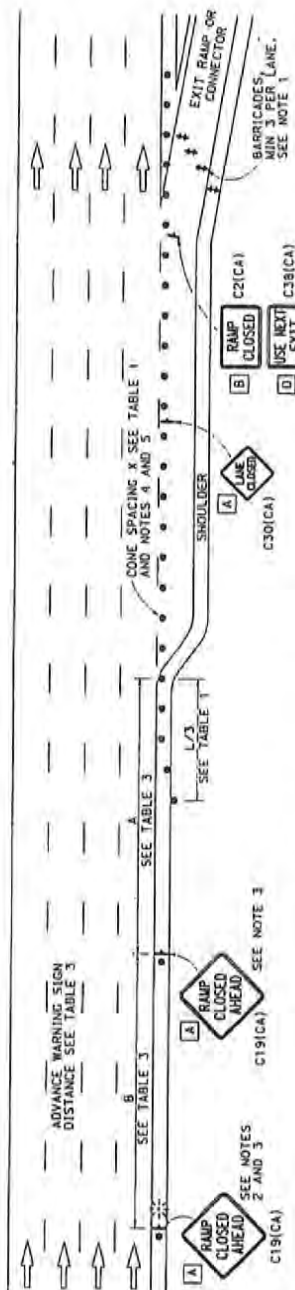
RSP T9 DATED JANUARY 20, 2017 SUPERSEDES STANDARD PLAN T9
DATED OCTOBER 30, 2015 - PAGE 249 OF THE STANDARD PLANS BOOK DATED 2015.

REVISED STANDARD PLAN RSP T9

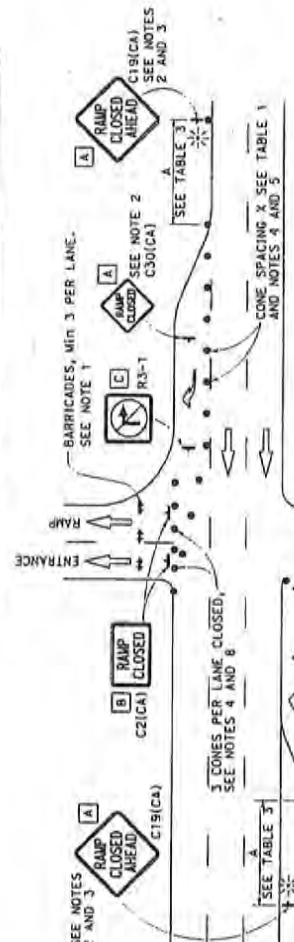
TYPICAL RAMP CLOSURES



EXIT RAMP OR CONNECTOR



EXIT RAMP OR CONNECTOR WITH ADDITIONAL LANE



ENTRANCE RAMP WITHOUT TURNING POCKETS



ENTRANCE RAMP WITH TURNING POCKETS



SIGN PANEL SIZE (MIN)

- A 48" x 48"
- B 48" x 30"
- C 36" x 36"
- D 48" x 36"

LEGEND

- TRAFFIC CONE
- † TEMPORARY TRAFFIC CONTROL SIGN
- ⚡ BARRICADES
- ⚡ PORTABLE FLASHING BEACON

NOTES:

1. Barricades shall be Type I, II, or III for closures lasting longer than one week or less and Type IV for closures lasting longer than one week.
2. In addition to placing the C19(CA) "RAMP CLOSED AHEAD" and C30(CA) "RAMP CLOSED" signs, black on orange overlay plates with the word "CLOSED" may be mounted, as directed by the Engineer. The overlay signs shall refer to the closed ramp. The letter size on the overlay shall be the same as the plate sign.
3. Each advance C19(CA) "RAMP CLOSED AHEAD" sign shall be equipped with at least two flags for daytime closure. Each flag shall be at least 16" x 16" in size and shall be orange or fluorescent red-orange in color. The flags shall be placed on top of the sign. C19(CA) sign during hours of darkness.
4. All cones used for ramp closures during the hours of darkness shall be fitted with retroreflective bands (or sleeves) as specified in the specifications.
5. Portable delineators, placed at one-half of the spacing indicated for traffic cones, may be used instead of cones for daytime ramp closures only.
6. At least one person shall be assigned to provide full-time maintenance of traffic control devices, unless otherwise directed by the Engineer.
7. The existing "EXIT" signs shall be covered during ramp closures.
8. A minimum of 3 cones shall be placed transversely across each closed lane and shoulder.

- See Standard Plan T9 for tables.
 Use cone spacing X for taper segment, Y for tangent segment or Z for conflict situations, as appropriate, per Table 1, unless X, Y, or Z cone spacing is shown on this sheet.
 All temporary warning signs shall have black legend on fluorescent orange background.
 California codes are designated by (CA). Other/was, Federal (MUTCD) codes are shown.

TRAFFIC CONTROL SYSTEM FOR RAMP CLOSURE

NO SCALE

T14

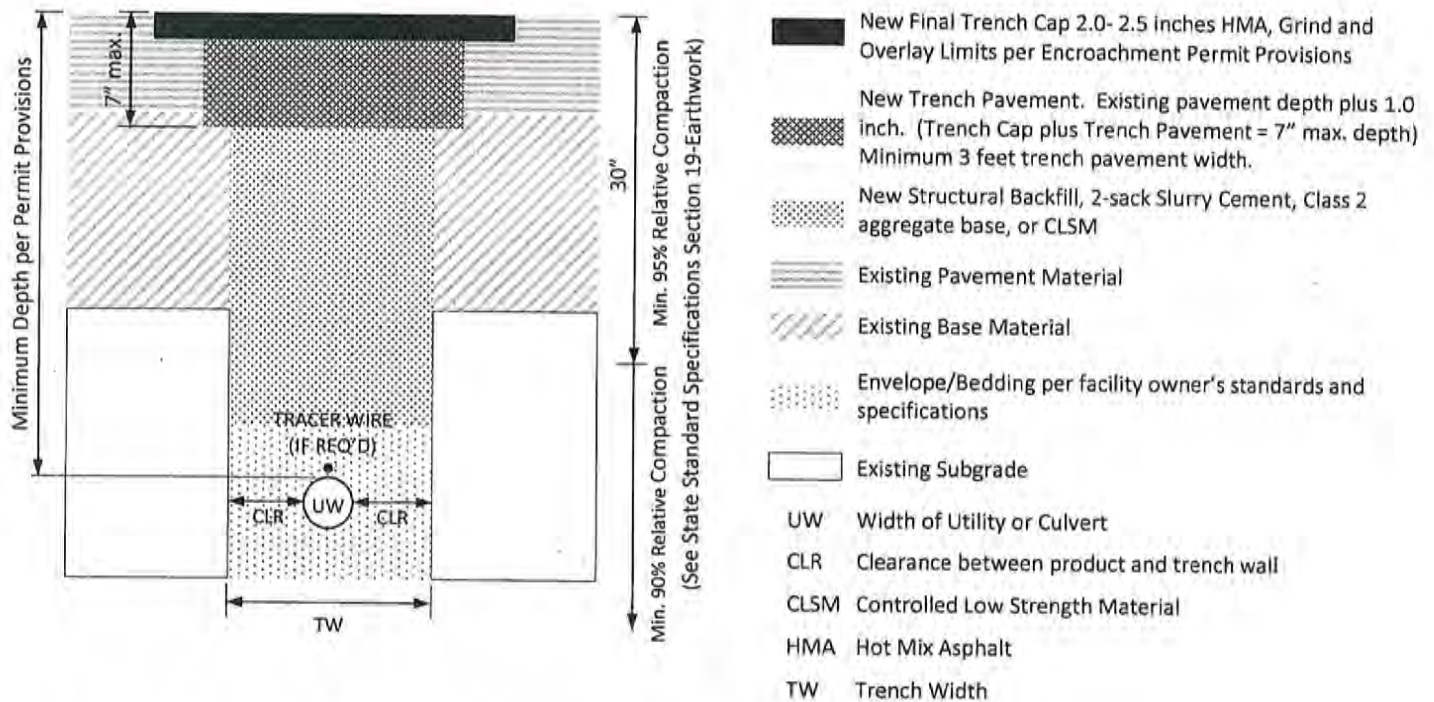
SURVEYS (SV) SPECIAL PROVISIONS

In addition to the attached General Provisions (TR-0045), the following special provisions are also applicable:

1. Two days before work is started under this permit, contact _____ concerning the permittee's operation.
2. All survey operations shall be conducted off the traveled way except where necessary to cross pavements and medians.
3. When survey operations are being conducted, the permittee shall furnish, place and maintain signs and safety equipment in accordance with the latest edition of the "California Manual on Uniform Traffic Control Devices" (Part 6, Temporary Traffic Control).
4. All personnel shall wear hard hats and orange vests, shirts or jackets as appropriate. Any painted markings shall be made with water soluble paint.
5. Permission is also granted to park survey vehicles temporarily within the right of way, outside the shoulders, while survey work is in progress.
6. SURVEY WORK IS PROHIBITED ON FREEWAYS.
7. Survey information and assistance may be obtained upon request to: Survey Section, Department of Transportation, _____

ENCROACHMENT PERMIT TRENCH DETAIL

TR-0153 (REV. 09/2006) (REV. 7/2016 - District 5)

TYPICAL TRENCH DETAIL

STRUCTURE BACKFILL SHALL CONFORM TO SECTION 19-3.02C OF THE STATE STANDARD SPECIFICATIONS

SLURRY CEMENT BACKFILL SHALL CONFORM TO SECTION 19-3.02E OF THE STATE STANDARD SPECIFICATIONS

HMA SHALL CONFORM TO SECTION 39-2 OF THE STATE STANDARD SPECIFICATIONS

A TACK COAT OF ASPHALTIC EMULSION SHALL BE FURNISHED AND APPLIED.

ALL METHODS OF COMPACTION SHALL BE BY MECHANICAL MEANS. PONDING, JETTING OR FLOODING SHALL NOT BE ALLOWED. ALL COMPACTION SHALL CONFORM TO SECTION 19-5 OF THE STATE STANDARD SPECIFICATIONS

AGGREGATE BASE SHALL CONFORM TO SECTION 26 OF THE STATE STANDARD SPECIFICATIONS

WHEN CLSM BASE IS UTILIZED, THE MIX DESIGN AND TEST RESULTS SHALL BE SUBMITTED TO THE STATE'S REPRESENTATIVE

ALL WORK SHALL BE AS AUTHORIZED BY THE APPROVED ENCROACHMENT PERMIT PLANS, AND/OR AS DIRECTED BY THE STATE'S REPRESENTATIVE

WHEN THE UW IS $\geq 6"$ THEN THE MINIMUM CLR SHALL BE 6"

COLD PLANING TO ACCOMMODATE THE PLACEMENT OF STEEL PLATES IS REQUIRED FOR POSTED SPEED LIMITS 45 MPH OR GREATER. STATE REPRESENTATIVE MAY REQUEST COLD PLANING FOR STEEL PLATES TO MEET FIELD CONDITIONS EVEN IF POSTED SPEED LIMIT IS LESS THAN 45 MPH.

WHEN TRENCH PLACEMENT IS WITHIN 4' OF CURB AND GUTTER, ADDITIONAL COLD PLANING MAY BE REQUIRED AT THE DISCRETION OF THE STATE'S REPRESENTATIVE.

ANY PAVEMENT MARKINGS AND/OR STRIPING REMOVED OR DAMAGED DURING CONSTRUCTION SHALL BE REPLACED AS DIRECTED BY THE STATE'S REPRESENTATIVE.

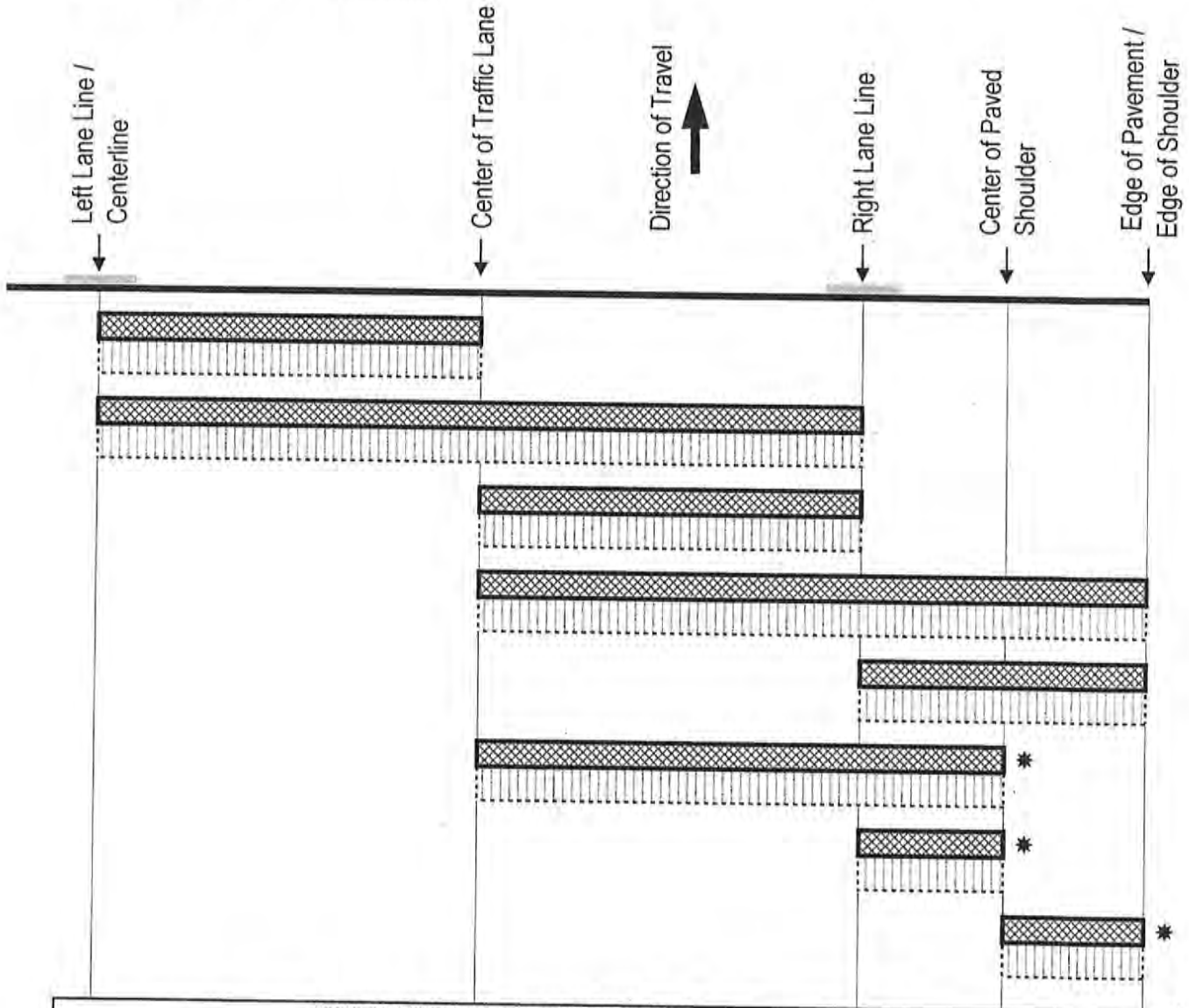
A TRACER WIRE SHALL BE PLACED ON TOP OF THE FACILITY, WHEN REQUIRED BY THE STATE'S REPRESENTATIVE.


OTHER TRENCH RELATED DETAILS ARE SHOWN IN FIGURE 6.1, CHAPTER 600 OF THE ENCROACHMENT PERMITS MANUAL

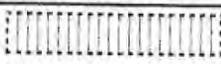
NEW STRUCTURAL BACKFILL SHALL CONSIST OF EITHER 2-SACK SLURRY CEMENT, CLASS 2 AGGREGATE BASE, OR CLSM. WHEN TW IS < 24 INCHES, CLASS 2 AGGREGATE BASE IS NOT RECOMMENDED FOR BACKFILL.



Limits of Grind and Overlay for Pavement Replacement

To determine the required grind and overlay width to cap your trench, find the location that best fits your trench and includes the limits of your trench repair. Please consult with the Caltrans Permit Inspector for additional guidance.



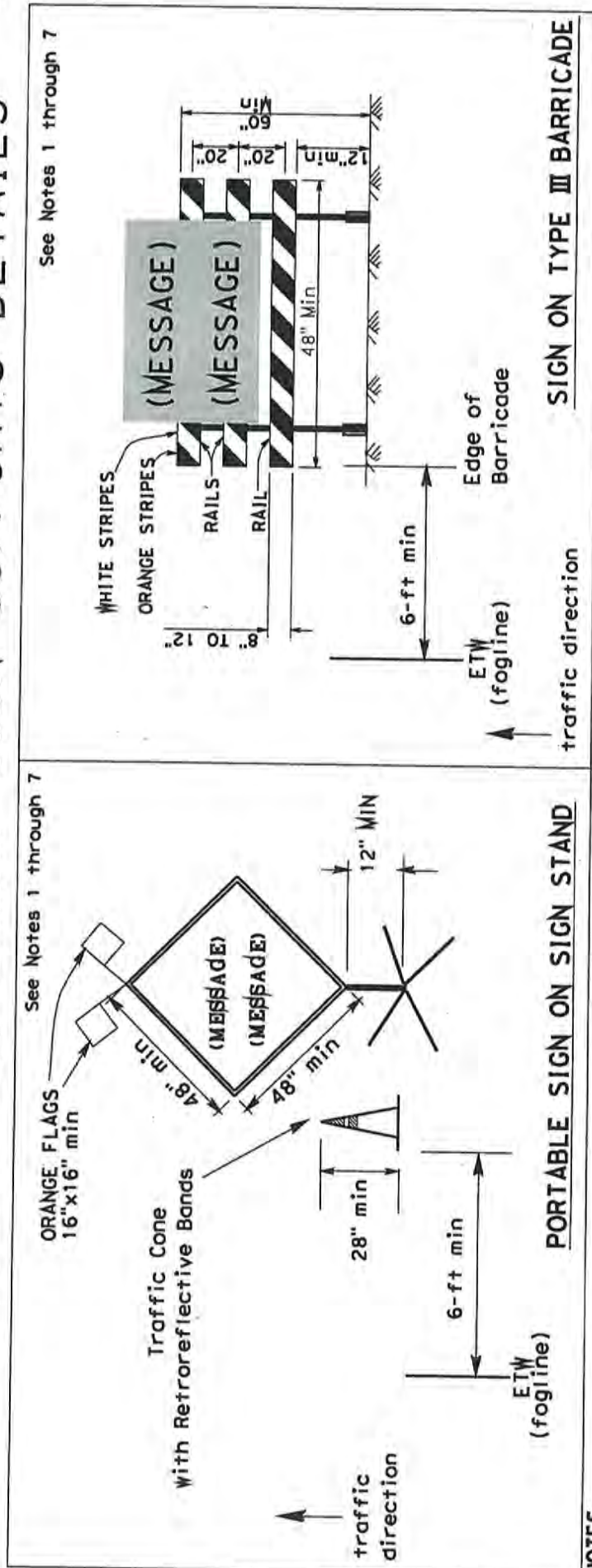

 Example 1: A trench with limits shown hatched above, would require a grind and overlay of the entire traffic lane width.


 Example 2: A trench with limits shown hatched above, would require a grind and overlay from the center of traffic lane to the right edge of traveled way.

	Required Width for Grind and Overlay
	Limits of Trench Repair
*	For Paved Shoulder Widths 8' or greater only

Pavement repair in open graded pavement surfaces will require in kind replacement of surface layer.

TYPICAL TEMPORARY SIGN SUPPORTS DETAILS



(REV. 3/18/2016)

NOTES

1. Maintain a 4-foot minimum clearance on sidewalks at all times and a minimum 5-foot clearance adjacent to a drop off, such as a curb face or gutter.
2. Signs shall not interfere with the visibility of other existing signs.
3. Sign supports must be NCHRP Report 350 eligible or MASH (Manual for Assessing Safety Hardware) crashworthy. Information on NCHRP Report 350 eligible devices can be found at:
http://safety.fhwa.dot.gov/roadway_dept/policy_guide/road_hardware/wzd/workzone_pdmenu.cfm
 Information on MASH can be found at:
http://safety.fhwa.dot.gov/roadway_dept/policy_guide/road_hardware/ctrmeasures/mash/
4. Sign message, color, shape, and size must conform to the current Caltrans Standards Specifications and current CA MUTCD (California Manual on Uniform Traffic Control Devices). (i.e. Rectangular or diamond shape) Information on Caltrans Sign Specifications can be found at:
<http://www.dot.ca.gov/hq/traffops/engineering/control-devices/specs.htm>
5. Signs mounted on Type III barricades shall not cover the bottom rail.
6. Sign stands should be weighted down per the stand manufacturer's recommendations. (i.e. sand/gravel bags)
7. Signs to be placed for more than 3 consecutive days, shall be post mounted per Caltrans Standard Plans RS1 through RS4.

Permit Inspector Territories Caltrans District 5

SANTA CRUZ COUNTY
 David Ontiveros
 Office: (831) 476-1337
 Cell: (831) 277-0025
 Fax: (831) 476-1803

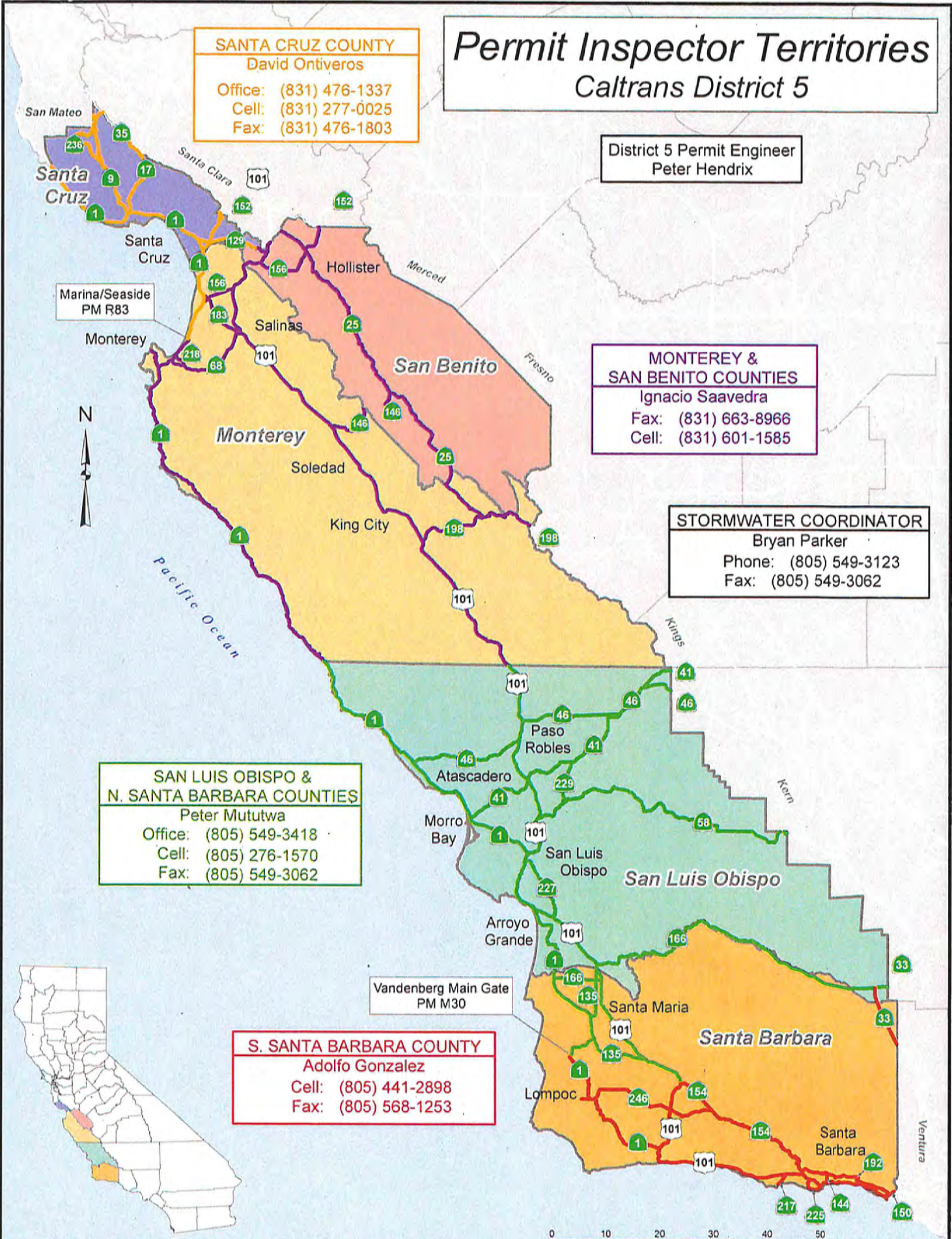
District 5 Permit Engineer
 Peter Hendrix

MONTEREY & SAN BENITO COUNTIES
 Ignacio Saavedra
 Fax: (831) 663-8966
 Cell: (831) 601-1585

STORMWATER COORDINATOR
 Bryan Parker
 Phone: (805) 549-3123
 Fax: (805) 549-3062

SAN LUIS OBISPO & N. SANTA BARBARA COUNTIES
 Peter Mututwa
 Office: (805) 549-3418
 Cell: (805) 276-1570
 Fax: (805) 549-3062

S. SANTA BARBARA COUNTY
 Adolfo Gonzalez
 Cell: (805) 441-2898
 Fax: (805) 568-1253



STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
STANDARD ENCROACHMENT PERMIT APPLICATION
 TR-0100 (REV. 03/2015)

Please type or print clearly your answers. Complete ALL fields, write "N/A" if not applicable. This application is not complete until all requirements have been approved.

Permission is requested to encroach on the State Highway right-of-way as follows:

1. COUNTY San Luis Obispo		2. ROUTE SR1	3. POSTMILE 12.4		FOR CALTRANS USE PERMIT NO. 0517 NUL 0545 DIST/CO/RTE/PM 051360/1/12.4 SIMPLEX STAMP DIST. 05 170545 DATE OF SIMPLEX STAMP 10/17/17
4. ADDRESS OR STREET NAME SR1 @ PASO ROBLES ST			5. CITY OCEANO		
6. CROSS STREET (Distance and direction from project site) PASO ROBLES ST			7. PORTION OF RIGHT-OF-WAY TRAVEL LANES		
8. WORK TO BE PERFORMED BY <input type="checkbox"/> OWN FORCES <input checked="" type="checkbox"/> CONTRACTOR		9. ESTIMATED START DATE DECEMBER 1ST, 2017		10. ESTIMATED COMPLETION DATE	
11. EXCAVATION	MAX. DEPTH 10'	AVG. DEPTH 7'	AVG. WIDTH 3'	LENGTH 100'	SURFACE TYPE ASPHALT PAVEMENT
12. ESTIMATED COST WITHIN STATE HIGHWAY RIGHT-OF-WAY \$ 25,000.00			FUNDING SOURCE(S) <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE <input checked="" type="checkbox"/> LOCAL <input type="checkbox"/> PRIVATE		
13. PIPES	PRODUCT TYPE C900 PVC DR 18	DIAMETER 12"	VOLTAGE / PSIG N/A		14. CALTRANS' PROJECT CODE (ID) N/A
15. <input checked="" type="checkbox"/> Double Permit		Parent Permit Number 0516 NDD 0338		Applicant's Reference Number / Utility Work Order Number N/A	
16. Have your plans been reviewed by another Caltrans branch? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (if "YES") Who? _____					
17. Completely describe work to be done within STATE Highway right-of-way:					

Attach 6 complete sets of plans (folded to 8.5" x 11") and any applicable specifications, calculations, maps, etc.

LOWERING OF APPROXIMATELY 100 LINEAR FEET OF 12" PVC WATER MAIN TO ACCOMODATE PROPOSED STORM DRAIN IMPROVEMENTS DOWN SR1 (PERMIT 0516 NDD 0338).

CA Dept of Transportation
 D5 Encroachment Permits
 OCT 25 2017
RECEIVED

18. Is a City, County or other public agency involved in the approval of this project?

YES (If "YES", check type of project AND attach environmental documentation and conditions of approval)

COMMERCIAL DEVELOPMENT BUILDING GRADING OTHER _____

CATEGORICALLY EXEMPT NEGATIVE DECLARATION ENVIRONMENTAL IMPACT REPORT OTHER _____

NO (If "NO", please check the category below which best describes the project AND answer questions A - K on page 2)

DRIVEWAY OR ROAD APPROACH, RECONSTRUCTION, MAINTENANCE OR RESURFACING FENCE

PUBLIC UTILITY MODIFICATIONS, EXTENSIONS, HOOKUPS MAILBOX

FLAGS, SIGNS, BANNERS, DECORATIONS, PARADES AND CELEBRATIONS EROSION CONTROL

OTHER _____ LANDSCAPING

**STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION
ENCROACHMENT PERMIT GENERAL PROVISIONS
TR-0045 (REV. 09/2017)**

1. **AUTHORITY:** The California Department of Transportation ("Department") has authority to issue encroachment permits under Division 1, Chapter 3, Article 1, Sections 660 through 734 of the Streets and Highways Code.
2. **REVOCAION:** Encroachment permits are revocable on five (5) business days' notice unless otherwise stated on the permit and except as provided by law for public corporations, franchise holders, and utilities. Notwithstanding the foregoing, in an emergency situation as determined by the Department, an encroachment permit may be revoked immediately. These General Provisions and any applicable Special Provisions are subject to modification or abrogation at any time. Permittees' joint use agreements, franchise rights, reserved rights or any other agreements for operating purposes in State of California ("State") highway right-of-way are exceptions to this revocation.
3. **DENIAL FOR NONPAYMENT OF FEES:** Failure to pay encroachment permit fees when due may result in rejection of future applications and denial of encroachment permits.
4. **ASSIGNMENT:** No party other than the permittee or permittee's authorized agent is allowed to work under this encroachment permit.
5. **ACCEPTANCE OF PROVISIONS:** Permittee understands and agrees to accept and comply with these General Provisions, the Special Provisions, any and all terms contained in this encroachment permit, and all attachments to this encroachment permit, for any work to be performed under this encroachment permit.
6. **BEGINNING OF WORK:** When traffic is not impacted (see General Provision # 35), the permittee must notify the Department's representative two (2) business days before starting permitted work. Permittee must notify the Department's representative if the work is to be interrupted for a period of five (5) business days or more, unless otherwise agreed upon. All work must be performed on weekdays during regular work hours, excluding holidays, unless otherwise specified in this encroachment permit.
7. **STANDARDS OF CONSTRUCTION:** All work performed within State highway right-of-way must conform to all applicable Departmental construction standards including but not limited to: Standard Specifications, Standard Plans, Project Development Procedures Manual, Highway Design Manual and Special Provisions.

Other than as expressly provided by these General Provisions, the Special Provisions, the Standard Specifications, Standard Plans, and other applicable Departmental standards, nothing in these General Provisions is intended to give any third party any legal or equitable right, remedy, or claim with respect to these General Provisions or any provision herein. These General Provisions are for the sole and exclusive benefit of the permittee and the Department.

Where reference is made in such standards to "Contractor" and "Engineer," these are amended to be read as "Permittee" and "Department's representative," respectively, for purposes of this encroachment permit.
8. **PLAN CHANGES:** Deviations from plans, specifications, and/or encroachment permit provisions are not allowed without prior approval from the Department's representative.
9. **INSPECTION AND APPROVAL:** All work is subject to monitoring and inspection. Upon completion of work, permittee must request a final inspection for acceptance and approval by the Department. The local public agency permittee must not give final construction approval to its contractor until final acceptance and approval by the Department is obtained.
10. **PERMIT AT WORKSITE:** Permittee must keep the permit package or a copy thereof at the work site at all times, and must show it upon request to any Department representative or law enforcement officer. If the permit package, or a copy thereof, is not kept and made available at the work site at all times, the work must be suspended.
11. **CONFLICTING ENCROACHMENTS:** Permittee must yield start of work to ongoing, prior authorized work adjacent to or within the limits of the permittee's project site. When existing encroachments conflict with permittee's work, the permittee must bear all cost for rearrangements (e.g., relocation, alteration, removal, etc.).
12. **PERMITS FROM OTHER AGENCIES:** This encroachment permit is invalidated if the permittee has not obtained all permits necessary and required by law, including but not limited to permits from the California Public Utilities Commission (CPUC), California Occupational Safety and Health Administration (Cal-OSHA), or any other public agency having jurisdiction. Permittee warrants all such permits have been obtained before beginning work under this encroachment permit.
13. **PEDESTRIAN AND BICYCLIST SAFETY:** A safe minimum continuous passageway of four (4) feet must be maintained through the work area at existing pedestrian or bicycle facilities. At no time must pedestrians be diverted onto a portion of the street used for vehicular traffic. At locations where safe alternate passageways cannot be provided, appropriate signs and barricades must be installed

at the limits of construction and in advance of the limits of construction at the nearest crosswalk or intersection to detour pedestrians to facilities across the street. Attention is directed to Section 7-1.04, *Public Safety*, of the Department's Standard Specifications.

14. **PUBLIC TRAFFIC CONTROL:** As required by law, the permittee must provide traffic control protection, warning signs, lights, safety devices, etc., and take all other measures necessary for the traveling public's safety. While providing traffic control, the needs of all road users, including but not limited to motorists, bicyclists and pedestrians, including persons with disabilities in accordance with the Americans with Disabilities Act, must be an essential part of the work activity.

Lane and/or shoulder closures must comply with the Department's Standard Specifications and Standard Plans for traffic control systems, and with the applicable Special Provisions. Where issues are not addressed in the Standard Specifications, Standard Plans, and/or Special Provisions, the California Manual on Uniform Traffic Control Devices (Part 6, *Temporary Traffic Control*) must be followed.

15. **MINIMUM INTERFERENCE WITH TRAFFIC:** Permittee must plan and conduct work so as to create the least possible inconvenience to the traveling public, such that traffic is not unreasonably delayed. On conventional highways, permittee must place properly attired flagger(s) to stop or warn the traveling public in compliance with the California Manual on Uniform Traffic Control Devices (Chapter 6E, *Flagger Control*).
16. **STORAGE OF EQUIPMENT AND MATERIALS:** The storage of equipment or materials is not allowed within State highway right-of-way, unless specified within the Special Provisions of this encroachment permit. If encroachment permit Special Provisions allow for the storage of equipment or materials within the State highway right-of-way, the equipment and material storage must also comply with Section 7-1.04, *Public Safety*, of the Department's Standard Specifications.
17. **CARE OF DRAINAGE:** Permittee must provide alternate drainage for any work interfering with an existing drainage facility in compliance with the Department's Standard Specifications, Standard Plans, and/or as directed by the Department's representative.
18. **RESTORATION AND REPAIRS IN STATE HIGHWAY RIGHT-OF-WAY:** Permittee is responsible for restoration and repair of State highway right-of-way resulting from permitted work (Streets and Highways Code, section 670 et seq.).
19. **STATE HIGHWAY RIGHT-OF-WAY CLEAN UP:** Upon completion of work, permittee must remove and dispose of all scraps, refuse, brush, timber, materials, etc.

off the State highway right-of-way. The aesthetics of the highway must be as it was before work started or better.

20. **COST OF WORK:** Unless stated otherwise in the encroachment permit or a separate written agreement with the Department, the permittee must bear all costs incurred for work within the State highway right-of-way and waives all claims for indemnification or contribution from the State, the Department, and from the Directors, officers, and employees of the State and/or the Department.
21. **ACTUAL COST BILLING:** When specified in the permit, the Department will bill the permittee actual costs at the currently set Standard Hourly Rate for encroachment permits.
22. **AS-BUILT PLANS:** When required, permittee must submit one (1) set of folded as-built plans within thirty (30) calendar days after completion and acceptance of work in compliance with requirements listed as follows:
- Upon completion of the work provided herein, the permittee must submit a paper set of As-Built plans to the Department's representative.
 - All changes in the work will be shown on the plans, as issued with the permit, including changes approved by Encroachment Permit Rider.
 - The plans are to be prominently stamped or otherwise noted "AS-BUILT" by the permittee's representative who was responsible for overseeing the work. Any original plan that was approved with a Department stamp, or by signature of the Department's representative, must be used for producing the As-Built plans.
 - If construction plans include signing or striping, the dates of signing or striping removal, relocation, or installation must be shown on the As-Built plans when required as a condition of the encroachment permit. When the construction plans show signing and striping for staged construction on separate sheets, the sheet for each stage must show the removal, relocation, and installation dates of the appropriate staged striping and signing.
 - As-Built plans must contain the Encroachment Permit Number, County, Route, and Post Mile on each sheet.
 - The As-Built Plans must not include a disclaimer statement of any kind that differs from the obligations and protections provided by sections 6735 through 6735.6 of the California Business and Professions Code. Such statements constitute non-compliance with Encroachment Permit requirements, and may result in the Department retaining Performance Bonds or deposits until proper plans are submitted. Failure to comply may also result in denial of future encroachment permits or a provision requiring a public agency to supply additional bonding.

23. **PERMITS FOR RECORD PURPOSES ONLY:** When work in the State highway right-of-way is within an area under a Joint Use Agreement (JUA) or a Consent to Common Use Agreement (CCUA), a fee exempt encroachment permit is issued to the permittee for the purpose of providing a notice and record of work. The permittee's prior rights must be preserved without the intention of creating new or different rights or obligations. "Notice and Record Purposes Only" must be stamped across the face of the encroachment permit.
24. **BONDING:** The permittee must file bond(s), in advance, in the amount(s) set by the Department and using forms acceptable to the Department. The bonds must name the Department as obligee. Failure to maintain bond(s) in full force and effect will result in the Department stopping all work under this encroachment permit and possibly revoking other encroachment permit(s). Bonds are not required of public corporations or privately owned utilities unless permittee failed to comply with the provisions and/or conditions of a prior encroachment permit. The surety company is responsible for any latent defects as provided in California Code of Civil Procedure section 337.15. A local public agency permittee also must comply with the following requirements:
- a) In recognition that project construction work done on State property will not be directly funded and paid by State, for the purpose of protecting stop notice claimants and the interests of State relative to successful project completion, the local public agency permittee agrees to require the construction contractor to furnish both a payment and performance bond in the local public agency's name with both bonds complying with the requirements set forth in Section 3-1.05 *Contract Bonds* of the Department's Standard Specifications before performing any project construction work.
 - b) The local public agency permittee must defend, indemnify, and hold harmless the State and the Department, and the Directors, officers, and employees of the State and/or Department, from all project construction related claims by contractors, subcontractors, and suppliers, and from all stop notice and/or mechanic's lien claimants. The local public agency also agrees to remedy, in a timely manner and to the Department's satisfaction, any latent defects occurring as a result of the project construction work.
25. **FUTURE MOVING OF INSTALLATIONS:** Permittee understands and agrees to relocate a permitted installation upon notice by the Department. Unless under prior property right or agreement, the permittee must comply with said notice at the permittee's sole expense.
26. **ENVIRONMENTAL:**
- a) **ARCHAEOLOGICAL/HISTORICAL:** If any archaeological or historical resources are identified or encountered in the work vicinity, the permittee must immediately stop work, notify the Department's representative, retain a qualified archaeologist who must evaluate the site at permittee's expense, and make recommendations to the Department's representative regarding the continuance of work.
 - b) **HAZARDOUS MATERIALS:** If any hazardous waste or materials (such as underground storage tanks, asbestos pipes, contaminated soil, etc.) are identified or encountered in the work vicinity, the permittee must immediately stop work, notify the Department's representative, retain a qualified hazardous waste/material specialist who must evaluate the site at permittee's expense, and make recommendations to the Department's representative regarding the continuance of work.
- Attention is directed to potential aerially deposited lead (ADL) presence in unpaved areas along highways. It is the permittee's responsibility to take all appropriate measures to protect workers in conformance with California Code of Regulations Title 8, Section 1532.1, "Lead," and with Cal-OSHA Construction Safety Orders, and to ensure roadway soil management is in compliance with Department of Toxic Substances Control (DTSC) requirements.
27. **PREVAILING WAGES:** Work performed by or under an encroachment permit may require permittee's contractors and subcontractors to pay appropriate prevailing wages as set by the California Department of Industrial Relations. Inquiries or requests for interpretations relative to enforcement of prevailing wage requirements must be directed to the California Department of Industrial Relations.
28. **LIABILITY, DEFENSE, AND INDEMNITY:** The permittee agrees to indemnify and save harmless the State, the Department, and all Directors, officers, employees, agents and/or contractors of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors, from any and all claims, demands, damages, costs, liability, suits, or actions of every name, kind and description brought for or on account of property damage or injury to or death of any person, including but not limited to members of the public, the permittee, persons employed by the permittee, and persons acting on behalf of the permittee, arising out of or in connection with: (a) the issuance and/or use of this encroachment permit, and/or (b) the work or other activity conducted pursuant to this encroachment permit, and/or (c) the installation, placement, subsequent operation, and/or maintenance of said encroachment, and/or (d) the failure by the permittee or anyone acting on behalf of the permittee to perform permittee's obligations under this encroachment

permit in respect to maintenance or any other obligation, and/or (e) a defect or defects in the work, or obstructions related to the work, or from any cause whatsoever. The duty of the permittee to indemnify and save harmless includes the duties to defend as set forth in Section 2778 of the Civil Code.

It is the intent of the parties that except as prohibited by law, the permittee will defend, indemnify, and hold harmless as set forth above regardless of the existence or degree of fault or negligence, whether active or passive, primary or secondary, on the part of the State, the Department, the Directors, officers, employees, agents and/or contractors of the State and/or Department, including but not limited to the Director of Transportation and the Deputy Directors, the permittee, persons employed by the permittee, and/or persons acting on behalf of the permittee.

The permittee waives any and all rights to any type of expressed or implied indemnity against the State, the Department, the Directors, officers, employees, agents, and/or contractors of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors.

The permittee understands and agrees to comply with the obligations of Titles II and III of the Americans with Disabilities Act in the conduct of the permitted activity, and further agrees to defend, indemnify, and save harmless the State, the Department, the Directors, officers, employees, and/or agents of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors, from any and all claims, demands, damages, costs, liability, suits, or actions of every name, kind and description arising out of or by virtue of the Americans with Disabilities Act.

Permittee understands and agrees the Directors, officers, employees, and/or agents of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors, are not personally responsible for any liability arising from or by virtue of this encroachment permit.

For the purpose of this section and all paragraphs herein, "State's contractors" includes contractors and their subcontractors under contract to the State and/or the Department performing work within the same postmile limits as the work under this encroachment permit.

This section and all paragraphs herein take effect upon issuance of this encroachment permit, and apply both during and after the work or other activity contemplated under this encroachment permit, except as otherwise provided by California law.

29. **NO PRECEDENT ESTABLISHED:** This encroachment permit is issued with the understanding that it does not establish a precedent.

30. **FEDERAL CIVIL RIGHTS REQUIREMENTS FOR PUBLIC ACCOMMODATION:**

a) As part of the consideration for being issued this encroachment permit, the permittee, on behalf of permittee and on behalf of permittee's personal representatives, successors in interest, and assigns, does hereby covenant and agree that:

- i. No person on the grounds of race, color, or national origin may be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- ii. That in connection with the construction of any improvements on said lands and the furnishings of services thereon, no discrimination must be practiced in the selection and retention of first-tier subcontractors in the selection of second-tier subcontractors.
- iii. That such discrimination must not be practiced against the public in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation), and operation on, over, or under the space of the State highway right-of-way.
- iv. That the permittee must use the premises in compliance with all other requirements imposed pursuant to Title 15, Code of Federal Regulations, Commerce and Foreign Trade, Subtitle A. Office of the Secretary of Commerce, Part 8 (15 C.F.R. Part 8) and as said Regulations may be amended.

b) That in the event of breach of any of the above nondiscrimination covenants, the State and the Department have the right to terminate this encroachment permit and to re-enter and repossess said land and the facilities thereon, and hold the same as if said permit had never been made or issued.

31. **MAINTENANCE OF HIGHWAYS:** By accepting this encroachment permit, the permittee agrees to properly maintain any encroachment. This assurance requires the permittee to provide inspection and repair any damage, at permittee's expense, to State facilities resulting from the encroachment.

32. **SPECIAL EVENTS:** In accordance with subdivision (a) of Streets and Highways Code section 682.5, the Department is not responsible for the conduct or operation of the permitted activity, and the applicant agrees to defend, indemnify, and hold harmless the State, the Department, and the Directors, officers, employees, agents, and

contractors of the State and/or of the Department, including but not limited to the Director of Transportation and the Deputy Directors, from any and all claims, demands, damages, costs, liability, suits, or actions of every name, kind and description arising out of any activity for which this encroachment permit is issued.

The permittee understands and agrees to comply with the obligations of Titles II and III of the Americans with Disabilities Act in the conduct of the event, and further agrees to defend, indemnify, and save harmless the State and the Department, and the Directors, officers, and employees of the State and/or Department, including but not limited to the Director of the Department and the Deputy Directors, from any and all claims, demands, damages, costs, liability, suits, or actions of every name, kind and description arising out of or by virtue of the Americans with Disabilities Act.

33. **PRIVATE USE OF STATE HIGHWAY RIGHT-OF-WAY:** State highway right-of-way must not be used for private purposes without compensation to the State. The gifting of public property use and therefore public funds is prohibited under the California Constitution, Article 16.
34. **FIELD WORK REIMBURSEMENT:** Permittee must reimburse the Department for field work performed on permittee's behalf to correct or remedy hazards or damaged facilities, or to clear refuse, debris, etc. not attended to by the permittee.
35. **NOTIFICATION OF CLOSURES TO DEPARTMENT AND TRAFFIC MANAGEMENT CENTER (TMC):** The permittee must notify the Department's representative and the Transportation Management Center (TMC) at least seven (7) days before initiating a lane closure or conducting an activity that may cause a traffic impact. A confirmation notification should occur three (3) days before closure or other potential traffic impact. In emergency situations when the corrective work or the emergency itself may affect traffic, TMC and the Department's representative must be notified as soon as possible.
36. **SUSPENSION OF TRAFFIC CONTROL OPERATION:** The permittee, upon notification by the Department's representative, must immediately suspend all lane closure operations and any operation that impedes the flow of traffic. All costs associated with this suspension must be borne by the permittee.
37. **UNDERGROUND SERVICE ALERT (USA) NOTIFICATION:** Any excavation requires compliance with the provisions of Government Code section 4216 et. seq., including but not limited to notice to a regional notification center, such as Underground Service Alert (USA). The permittee must provide notification to the regional notification center at least forty-eight (48) hours

before performing any excavation work within the State highway right-of-way.

38. **COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA):** All work within the State highway right-of-way to construct and/or maintain any public facility must be designed, maintained, and constructed strictly in accordance with all applicable Federal Access laws and regulations (including but not limited to Section 504 of the Rehabilitation Act of 1973, codified at 29 U.S.C. § 794), California Access laws and regulations relating to ADA, along with its implementing regulations, Title 28 of the Code of Federal Regulations Parts 35 and 36 (28 C.F.R., Ch. I, Part 35, § 35.101 et seq., and Part 36, § 36.101 et seq.), Title 36 of the Code of Federal Regulations Part 1191 (36 C.F.R., Ch. XI, Part 1191, § 1119.1 et seq.), Title 49 of the Code of Federal Regulations Part 37 (49 C.F.R., Ch. A, Part 37; § 37.1 et seq.), the United States Department of Justice Title II and Title III for the ADA, and California Government Code section 4450 et seq., which require public facilities be made accessible to persons with disabilities.

Notwithstanding the requirements of the previous paragraph, all construction, design, and maintenance of public facilities must also comply with the Department's Design Information Bulletin 82, "Pedestrian Accessibility Guidelines for Highway Projects."

STORM WATER SPECIAL PROVISIONS for MINIMAL or NO IMPACT

TR-0400 (Rev 09/2012)

1. GENERAL: The purpose of these Special Provisions is to provide the Permittee with specifications for water pollution control to minimize, prevent, or control the discharge of material into the air, surface waters, groundwater, and storm sewers owned by the State or local agencies. These provisions are not intended to take the place of the Caltrans Water Pollution Control Program (WPCP) for projects where soil disturbance from work activities less than one acre, or work activities of one acre or more subject to the preparation of the Caltrans Storm Water Pollution Prevention Plan (SWPPP) that would require a waste discharge identification number or coverage under the California Construction General Permit (*Order No. 2009-0009-DWQ, NPDES No CAS000002*). The Permittee shall comply with the following Special Provisions and the direction of the State Representative.

2. NPDES REQUIREMENTS: The Permittee shall be responsible for full compliance with the Caltrans Storm Water Program and the Caltrans National Pollutant Discharge Elimination System (NPDES) Permit requirements. It is the Permittee's responsibility to install, inspect, and repair or maintain facilities and devices used for water pollution control practices before performing daily work activities. Installation and maintenance responsibilities on the job site include: 1) soil stabilization materials in work areas that are inactive or prior to storm events, 2) water pollution control devices to control sediment and erosion, 3) implementation of spill and leak prevention procedures for chemical and hazardous substances stored on the job site, 4) material storage, 5) stockpile management, 6) waste management, 7) non-stormwater management, 8) water conservation, and 9) illicit connection, illegal discharge detection and reporting. The Permittee shall report to the state representative when discharges enter into receiving waters, adjacent property, drainage systems or when discharges could be a cause or a threat for water pollution. The Permittee shall also control illicit discharges or illegal dumping prior to start of daily work schedule. Copies of written notices or orders from the Regional Water Quality Control Board or other regulatory agency shall be provided to the State representative within 48 hours of reported activity. For additional information on storm water compliance, visit the State Water Resources Control Boards storm water Website at http://www.waterboards.ca.gov/water_issues/programs/stormwater

3. RESPONSIBILITY FOR DEBRIS REMOVAL: The Permittee shall be responsible for preventing sediment, trash, debris, and other construction waste from entering the street, the storm drains, local creeks, or any other bodies of water.

4. SPOILS AND RESIDUE: The Permittee shall vacuum any saw-cut concrete waste material, debris, residue, etc. No spoils, debris, residue, etc. shall be washed into a drainage system.

5. SWEEPING: Sweep paved roads at construction entrance and exit locations and surrounding paved areas daily within the job site during: 1) clearing and grubbing, 2) earthwork, 3) trenching, 4) soil disturbance, 5) pavement grinding and/or cutting, and 6) after observing tracking of material onto or off the State property. Keep dust to a minimum during sweeping activities. Use vacuum whenever dust generation is excessive or sediment pickup is ineffective. Roadways or work areas shall not be washed down with water. Street sweeping operations must conform to Section 13 Water Pollution Control of the State of California standard specifications for construction (most current version) <http://www.dot.ca.gov/hq/esc/oe/specifications/SSPs/2010-SSPs/>.

6. VEHICLES AND EQUIPMENT: Permittee shall prevent all vehicles, equipment, etc. from leakage or mud tracking onto

roadways. If leaks cannot be repaired immediately, remove the vehicle or equipment from the job site.

7. MAINTENANCE AND FUELING OF VEHICLES AND EQUIPMENT: Maintenance and fueling of equipment shall not result in any pollution at the job site. The Permittee shall immediately clean up spills/leaks, and properly dispose of contaminated soil and materials.

8. CLEANING VEHICLES AND EQUIPMENT: Limit vehicle and equipment cleaning or washing at the job site except what is necessary to control vehicle tracking or hazardous waste. The Permittee shall clean all equipment within a bermed area or over a drip pan large enough to prevent run-off. No soaps, solvents, degreasers, etc shall be used in State right of way. Any water from this operation shall be collected and disposed of at an appropriate site. Containment berms or dikes shall be used for fueling, washing, maintaining and washing vehicles or equipment in outside areas. Containment must be performed at least 100 feet from concentrated flows of storm water, drainage courses, and storm drain inlets if within a flood plain, otherwise at least 50 feet if outside the floodplain. Keep adequate quantities of absorbent spill-cleanup material and spill kits in the fueling or maintenance area and on fueling trucks.

9. DIESEL FUELS: The use of diesel fuel from petroleum or other fossil fuel as a form-oil or solvent is not allowed.

10. WEATHER CONDITIONS AT WORKSITE: Any activity that would generate fine particles or dust that could be transported off site by stormwater shall be performed during dry weather.

11. HOT MIX ASPHALT: Runoff from washing hot mix asphalt shall not enter into any drainage conveyances.

12. PROTECTION OF DRAINAGE FACILITIES: The Permittee shall protect/cover gutters, ditches, drainage courses, and inlets with gravel bags, fiber rolls, State approved fabric filters, etc., to the satisfaction of the State representative during grading, paving, saw-cutting, etc. and materials must conform to Section 13-6.02 Materials for Water Pollution Control of the State of California standard specifications for construction (most current version). No such protection measures shall cause an obstruction to the traveling public. The Permittee shall implement spill and leak prevention procedures for chemicals and hazardous substances stored on the job site in accordance to section 13-4.03B(1-3) Spill Prevention and Control, Water Pollution Control, of the State of California standard specifications for construction (2010 version).

13. PAINT: Rinsing of painting equipment and materials is not permitted in state right-of-way. When thoroughly dry, dispose of the following as solid waste: dry latex paint, paint cans, used brushes, rags, gloves, absorbent materials, and drop cloths. Oil based paint sludge and unusable thinner shall be disposed of at an approved hazardous waste site.

14. CONSTRUCTION MATERIALS: Stockpile of all construction materials, including, but not limited to; pressure treated wood, asphalt concrete, cold mix asphalt concrete, concrete, grout, cement containing premixes, and mortar, shall conform to section 13-4.03C Material Management (Storage & Stockpiles), Water Pollution Control, of the State of California standard specifications for construction (2010 version).

15. CONCRETE EQUIPMENT: Concrete equipment shall be washed in a designated washing area in a way that does not contaminate soil, receiving waters, or storm drain systems.

STORM WATER SPECIAL PROVISIONS for MINIMAL or NO IMPACT
TR-0400 (Rev 09/2012)

- 16. EXISTING VEGETATION:** Established existing vegetation is the best form of erosion control. Minimize disturbance to existing vegetation. Damaged or removed vegetation shall be replaced as directed by the State Representative.
- 17. SOIL DISTURBANCE:** Soil disturbing activities shall be avoided during the wet weather season. If construction activities during wet weather are allowed in your permit, all necessary erosion control and soil stabilization measures shall be implemented in advance of soil disturbing activity.
- 18. SLOPE STABILIZATION AND SEDIMENT CONTROL:** Consider a certified expert in Erosion and Sediment control in cases where slopes are disturbed during construction. The Permittee is directed to comply with Section 13.5 Temporary Soil Stabilization and Section 21 Erosion Control of the State of California (2010 version) standard specifications for construction during application of temporary soil stabilization measures to the soil surface. Fiber rolls or silt fences may be required down slope until permanent soil stabilization is established. Remove the accumulated sediment whenever the sediment accumulates to 1/3 of the linear sediment barrier height.
- 19. STOCKPILES:** Stockpiles containing aggregate and/or soil shall be stored at least 100 feet from concentrated flows of storm water, drainage courses, and storm drain inlets if within a flood plain, otherwise at least 50 feet if outside the floodplain, and shall be covered and protected with a temporary perimeter sediment barrier. Cold mix stockpiles shall be stored on an impermeable surface and covered with 9mil plastic to prevent contact with water.
- 20. DISCOVERY OF CONTAMINATION:** The State Representative shall be notified in case any unusual discoloration, odor, or texture of ground water, is found in excavated material or if abandoned, underground tanks, pipes, or buried debris are encountered.
- 21. SANITARY AND SEPTIC WASTE:** Do not bury or discharge wastewater from a sanitary or septic system within the highway. Properly connected sewer facilities are free from leaks. With State Representative approval place portable sanitary facility at least 50 feet away from storm drains, receiving waters, and flow lines. Permittee must comply with local health agency provisions when using an on-site disposal system.
- 22. LIQUID WASTE:** Prevent job site liquid waste from entering storm drain systems and receiving waters. Drilling slurries, grease or oil-free waste water or rinse water, dredging, wash water or rinse water running off a surface or other nonstorm water liquids not covered under separate waste water permits shall be held in structurally sound, leak-proof containers, such as portable bins or portable tanks. Store containers at least 50 feet away from moving vehicles and equipment. Liquid waste may require testing to determine hazardous material content prior to disposal.
- 23. WATER CONTROL AND CONSERVATION:** Manage water use in a way that will prevent erosion and the discharge of pollutants into storm drain systems and receiving waters. Direct runoff water, including water from water line repair from the job site to areas where it can infiltrate into the ground. Direct water from off-site sources around the job site or from contact with jobsite water.
- 24. PILE DRIVING:** Keep spill kits and cleanup materials at pile driving locations. Park pile driving equipment over drip pans, absorbent pads, or plastic sheeting with absorbent material, and away from storm water run-on when not in use.
- 25. DEWATERING:** Dewatering consists of discharging accumulated storm water, groundwater, or surface water from excavations or temporary containment facilities. All dewatering operations shall comply with the latest Caltrans guidelines. Contact State representative for approval of dewatering discharge by infiltration or evaporation, otherwise, any effluent discharged into a permitted storm water system requires approval from the Regional Water Quality Control Board. Prior to the start of dewatering, the Permittee shall provide the State Representative with a dewatering and discharge work plan that complies with section 13-4.01B Submittals, Water Pollution Control, of the State of California standard specifications for construction (2010 version). A copy of the Waste Discharge Permit and a copy of a valid WDID number issued by the Regional Board shall be provided to the State representative.

PEDESTRIAN SAFETY (MCP) SPECIAL PROVISIONS

In addition to the attached General Provisions (Form TR-0045), the following special provisions are also applicable:

1. When the work area encroaches upon a sidewalk, walkway, or crosswalk area, special consideration must be given to pedestrian safety. Protective barricades, fencing, handrails and bridges, together with warning and guidance devices and signs must be utilized so that the passageway for pedestrians, especially blind and other physically handicapped, is safe and well defined and shown on the approved permit plan.
2. Pedestrian walkways and canopies within State Right of Way shall comply with the requirements of the applicable local agency or of the latest edition of the Uniform Building Code whichever contains the higher standards

SIDEWALKS (CS) SPECIAL PROVISIONS

In addition to the attached General Provisions (TR-0045), the following special provisions are applicable:

1. A State issued permit is required for any landscaping or tree installation, including installation of tree wells.
2. A separate permit must be obtained from Caltrans for any driveway, handicap-ramp installations or any sidewalks that are other than Portland Cement Concrete constructed in compliance with Caltrans Standard Specifications.
3. Traffic control is authorized only between 9 am and 3 p.m., Monday through Friday, holidays excluded. Any traffic control that requires lane closure shall be in compliance with the appropriate traffic control plan. Where required by the plan, the use of a flashing arrowboard is MANDATORY.
4. New curb and gutter installations shall be State Standard Type A2-6, unless necessary to conform to existing adjacent curb and gutter installations.
5. The minimum width of a sidewalk should be 8 feet between a curb and a building when in urban and rural main street place types. For all other locations the minimum width of sidewalk should be 6 feet when contiguous to a curb or 5 feet when separated by a planting strip.
6. Alignment and grade of gutter and sidewalk shall match the existing.
7. Existing concrete curb and paved shoulder shall be saw cut to a neat line prior to excavating and forming. Existing concrete sidewalk shall be saw cut at the scoreline. Paved shoulder shall be replaced with asphalt concrete paving material equal "in kind" and thickness to existing shoulder and shall conform to lip of new curb and gutter.
8. Permittee shall be responsible for the relocation or adjustment of any utility required as the result of work authorized by this permit, and utility relocation shall be completed prior to the installation of any new curb, gutter or sidewalk.
9. A monolithic pour of sidewalk and curb and gutter shall not be permitted.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
ENCROACHMENT PERMIT STEEL PLATE BRIDGING UTILITY PROVISIONS

TR -0157 (Rev. 07/2009)

To accommodate excavation work, steel plate bridging may be necessary. All conditions for use of steel plate bridging should be set forth in the special provisions.

Consideration of steel plate bridging should take into account the following factors:

1. Traffic speed.
2. Traffic Volume and Composition.
3. Duration and dimensions (width & daily estimated lengths) of the proposed excavation.
4. Weather conditions.

When backfilling operations of an excavation in the traveled way, whether transverse or longitudinal, cannot be properly completed within a work day, steel plate bridging with a non-skid surface and shoring (see Trenching & Shoring) may be required to preserve unobstructed traffic flow. In such cases, the following conditions shall apply:

1. Steel plate bridging on freeways is not allowed.
2. Steel plates used for bridging must extend a minimum of 12" beyond the edges of the trench.
3. Steel plate bridging shall be installed to operate with minimum noise.
4. The trench shall be adequately shored, (as mentioned in Section 629 of the Encroachment Permits Manual) to support the bridging and traffic loads.
5. Temporary paving with cold asphalt concrete shall be used to feather the edges of the plates, if plate installation by Method (2) described below, is used.
6. Bridging shall be secured against displacement by using adjustable cleats, shims, or other devices.

As required by the district, steel plate bridging and shoring shall be installed using either Method (1) or (2):

Method 1 For speeds of 45 MPH or greater:

The pavement shall be cold planed to a depth equal to the thickness of the plate and to a width and length equal to the dimensions of the plate.

Approach plate(s) and ending plate (if longitudinal placement) shall be attached to the roadway by a minimum of 2 dowels pre-drilled into the corners of the plate and drilled 2" into the pavement. Subsequent plates are to be butted and tack welded to each other.

Method 2 For Speeds less than 45 mph:

Approach plate(s) and ending plate (if longitudinal placement) shall be attached to the roadway by a minimum of 2 dowels pre-drilled into the corners of the plate and drilled 2" into the pavement. Subsequent plates are to be butted and tack welded to each other. Fine graded asphalt concrete shall be compacted to form ramps, maximum slope 8.5 % with a minimum 12" taper to cover all edges of the steel plates. When steel plates are removed, the dowel holes in the pavement shall be backfilled with either graded fines of asphalt concrete mix, concrete slurry, epoxy or an equivalent that is satisfactory to the Caltrans' representative.

The permittee is responsible for maintenance of the steel plates, shoring, asphalt concrete ramps, and ensuring that they meet minimum specifications. Unless specifically noted or granted in the special provisions, or approved by the State representative, steel plate bridging shall not exceed 4 consecutive working days in any given week. Backfilling of excavations shall be covered with a minimum 3" temporary layer of cold asphalt concrete.

The following table shows the advisory minimal thickness of steel plate bridging required for a given trench width (A-36 grade steel, designed for HS20-44 truck loading per Caltrans Bridge Design Specifications Manual).

Trench Width	Minimum Plate Thickness
10"	One-half inch - 1/2"
1'-11"	Three-quarters inch - 3/4"
2'-7"	Seven-eighths inch - 7/8"
3'-5"	One inch - 1"
5'-3"	One & three-quarter inch - 1 3/4"

NOTE: For spans greater than 5'-3", a structural design shall be prepared by a California registered civil engineer.

All steel plates within the right of way whether used in or out of the traveled way shall be without deformation. Inspectors can determine the trueness of steel plates by using a straight edge and should reject any plate that is permanently deformed.

Steel plates used in the traveled portion of the highway shall have a surface that was manufactured with a nominal Coefficient Of Friction (COF) of 0.35 as determined by California Test Method 342 (See Appendix H, Encroachment Permits Manual). If a different test method is used, the permittee may utilize standard test plates with known coefficients of friction available from each Caltrans District Materials Engineer to correlate skid resistance results to California Test Method 342. Based on the test data, the permittee shall determine what amount of surface wear is acceptable, and independently ascertain when to remove, test, or resurface an individual plate.

Caltrans Inspectors should not enforce plate removal unless it is permanently deformed or delivered without the required surfacing. However, an inspector should document in a diary all contacts with the contractor.

A Rough Road sign (W8-8) with black lettering on an orange background may be used in advance of steel plate bridging. This sign is used along with any other required construction signing.

Surfacing requirements are not necessary for steel plates used in parking strips, on shoulders not used for turning movements, or on connecting driveways, etc., not open to the public.

TRAFFIC STRIPING, MARKINGS, AND SIGNS (MCS) SPECIAL PROVISIONS

In addition to the attached General Provisions (TR-0045), the following special provisions are also applicable:

1. Traffic striping, pavement markings and signs shall be furnished and placed by the permittee and the cost shall be borne by the permittee. Where new asphalt concrete has been placed, painted striping and pavement markings shall be installed within 24-hours. Where shown on the plans, after thirty (30) days curing time, thermoplastic materials shall be applied in compliance with Section 84 of the Standard Specifications.
2. Roadside signs shall be placed at locations shown on the permit plans and shall be installed in compliance with the latest edition of Caltrans Standard Plans.
3. Permittee shall furnish to State's representative a completed Form CEM-3101 "Notice of Materials to be Used," and approval of the material used shall be obtained prior to its installation.

OCEANO COMMUNITY SERVICES DISTRICT

OCEANO DRAINAGE UTILITY RELOCATION PROJECT

**OCEANO, CA
CONTRACT NO. 2019-02**

EXHIBIT "G-3"

UTILITY RELOCATION AGREEMENT WITH COUNTY

UTILITY RELOCATION AGREEMENT

Oceano Drainage Improvement Project Oceano, California

THIS UTILITY RELOCATION AGREEMENT ("Agreement") is made by and between the **OCEANO COMMUNITY SERVICES DISTRICT**, a community services district, hereinafter referred to as "District," and the **COUNTY OF SAN LUIS OBISPO**, a political subdivision of the State of California, hereinafter referred to as "County." (Hereafter, the District and the County may also be referred to as the "Parties.")

WITNESSETH:

WHEREAS, the County is preparing to install storm drain improvements associated with the Oceano Drainage Improvement Project (WBS 300465) in Oceano, California (hereinafter the "Project"); and

WHEREAS, the plans, specifications, and estimates (PS&E) for the construction of the Project shall hereinafter be referred to as the "Project Plans"; and

WHEREAS, the County has provided the District a copy of the Project Plans; dated November 13, 2017; and

WHEREAS, the area within ten (10) feet of any digging or excavation work contemplated by the Project Plans shall hereinafter be referred to as the "Conflict Area;" and

WHEREAS, the District's water and sewer pipelines and related facilities (hereinafter "District Utility Lines") that are within the Conflict Area need to be relocated; and

WHEREAS, the Project Plans show approximately sixty (60) linear feet of District Utility Lines located within the Conflict Area for work shown along Dolphin Avenue (hereinafter the "Dolphin Avenue Facilities"); and

WHEREAS, District Utility Lines located within the Conflict Area for work on any other portion of the Project (i.e., any work other than the Dolphin Avenue work) shall hereinafter be referred to as the "Other District Facilities;" and

WHEREAS, the Other District Facilities include the District Utility lines located within the Project areas described in the attached Exhibit "A" (which constitute approximately four hundred (400) linear feet of District Utility Lines); and

WHEREAS, the District hereby represents that it is not aware of any other District Utility Lines that would constitute Other District Facilities other than those located within the Project areas described in the attached Exhibit A; and

WHEREAS, the Parties desire to work together to coordinate the relocations work with the Project's construction contract (hereafter, "Construction Contract") pursuant to the terms of the Agreement; and

WHEREAS, the Parties acknowledge that the Project's Construction Contract will be performed in highways and funded with federal funds; and

WHEREAS, it is understood that said highway is a Federal aid highway and accordingly, 23 CFR, Chapter 1, Part 645 is hereby incorporated into this Agreement. In addition, the provisions of 23 CFR 635.410, Buy America, are also incorporated into this Agreement. The Buy America requirements are further specified in Moving Ahead for Progress in the 21st Century (MAP-21), section 1518; 23 CFR 635.410 requires that all manufacturing processes have occurred in the United States for steel and iron products (including the application of coatings) installed on a project receiving Federal funding; and

WHEREAS, the Parties understand and acknowledge that this Project is subject to the requirements of the Buy America law (23 U.S.C., Section 313) and applicable regulations, including 23 CFR 635.410 and FHWA guidance. The County hereby certifies that in the performance of this Agreement, for products where Buy America requirements apply, it shall use only such products for which it has received a certification from its supplier, or provider of construction services that procures the product certifying Buy America compliance. This does not include products for which waivers have been granted under 23 CFR 635.410 or other applicable provisions or excluded material cited in the Department's guidelines for the implementation of Buy America requirements for utility relocations issued on December 3, 2013.

NOW, THEREFORE, the Parties hereto agree as follows:

A. Recitals

1. The above recitals are incorporated herein by reference as though fully set forth herein.

B. Allocation of Costs

1. "Relocation Work" shall mean all design, construction, inspection, and Project administration work relating to the relocation of any District Utility Lines within the Conflict Area pursuant to the Project's Construction Contract.
2. Except as otherwise expressly provided for in this Agreement, the District shall be responsible for all reasonable costs of the Relocation Work associated with the Other District Facilities.
3. Except as otherwise expressly provided for in the Agreement, the County shall be responsible for all reasonable costs of the relocation Work associated with the Dolphin Avenue Facilities.
4. The Parties acknowledge that, to the extent the construction of the relocation of any District Utility Lines is performed as part of the Project's Construction Contract, the

construction work shall be performed by the independent contractor (hereafter "Contractor") that is awarded said Construction Contract based upon the lowest responsive bid on the base contract under Public Contract Code Section 20103.8(a). The Parties agree that, as between the District and the County, the Contractor's bid price for any additive bid item regarding the relocation of Other District Facilities shall be deemed reasonable subject to the terms of this Agreement.

5. The Parties further acknowledge that neither the County nor the District guarantees the performance of the Contractor, and neither Party insures or indemnifies the other Party for any breaches of the Construction Contract by the Contractor. Except as otherwise expressly provided for in this Agreement, neither the County nor the District are responsible for any costs or damages incurred by the other Party arising from a breach of the Construction Contract by the Contractor.

C. Preconstruction Work

1. The parties acknowledge that the County shall not be responsible for the design of any Relocation Work. As the owner of the District Utility Lines, the District shall be solely responsible for preparation of all necessary plans, specifications, and estimates (PS&E) for the relocation of any District Utility Lines.
2. In order to facilitate the timely completion of the Project, the County has retained a design engineer to prepare the PS&E for the relocation of the Dolphin Avenue Facilities, which have been included in the Project Plans. The portions of the Project Plans regarding the relocation of the Dolphin Avenue Facilities have already been reviewed and approved by the District's retained engineer, and the District hereby approves those portions of the Project Plans regarding the relocation of the Dolphin Avenue Facilities.
3. The District has provided the County the District's final PS&E for the construction of the relocation of the Other District Facilities. Said PS&E are dated January 19, 2018 and were prepared by the District's retained engineer. Pursuant to the latest approved County construction standards, any above grade facilities included in said PS&E shall ensure 10-foot clearance and any affected valves or covers shall be adjusted to finish grade. The District shall be responsible for ensuring that said PS&E are in compliance with any applicable laws and regulations, including any State Health Department utility separation requirements.
4. The District is responsible for the accuracy and completeness of all documents and information submitted to the County relating to the design, bidding, and/or construction of the relocations of any District Utility Lines. The County assumes no responsibility for the accuracy or completeness of any documents or information submitted on behalf of the District relating to the design, bidding, and construction

of Relocation Work. The District shall defend, indemnify and hold harmless the County, its officers, agents, and employees from any and all claims, demands, damages, costs, expenses, judgments or liability (hereafter "Claims") arising from any assertions regarding the inaccuracy or incompleteness of any documents and information submitted to the County relating to the design, bidding, and/or construction of the Relocation Work, including but not limited to any Claims by the construction Contractor that said inaccuracy or incompleteness caused by the Contractor to incur delays, additional costs or monetary damages.

5. The County agrees that it will satisfy all preconstruction environmental planning requirements of the Project under the California Environmental Quality Act, National Environmental Policy Act, and related environmental regulations with respect to any Relocation Work performed under the County's Construction Contract. However, the District shall remain responsible for all reasonable costs relating to any construction work addressing and/or mitigating any environmental or related matters associated with any Relocation Work regarding the Other District Facilities. (For example, if any Native American artifacts or remains are located in any areas where said Relocation Work is to be performed, the District shall remain responsible for all reasonable costs incurred in addressing and/or mitigating said matters, regardless of whether or not said Native American artifacts or remains were addressed in any preconstruction environmental planning documents.)

D. Required Deposit of Funds by District

1. The District shall pay the County an initial deposit of \$109,868.00 for the Relocation Work relating to the Other District Facilities within seven (7) days of receiving a written demand therefor from the County Public Works Department. If said deposit is not received by County by said date, the Relocation Work relating to the Other District Facilities will not be part of the Project and the District shall independently relocate the Other District Facilities at its own expense no later than May 31, 2019. (Hereafter, the term "Deposit Amount" shall refer to the amount of said initial deposit, plus any subsequent deposits and less any deposit refunds made under this Agreement.
2. If the District does pay the County the initial Deposit Amount of \$109,868.00 within seven (7) days of receiving a written demand therefor from the County Public Works Department, the District's PS&E for the construction of the relocation of the Other District Facilities shall be incorporated into the Project Plans for the purpose of including the relocation of the Other District Facilities as an additive bid item when the Construction Contract for the County's Projects is advertised for bids pursuant to Public Contract Code Section 20103.8(a). (If the County elects to advertise the Construction Contract for bids before said seven (7) day period expires, and said deposit is not received within said seven (7) day period, the County will issue an addendum to the Construction Contract deleting the inclusion of the relocation of

Other District Facilities as an additive bid item, the Relocation Work relating to the Other District Facilities will no be part of the Project, and the District shall independently relocate the Other District Facilities at its own expense no later than May 31, 2019.

E. Award of County Project Construction Contract

1. The below subsections of this Section E are applicable only if the relocation of the Other District Facilities is included as an additive bid item in the Construction Contract for the County's Project pursuant to this Agreement.
2. If the relocation of the Other District Facilities is included as an additive bid item pursuant to this Agreement, the lowest bid shall be the lowest responsive bid price on the base contract for the Project without consideration of the bid prices on any additive or deductive items included in the County's bid solicitation pursuant to subdivision (a) of Public Contract Code Section 20103.8. In other words, any amount(s) bid as the bid price for the additive bid item for constructing the relocation of the Other District Facilities shall be irrelevant to the County's determination of the lowest responsive bid.
3. After the bids are opened, the County will provide the District with written notice of which bid has been determined to be the lowest responsive bid by the County's Public Works Department pursuant to the criteria set forth in subdivision (a) of Public Contract Code Section 20103.8. (Said written notice by the County shall hereafter be referred to as the "Low Bid Notice.") the County will try to send out the Low Bid Notice within five (5) business days of the bid opening date, but the notice may be delayed if any bidder(s) submit a bid protest (or to allow the time for submitting a protest to lapse). If the District has any objection to the County's determination of the lowest responsive bid, the District's sole remedy is to timely provide the County with written notice that the District is rejecting having the relocation of the Other District facilities performed as part of the Project's Construction Contract as set forth below. The District hereby waives any right(s) it may have to protest or challenge in any forum (including any administrative procedures of the County or judicial proceedings of the courts) the County's determination of the lowest responsive bid. The District further waives any claims for damages against the County arising from any alleged erroneous determination by the County of the lowest responsive bid.
4. The District shall have seven (7) days from the date the County provided the Low Bid Notice to the District to provide the County written notice of the District's decision to reject having the relocation of the Other District Facilities performed as part of the Project's Construction Contract. If the County does not receive such written notice of rejection within seven (7) days of the Low Bid Notice, and the District timely pays any supplemental deposit amounts required in Section E.6 below, then (a) the District

shall be deemed to have approved the additive bid amount for the relocation of the Other District Facilities submitted by the lowest responsive bid (as determined by the County), (b) the County shall accept said additive bid item, and (c) said relocation of the Other District Facilities shall be performed as part of the Project's Construction Contract. If the District does provide such written notice of rejection within seven (7) days after date the County provided the Low Bid notice to the District, or fails to timely pay any supplemental deposit amounts required in Section E.6. below, this shall result in the following: (a) the Deposit Amount shall be promptly returned to the District (less any reasonable costs incurred by the County for any relocation Work regarding the Other District Facilities); (b) the County will not include the additive bid item as part of the Project Construction Contract; and (c) the District shall independently relocate the Other District Facilities at its own expense no later than May 31, 2019, or as otherwise agreed in a separate written agreement signed by the District's General manager and the County Director of Public Works.

5. In the event the county's Public Works Department ever later sends the District a subsequent Low Bid Notice as a result of a bid protest for any other reason whatsoever, the last Low bid Notice provided to the District shall be considered the only Low Bid notice for purposes of this Section E, any prior versions of the Low Bid Notice shall be deemed null and void, and all District deadlines identified in this Section E shall be reset based upon the last Low Bid Notice.
6. If the bid amount for the additive bid item for the Other District Facilities on the lowest responsive bid (as determined by the County) is greater than \$99,880.00, the District must pay the supplemental deposit described in this paragraph in order for the County to be obliged to accept that additive bid. If the bid amount for the additive bid item for the Other District Facilities on the lowest responsive bid (as determined by the County) is greater than \$99,880.00, the District must pay the County a supplemental deposit in a an amount equal to 110% of the amount in excess of \$99,880.00 within fourteen (14) calendar days of the date the County provided the Low bid Notice to the District. If said supplemental deposit is not received by County by that date, the relocation of the Other District Facilities will not be part of the Project and the District shall independently relocate the Other District Facilities at its own expense no later than May 31, 2019, or as otherwise agreed in a separate written agreement signed by the District's General Manager and the County Director of Public Works.
7. Notwithstanding the foregoing, the County reserves its right to reject all bids for the Project (including the relocation Work), and to not award any Construction Contract at all. If the County does exercise this right, each party shall be responsible for bearing its own costs, expenses, and damages relating to this Agreement.

8. If the District does independently relocate the Other District Facilities, the District shall comply with all applicable laws and regulations, including the obligation to obtain an encroachment permit from the County for any relocation work within any County right of way.

F. Adjustments to Deposit Amount

1. In the event the Deposit Amount ever falls below 110% of the County's Third Party Costs ("County 3P Costs") relating to the Other District Facilities, the County shall have the right to request in writing that the District pay an additional deposit to the County in an amount that would make the Deposit Amount equal to 110% of said County 3P Costs. (For purposes of this Agreement, "County 3P Costs" shall refer to the Contractor's total bid price for the additive bid item for the relocation of the Other District Facilities, plus/minus any increases/decreases in the contract price for said work under the Construction Contract per change orders executed by the County in a manner consistent with this Agreement, plus any reasonable costs the County pays an outside consultant for any services relating to said Relocation Work). Within ten (10) days of being provided such written request from the County, the District shall pay to the county an amount that would make the District's Deposit Amount equal to 110% of said 3P Costs. If the County does not receive a District payment within said time period in an amount sufficient to make the Deposit Amount equal to at least 110% of said County 3P Costs, the County shall be entitled to recover interest from the District on the amount the District failed to so timely pay at the rate of 2% per month.
2. In the event the Deposit Amount ever exceeds 110% of the County 3P Costs for the relocation Work relating to the Other District Facilities, the District shall have the right to request in writing a refund of the amount by which the Deposit Amount exceeds 110% of said County 3P Costs. Within ten (10) days of being provided such written request from the District, the County shall refund to the District an amount that would make the District's Deposit Amount equal to 110% of said County 3P Costs. If the district does not receive a refund payment from the County within said time period in an amount sufficient to make the Deposit Amount equal to no more than 110% of said County 3P Costs, the District shall be entitled to recover interest from the County on the amount the District failed to so timely pay at the rate of 2% per month.

G. Construction of Relocation Work

1. The parties acknowledge that the County shall not be responsible for inspecting any work under the Construction Contract relating to the relocation of any District Utility Lines, including but not limited to, any testing of any District Utility Lines relocated pursuant to the Construction Contract. As between the District and the County, the District shall be solely responsible for any and all such inspections.

2. The County will forward to the District any Request for Information ("RFI") it receives from the Contractor pertaining to the construction of the relocation of any District Utility Lines, and the District shall be obliged to provide a timely response to the County regarding the RFI.
3. The District shall provide, in a timely manner, all inspections necessary to verify that any work under the Construction Contract relating to the relocation of any District Utility Lines is constructed in conformance with the Construction Contract. The District shall coordinate any such inspections with the Contractor, and shall have access to the job site to inspect the construction and testing of any such work.
4. The District acknowledges that the Contractor is responsible for the safety of the job site. The District shall hold the County harmless of any claim arising from any injury to District property or personnel which may occur on the job site that is not caused by an act of negligence of the County, a County employee, or an agent of the County. Similarly, if an independent consultant or contractor of the District suffers any injury to person or property while on the job site, the District shall defend and indemnify the County from any and all such claims related thereto unless an act of negligence of the County, a County employee, or an agent of the County caused the injury.
5. The District shall immediately report to the County any substandard or defective work or materials discovered by the District relating to the relocation of any District Utility Lines that is not in compliance with the Construction Contract. If the County receives such a timely report from the District, the County shall direct the Contractor to repair or replace any such materials or work which the County agrees is substandard or defective. The Parties acknowledge that no inspection performed by the District under this Agreement shall relieve the Contractor of its obligation to perform any work in accordance with the Construction Contract. The District acknowledges that the County's sole and exclusive obligations with respect to any substandard or defective work or materials are set forth in this Agreement. In the event the District fails to immediately report any substandard or defective work or materials to the County, or later discovers any substandard or defective work or materials, the District shall have no claims against the County for any District damages relating to any such substandard or defective work or materials.
6. Prior to making any payment to the Contractor for any work under the Construction Contract relating to the relocation of any District Utility Lines, the County shall provide written notice to the District regarding the proposed payment amount for work relating to the relocation of any District Utility Lines. Within five (5) days of being provided said notice, the District shall notify the County in writing of any reasonable objections it has to the proposed payment amount with sufficient particularity so that the Contractor and/or the County can take whatever appropriate actions may be

necessary to address the District's objection(s). The District will be deemed to have approved any payment items which are not so objected to in writing within said five (5) day period. In the event the District provides a timely written objection to any payment items, and a payment to the Contractor is denied, delayed or reduced by the County in response to a District objection, the District shall hereby defend, indemnify and hold harmless the County from any and all liability, damages, claims, demands, and costs (including costs of defense and attorney fees) relating to, or arising from, any claims by the Contractor that said denial, delay or reduction in payment was improper or unlawful. Although the County reserves the right to disregard any objection it receives from the District that the County deems to be unreasonable, the District's above obligation to defend, indemnify and hold harmless the County shall apply regardless of the reasonableness of the District's objection.

7. Prior to giving its final approval of any proposed change order for any work under the Construction Contract relating to the relocation of any District Utility Lines, the County shall notify the District in writing by providing the District a copy of the proposed change order. As expeditiously as reasonable possible, and no later than 48 hours of being provided said notice by email and facsimile, the District shall notify the County in writing (by email and facsimile) of any reasonable objections it has to the proposed change order with sufficient particularity so that the Contractor and/or the County can take whatever appropriate actions may be necessary to address the District's objection(s). It is understood and agreed by the Parties that any District approval regarding proposed change orders to the Dolphin Avenue Facilities shall be only in regards to the Relocation work and not as to cost of the change in work, as any such change in cost shall be paid by the County pursuant to this Agreement. The District will deemed to have approved any proposed change orders which are not so timely objected to in writing. In the even the District provides a timely written objection to any proposed change order, and the proposed change order is denied, delayed or reduced by the County in response to a District objection, the District shall hereby defend, indemnify and hold harmless the County from any and all liability, damages, claims, demands, and costs (including costs of defense and attorney fees) relating to, or arising from, any claims by the Contractor that said denial, delay or reduction was improper or unlawful. Although the County reserves the right to disregard any objection it receives from the District that the County deems to be unreasonable, the District's above obligation to defend, indemnify and hold harmless the County shall apply regardless of the reasonableness of the District's objection.
8. Notwithstanding the foregoing, the Parties recognize that exigent circumstances may arise at the job site where it would be impractical for the County to provide written notice to the District before the County ordered the Contractor to perform work relating to the relocation of District Utility Lines that is different than that set forth in the Construction Contract. Under such exigent circumstances, the County is not obliged to providing the District with any written notice before ordering the

Contractor to perform the changed work. To the extent it is practical, the County shall try to consult with the District under such circumstances.

9. The construction of the relocation of any District Utility Lines performed under the Construction Contract shall be deemed completed on the earliest "completion" date under Public Contract Code Section 7107(c)). Upon such completion date, the District shall automatically assume full, complete and sole ownership and control over the District Utility Lines installed as part of the Construction Contract, and shall be solely responsible for the operation and maintenance of said facilities. The County shall not be responsible for any costs incurred for and Relocation Work on any District Utility Lines after said completion date, unless said costs are incurred as a result of a breach of an express obligation of the County provided for in this Agreement.
10. The District's failure to provide the County a timely written objection to a proposed payment to the Contractor under Section G.6. above shall constitute an acknowledgement by the District that it is not aware of any substandard or defective work or materials regarding any of the Relocation Work relating to the proposed payment. Prior to making a final payment to the Contractor, the County reserves the right to require that the District provide the County a list of any and all written objections it has provided the County pursuant to Section G.5. and G.6. above that the District does not believe have been properly resolved. The District shall provide the County a written response within five (5) days of being provided a written notice by the County that the County is exercising its rights under this subsection. The District's written response shall either list and describe any such objections, or simply state that no such objections exist. If the District does not respond within said five (5) day period, the District shall be deemed to have acknowledged that no such objections exist.
11. The County's Construction Contract shall require that the District, its directors, officers, and employees be named as additional insured's for the Relocation Work under the general liability and automobile insurance policies of the construction Contractor.
12. The County's Construction Contract shall identify the District as an expressed third-party beneficiary of any and all terms, provisions, plans, specifications and drawings in the Construction Contract relating to any work and materials regarding any District Utility Lines and the District shall have all rights and remedies against the Contractor for latent and other defects.
13. The Construction Contract shall require the Contractor to defend, indemnify, and save harmless the District, its director, officers, and employees in the same manner as the County under the Construction Contract.

14. Upon completion of the Project, the District will apply for an encroachment permit from County for any District Utility Lines within the County right of way. The District will be responsible for all general provisions of the encroachment permit, and the County agrees to issue the District said encroachment permit.

H. District Reimbursement of County Costs

1. The District shall reimburse the County for all reasonable costs incurred by the County relating to the Relocation Work associated with the Other District Facilities including but not limited to (a) any Relocation Work relating to change orders approved by the County in a manner consistent with the terms of this Agreement, and (b) any amounts the County deems reasonable to pay the Contractor to settle any claims made by the Contractor regarding work under the Construction Contract relating to the relocation of any Other District Facilities.
2. The Parties agree that the portion of the County's internal costs (i.e. County Staff time) for Project administration work attributable to the Relocation Work (including, but not limited to costs relating to reviewing and assembling the bid package, advertising and evaluating bids, award of contract, pre-construction environmental planning and compliance, processing payments to the Contractor, and other Construction Contract administration) shall be calculated as 10 percent of the construction cost of the relocation of the Other District Facilities. The District shall reimburse the County for all of the County's 3P Costs (as defined in Section F.1. above).

I. General Provisions

1. Time is of the essence. If the District fails to act in a timely manner, and said failure causes the County to incur additional cost under the Construction Contract, the District shall reimburse the County for any and all such costs. Unless otherwise specified, whenever the term "day" or "days" is used herein, it shall mean calendar days.
2. The County reserves the right to not proceed with the Project, or any portion thereof, for any reason. In the event the County exercises such right in writing, no Relocation Work shall be required under this Agreement, and the District shall be obliged to reimburse the County for all costs incurred by the County relating to the Relocation Work up to the date the County provides such written notice.
3. The District shall defend, indemnify and save harmless the County, its officers, agents, and employees from any and all claims, demands, damages, costs, expenses, judgments or liability arising from any act or omission of the District that is negligent or otherwise in breach of this Agreement.

4. The County shall defend, indemnify and save harmless the District, its officers, agents, and employees from any and all claims, demands, damages, costs, expenses, judgments or liability arising from any act or omission of the County that is negligent or otherwise in breach of this Agreement.
5. This Agreement shall not be changed or modified except upon written consent of the parties hereto.
6. Non-enforcement of any term, covenant or provision of the Agreement by either party shall not be considered a waiver by that party of rights under that Agreement or a waiver of any breach of the Agreement. To the extent any conduct of a party is construed as a waiver, the party's waiver of the breach of any on term, covenant or provision of this Agreement shall not be a waiver or a subsequent breach of the same term, covenant or provision of this Agreement.
7. This Agreement has been executed and delivered in, and shall be interpreted, construed, and enforced pursuant to and in accordance with the laws of the State of California. All duties and obligations of the parties created hereunder are performable in the County of San Luis Obispo; and such County shall be that venue for any action or proceeding that may be brought or arise out of, in connection with, or by reason of, this Agreement. If any action or other proceeding is filed to enforce or interpret this Agreement or any provision herein, the prevailing party shall be entitled to recover from the non-prevailing party, in addition to all other relief, its reasonable attorneys' and expert witnesses' fees, expenses and costs incurred in preparation for such action or proceeding, in pursuing such action or proceeding, on appeal from any such action or proceeding, and in collecting any monetary award resulting from such action or proceeding.
8. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.
9. Unless otherwise provided, all notices herein required shall be in writing, shall be delivered either by email or United States first class mail, postage prepaid. Notices required to be given to County shall be addressed as follows:

First Class Mail Delivery
Department of Public Works
Room 206 County Government Center
San Luis Obispo, CA 93408
Attn: Dave Flynn, Deputy Director

-Or-

Email Delivery
dflynn@co.slo.ca.us
pwd@co.slo.ca.us

-Or-

Facsimile (Fax)
(805) 781-1229

Notices required to be given to District shall be addressed as follows:

First Class Mail Delivery
Oceano Community Services District
1655 Front Street
Oceano, CA 93445
Attn: Paavo Ogren, General Manager

-Or-

Email Delivery
paavo@oceanocsd.org
office@oceanocsd.org

-Or-

Facsimile (Fax)
(805) 481-6836

Notices sent by email or facsimile (fax) shall be deemed provided to, and received by, the other party when the email or facsimile (fax) was properly sent. Notices sent by first-class U.S. mail shall be deemed provided to the other Party on the third business day after it was sent. If this Agreement specifically provides notices by email and facsimile, such notices will not be deemed provided by any other means.

10. This Agreement is intended by the parties as a final expression of their understanding with respect to the matters contained herein and is a complete and exclusive statement of the terms and conditions thereof.
11. The time for the parties to commence and/or complete their obligations required by this Agreement shall be extended for such period reasonable necessary to take into account any delays caused by riots, insurrections, martial law, civil commotion, war, flood, earthquakes or other acts of God.
12. Each party to this Agreement agrees to do all things that may be necessary, including without limitation, the execution of all documents which may be required hereunder, in order to implement and effectuate this Agreement.
13. The parties acknowledge that each party and its attorneys have reviewed, negotiated and revised this Agreement; and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in

the interpretation of this Agreement or any document executed and delivered by any party in connection with the transactions contemplated by this Agreement.

14. Unless this Agreement (or other applicable law) specifically requires and action by the County Board of Supervisors, all County actions under this Agreement are delegated to the County Director of Public Works (or the Director's designee). Unless this Agreement (or other applicable law) specifically requires an action by the District's Board, all District actions under this Agreement are delegated to the District's General Manager (or the General manager's designee).

15. This Agreement is effective as of the date it is fully executed by the Parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year set forth below.

Oceano Community Services District

By: Chindan Austin

Date: 1-18-~~18~~¹⁹19

ATTEST:

By: Cory C. ...
Clerk of the District

Date: 1/18/19

COUNTY OF SAN LUIS OBISPO

By: Debbie Arnold
Chairperson of the Board of Supervisors
County of San Luis Obispo
State of California

Date: February 26, 2019

ATTEST:

By: TOMMY GONG
County Clerk and Ex-Officio Clerk
Of the Board of Supervisors
County of San Luis Obispo
State of California

Date: February 26, 2019

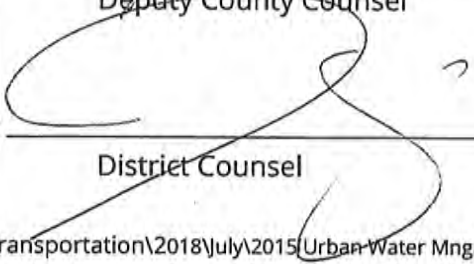
By: SANDY CURRENS
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT

RITA NEAL
COUNTY COUNSEL

By: 
Deputy County Counsel

Date: 1/2/19

By: 
District Counsel

Date: 1/2/19

L:\Transportation\2018\July\2015 Urban Water Mngmt Plan Update Zone 3 FC Prof Engr Agmt_nonfed funds_061013.docx

Exhibit A to Reimbursement Agreement

Other District Utilities

1. Paso Robles Street: relocate the waterline at project station 10+65; 15' right as shown on Sheet 8 of the project plans.
2. State Route 1: relocate the waterline at project station 10+90 as shown on Sheet 8 of the project plans.
3. Railroad Street: relocate the sewer line at project station 13+55 as shown on Sheet 12 of the project plans. Atlas information is different from pothole information obtained along the sewer line.
4. 15th Street: relocate the waterline at project station 13+80 as shown on Sheet 10 of the project plans.
5. 15th Street at Paso Robles Street: relocate the waterline at project station 10+15 as shown on Sheet 11 of the project plans.
6. Relocate any surface facilities or markers not yet identified to ensure 10-foot clearance from the edges of the proposed storm drain line and any appurtenances thereto.
7. Adjust to finished grade any valve or vault covers not yet identified.
8. Railroad Street: relocate waterline at station 13+45 as marked on Sheet 12 of plans.

OCEANO COMMUNITY SERVICES DISTRICT

OCEANO DRAINAGE UTILITY RELOCATION PROJECT

**OCEANO, CA
CONTRACT NO. 2019-02**

EXHIBIT "G-4"

RULES GOVERNING BID PROTESTS

**OCEANO COMMUNITY SERVICES DISTRICT
RESOLUTION NO: 2018 - 6**

**A RESOLUTION ADOPTING RULES GOVERNING BID PROTESTS AND OTHER
CHALLENGES TO AWARDS OF CONSTRUCTION CONTRACTS**

WHEREAS, the Oceano Community Services District (“District”) seeks formal and informal bids for facility and infrastructure construction contracts throughout its jurisdiction from time to time; and

WHEREAS, it is desirable to establish a uniform procedure for processing bid protests and other challenges to the award of construction contracts; and

WHEREAS, the attached “Rules Governing Bid Protests and Other Challenges to Awards of Construction Contracts” will establish such a uniform procedure.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Oceano Community Services District that:

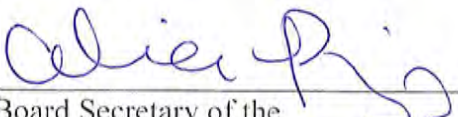
1. The attached “Rules Governing Bid Protests and Other Challenges to Awards of Construction Contracts” is hereby adopted and the General Manager is hereby delegated all of the powers, authority and duties needed to comply with the requirements and guidelines as set forth in the rules.
2. The District General Manager shall reference said rules in future bid documents for construction contracts and once adopted, the rules shall apply to all pending as well as future construction projects subject to bid.
3. The District General Manager shall have authority to make non-substantive revisions to the rules as needed to conform to specific projects, however, the rules shall remain in substantial conformance with the rules as adopted herein.
4. The District General Manager shall maintain a record of the processing of bid protests should they occur.

PASSED AND ADOPTED by the Board of Directors of the Oceano Community Services District on March 28, 2018 by the following vote:

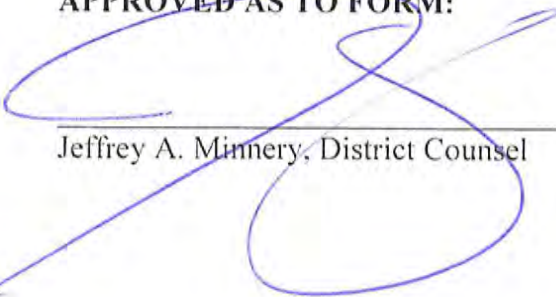
AYES: Director Coalwell, Director Brunet, Director Angello,
 Vice President Austin, President White
NOES: None
ABSTAIN: None
ABSENT: None


 President, Board of Directors
 of the Oceano Community Services District

ATTEST:


Board Secretary of the
Oceano Community Services

APPROVED AS TO FORM:


Jeffrey A. Minnery, District Counsel

OCEANO COMMUNITY SERVICES DISTRICT

Rules Governing Bid Protests And Other Challenges to Awards of Construction Contracts

The requirements set forth in these "Rules Governing Bid Protests And Other Challenges to Awards of Construction Contracts" ("Rules") are mandatory and are a Bidder's sole and exclusive remedy in the event a Bidder desires to challenge, protest or contest the award of any Construction Contract. A Bidder's failure to comply with these requirements shall constitute a waiver of any right to challenge, protest or contest the award of a Construction Contract in any subsequent proceeding, including but not limited to, the filing of a court action.

A Bidder may not rely upon another Bidder's compliance with the requirements of these Rules. Any Bidder that does not independently comply with the requirements set forth herein shall be deemed to have waived any right to challenge, protest or contest the award of a Construction Contract.

Nothing in these Rules affects the right of the District to reject all bids at any time prior to the award of a Construction Contract.

1.1 Definitions

- 1.1.1 Bidder - The contractor submitting a bid in response to a District solicitation for bids on a Construction Contract.
- 1.1.2 Protestor - A Bidder who files a Protest in accordance with the provisions of these Rules.
- 1.1.3 Board – Board of Directors of the Oceano Community Services District (hereinafter, also "District")
- 1.1.4 Construction Contract - Any Construction Contract which is formally or informally advertised for bids in which the District , or will be, a party.
- 1.1.5 Protest – Any challenge, objection, or protest to the award of a Construction Contract to any Bidder.
- 1.1.6 Response – Any response to a Protest that is filed by an Interested

Party in accordance with the provisions of these Rules.

General Manager - The person designated by the Board to assume the powers, duties, and responsibilities conferred under these Rules.

- 1.1.7 Initial Determination – A written notice by the General Manager that notifies a Bidder of the reasons why the General Manager believes that a bid is nonresponsive, or that a Bidder is not a responsible Bidder.
- 1.1.8 Interested Parties - For the purpose of these Rules, Interested Parties are defined as:
 - 1.1.8.1 The District.
 - 1.1.8.2 Any Bidder that filed a Protest or whose bid is the subject of an Initial Determination.
 - 1.1.8.3 Any Bidder whose eligibility for having the Construction Contract awarded to it as a responsible Bidder with the lowest responsive bid would be affected by the outcome of a Protest or Initial Determination.

1.2 General Manager's Independent Authority to Determine Bid Responsiveness and Bidder Responsibility.

- 1.2.1 Regardless of whether a Protest is submitted under these Rules, the General Manager is authorized to determine whether any bid is a responsive bid and whether any Bidder is a responsible Bidder. In the event the General Manager issues an Initial Determination, the General Manager shall provide the Interested Parties with written notice of the Initial Determination at least five (5) business days before the General Manager renders a final decision addressing the grounds stated in the Initial Determination. A final decision of the General Manager under this section 1.2 shall be the final decision of the District with no provision for reconsideration or appeal to the Board.
- 1.2.2 The General Manager need not issue an Initial Determination in order to make a final decision on whether a bid is a responsive bid or a Bidder is a responsible Bidder. A final decision can also be issued by the General Manager through the processing of a Protest pursuant to the procedures set forth in these Rules.
- 1.2.3 The General Manager reserves the right to amend or withdraw an Initial Determination at any time before the General Manager renders a final decision addressing the grounds stated in the Initial Determination. When an Initial Determination is withdrawn, it shall have the same effect as if the Initial Determination had never been made.

1.3 Basis for Protest

- 1.3.1 Grounds for Protest – The grounds for a Protest may include any grounds a Protestor may have for contesting or challenging the award of a Construction Contract to any Bidder, including but not limited to the following grounds:

- 1.3.1.1 A Protestor objects to a Construction Contract being awarded to another Bidder on the grounds that the other Bidder's bid is nonresponsive.
- 1.3.1.2 A Protestor objects to a Construction Contract being awarded to another Bidder on the grounds that the other Bidder is not a responsible Bidder.
- 1.3.1.3 A Protestor objects to a Construction Contract being awarded to the Protestor on the grounds that the Protestor made a mistake in its bid that entitles the Protestor to be relieved of its bid under Public Contract Code Sections 5100 et seq
- 1.3.1.4 A Protestor objects to a General Manager's Initial Determination issued under section 1.2.1 above.
- 1.3.2 Required Form of Protest - All Protests shall be made in writing, containing the information listed below, and shall be filed with the General Manager. Protests shall contain the following information:
 - 1.3.2.1 The name, address, telephone, facsimile numbers, and email address of the Protestor.
 - 1.3.2.2 The signature of the Protestor or its representative.
 - 1.3.2.3 The bid, solicitation and/or contract number.
 - 1.3.2.4 The Protest must contain a complete statement of all grounds for the Protest, and must refer to the specific portion of the bid documents that are the basis of the Protest. The Protest must set forth all supporting facts and documentation. If Protester believes there are some facts relevant to its Protest that Protester cannot adequately present in writing, Protester must describe such facts in its Protest under the heading "Facts Requiring Oral Presentation", and state therein the reasons why the Bid Protester believes it cannot adequately present those facts through documentation.
 - 1.3.2.5 All information establishing that the Protestor is a Bidder for the purpose of filing a Protest.
 - 1.3.2.6 The form of relief requested.

1.4 Protest Requirements and Procedure

- 1.4.1 Standing to Protest - Protests shall be filed only by a Bidder.
- 1.4.2 Time for Filing a Protest
 - 1.4.2.1 Except as provided in sections 1.4.2.2 and 1.4.2.3 below, all Protests must be submitted in writing to the General Manager before 5 p.m. PST of the sixth (6) business day following the date upon which the bids on the Construction Contract were opened.
 - 1.4.2.2 When a Protestor objects to a Construction Contract being awarded to the Protestor on the grounds that the Protestor made a mistake in its bid that entitles the Protestor to be relieved of its bid under Public Contract Code Sections 5100 et seq, the Protest must be submitted in writing to the General Manager before 5 p.m. PST of the fifth (5) business day following the date upon

which the bids on the Construction Contract were opened pursuant to Public Contract Code Section 5103.

- 1.4.2.3 When the Protestor objects to an Initial Determination made by the General Manager under section 1.2.1 above, the Protest must be submitted in writing to the General Manager before 5 p.m. PST of the fifth (5) business day following the date upon which the Initial Determination was first delivered to Protestor (either electronically or otherwise).
- 1.4.3 Written Responses of Interested Parties - If any Interested Party desires to respond to the Protest, the Response must be submitted in writing to the General Manager within five (5) business days of the date the Protest was first delivered to the Interested Party (either electronically or otherwise). If an Interested Party believes there are some facts relevant to its Response that the Interested Party cannot adequately present in writing, the Interested Party must describe such facts in its Response under the heading "Facts Requiring Oral Presentation", and state therein the reasons why the Interested Party believes it cannot adequately present those facts through documentation.
- 1.4.4 Proof of Transmittal - All Protests, Responses, and Replies shall include documentation evidencing that all Interested Parties were concurrently sent a complete copy of the respective Protest, Response or Reply in a manner that would provide all Interested Parties with a complete copy of the respective Protest, Response or Reply no later than one (1) business day after it was sent to the General Manager. The means of transmission chosen must also provide the sending party a means of verifying the date and time the copy was received by each Interested Party. Transmission by email may be an acceptable means of transmittal.
- 1.4.5 No Ex Parte or Unilateral Communications on the Merits of a Protest - No Bidder shall have any written communications regarding the merits of a Protest with the General Manager that are not concurrently sent to all of the other Interested Parties. No Bidder shall have any oral communications regarding the merits of a Protest with the General Manager other than during an oral presentation properly noticed by the General Manager under these Rules.
- 1.4.6 Suspension of Process for Proposed Rejection of all Bids - At any time during the processing of a Protest, the General Manager may elect to indefinitely suspend any further processing of the Protest by providing written notice to all Interested Parties that the General Manager intends to recommend to the Board that all bids be rejected. All time deadlines provided in these Rules shall be tolled during any such suspension period. If the Board decides to not reject all bids, or if the General Manager otherwise decides to lift the suspension, the requirements of these Rules shall be reactivated upon the General Manager providing all Interested Parties with written notice thereof.

1.5 Summary Dismissal of Protest

The General Manager may summarily dismiss a protest, or specific protest allegations, at any time that the General Manager determines that the Protest is untimely, frivolous, or without merit; is not submitted in the required form of Protest, as set forth above in section 1.3.2., "Required Form of Protest;" or is submitted by a non-Bidder. In such cases, a notice of summary dismissal will be furnished to the Interested Parties. Such a summary dismissal shall be the final decision of the District with no provision for reconsideration or appeal to the Board.

1.6 Decision by the General Manager Based on Written Submissions Only

In reaching a decision on the merits of a Protest, the General Manager may consider relevant documentation submitted by the Protestor and any other Interested Party. If the General Manager wishes to have additional information submitted that was not included in the Protest or in any documentation from other Interested Parties, the General Manager may make a request specifying the information sought and time for submittal. Submissions of additional information that have not been specifically requested by the General Manager may not be considered at the General Manager's sole discretion. If the General Manager does not provide an opportunity for an oral presentation under section 1.7 below, the General Manager will issue a written decision without any oral presentation. . The General Manager's decision shall be the final decision of the District with no provision for reconsideration or appeal to the Board.

1.7 Decision by the General Manager Following Oral Presentation

1.7.1 The General Manager may, at his or her discretion, elect to provide an opportunity for the Protestor and other Interested Parties to make an oral presentation to the General Manager regarding the Protest. In such event, oral presentations shall be conducted in accordance with the following procedure:

1.7.1.1 Notice of Oral Presentation - The General Manager will set a date, time, and place for an oral presentation. Written notice will be sent to Interested Parties not less than five (5) business days in advance of the oral presentation unless it is agreeable to all parties that an earlier date be established. Continuances may be granted by the General Manager for good cause.

1.7.1.2 Guidelines for Oral Presentation - Oral presentations are informal in nature and shall be made by the Protestor or its authorized representative. Technical rules of evidence shall not apply. The General Manager will determine how the oral presentations will be conducted and may set time limits for the presentation. The General Manager may question Interested Parties or provide an opportunity for Interested Parties to make an oral presentation. The General Manager may request additional documentation or information prior to, during or after the oral presentation. Unless

requested by the General Manager, additional documentation or information may not be accepted.

1.7.1.3 Record of Oral Presentation - Any Interested Party may request, and in the General Manager's sole discretion, the General Manager may allow recording of the presentation. If the General Manager allows the presentation to be recorded, the Interested Party requesting that the presentation be recorded must pay the cost of recording, including the costs to make and distribute copies of the recording to the General Manager and other Interested Parties. There shall be no cost to the District.

1.7.1.4 Decisions - The General Manager will issue a written decision within 30 calendar days of the oral presentation; however, the time for issuing the written decision may be extended by the General Manager. A copy of the decision will be furnished to the Interested Parties. The decision shall be the final decision of the District with no provision for reconsideration or appeal to the Board.

1.8 Effect on Contracts

The failure of a District employee or department to comply with the provisions stated in these Rules shall in no way affect the validity of any Construction Contract entered into by the District.

1.9 General Manager Decisions on Protests Seeking Relief from a Bidder's Mistake under Public Contract Code Section 5103.

When a Protestor objects to a Construction Contract being awarded to the Bid Protester on the grounds that the Protestor made a mistake in its bid that entitles the Protestor to be relieved of its bid under Public Contract Code Sections 5100 et seq, a final decision of the General Manager that relieves the Protestor of its bid on the grounds of mistake must be approved by the Board before it can become a final decision of the District. Any other final decision of the General Manager regarding a Protestor's request to be relieved of its bid on the grounds of mistake under Public Contract Code Sections 5100 et seq, shall be the final decision of the District with no provision for reconsideration or appeal to the Board.

OCEANO COMMUNITY SERVICES DISTRICT

OCEANO DRAINAGE UTILITY RELOCATION PROJECT

**OCEANO, CA
CONTRACT NO. 2019-02**

EXHIBIT "G-5"

PUBLIC CONTRACT CODE EXCERPTS

PUBLIC CONTRACT CODE
SECTION 9204.

(a) The Legislature finds and declares that it is in the best interests of the state and its citizens to ensure that all construction business performed on a public works project in the state that is complete and not in dispute is paid in full and in a timely manner.

(b) Notwithstanding any other law, including, but not limited to, Article 7.1 (commencing with Section 10240) of Chapter 1 of Part 2, Chapter 10 (commencing with Section 19100) of Part 2, and Article 1.5 (commencing with Section 20104) of Chapter 1 of Part 3, this section shall apply to any claim by a contractor in connection with a public works project.

(c) For purposes of this section:

(1) "Claim" means a separate demand by a contractor sent by registered mail or certified mail with return receipt requested, for one or more of the following:

(A) A time extension, including, without limitation, for relief from damages or penalties for delay assessed by a public entity under a contract for a public works project.

(B) Payment by the public entity of money or damages arising from work done by, or on behalf of, the contractor pursuant to the contract for a public works project and payment for which is not otherwise expressly provided or to which the claimant is not otherwise entitled.

(C) Payment of an amount that is disputed by the public entity.

(2) "Contractor" means any type of contractor within the meaning of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code who has entered into a direct contract with a public entity for a public works project.

(3) (A) "Public entity" means, without limitation, except as provided in subparagraph (B), a state agency, department, office, division, bureau, board, or commission, the California State University, the University of California, a city, including a charter city, county, including a charter county, city and county, including a charter city and county, district, special district, public authority, political subdivision, public corporation, or nonprofit transit corporation wholly owned by a public agency and formed to carry out the purposes of the public agency.

(B) "Public entity" shall not include the following:

(i) The Department of Water Resources as to any project under the jurisdiction of that department.

(ii) The Department of Transportation as to any project under the jurisdiction of that department.

(iii) The Department of Parks and Recreation as to any project under the jurisdiction of that department.

(iv) The Department of Corrections and Rehabilitation with respect to any project under its jurisdiction pursuant to Chapter 11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal Code.

(v) The Military Department as to any project under the jurisdiction of that department.

(vi) The Department of General Services as to all other projects.

(vii) The High-Speed Rail Authority.

(4) "Public works project" means the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind.

(5) "Subcontractor" means any type of contractor within the meaning of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code who either is in direct contract with a contractor or is a lower tier subcontractor.

(d) (1) (A) Upon receipt of a claim pursuant to this section, the public entity to which the claim applies shall conduct a reasonable review of the claim and, within a period not to exceed 45 days, shall provide the claimant a written statement identifying what portion of the claim is disputed and what portion is undisputed. Upon receipt of a claim, a public entity and a contractor may, by mutual agreement, extend the time period provided in this subdivision.

(B) The claimant shall furnish reasonable documentation to support the claim.

(C) If the public entity needs approval from its governing body to provide the claimant a written statement identifying the disputed portion and the undisputed portion of the claim, and the governing body does not meet within the 45 days or within the mutually agreed to extension of time following receipt of a claim sent by registered mail or certified mail, return receipt requested, the public entity shall have up to three days following the next duly publicly noticed meeting of the governing body after the 45-day period, or extension, expires to provide the claimant a written statement identifying the disputed portion and the undisputed portion.

(D) Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the public entity issues its written statement. If the public entity fails to issue a written statement, paragraph (3) shall apply.

(2) (A) If the claimant disputes the public entity's written response, or if the public entity fails to respond to a claim issued pursuant to this section within the time prescribed, the claimant may demand in writing an informal conference to meet and confer for settlement of the issues in dispute. Upon receipt of a demand in writing sent by registered mail or certified mail, return receipt requested, the public entity shall schedule a meet and confer conference within 30 days for settlement of the dispute.

(B) Within 10 business days following the conclusion of the meet and confer conference, if the claim or any portion of the claim remains in dispute, the public entity shall provide the claimant a written statement identifying the portion of the claim that remains in dispute and the portion that is undisputed. Any payment due on an undisputed portion of the claim shall be processed and made within 60 days after the public entity issues its written statement. Any disputed portion of the claim, as identified by the contractor in writing, shall be submitted to nonbinding mediation, with the public entity and the claimant sharing the associated costs equally. The public entity and claimant shall mutually agree to a mediator within 10 business days after the disputed portion of the claim has been identified in writing. If the parties cannot agree upon a mediator, each party shall select a mediator and those mediators shall select a qualified neutral third party to mediate with regard to the disputed portion of the claim. Each party shall bear the fees and costs charged by its respective mediator in connection with the selection of the neutral mediator. If mediation is unsuccessful, the parts of the claim remaining in dispute shall be subject to applicable procedures outside this section.

(C) For purposes of this section, mediation includes any nonbinding process, including, but not limited to, neutral evaluation or a dispute review board, in which an independent third party or board assists the parties in dispute resolution through negotiation or by issuance of an evaluation. Any mediation utilized shall conform to the timeframes in this section.

(D) Unless otherwise agreed to by the public entity and the contractor in writing, the mediation conducted pursuant to this section shall excuse any further obligation under Section 20104.4 to mediate after litigation has been commenced.

(E) This section does not preclude a public entity from requiring arbitration of disputes under private arbitration or the Public Works Contract Arbitration Program, if mediation under this section does not resolve the parties' dispute.

(3) Failure by the public entity to respond to a claim from a contractor within the time periods described in this subdivision or to otherwise meet the time requirements of this section shall result in the claim being deemed rejected in its entirety. A claim that is denied by reason of the public entity's failure to have responded to a claim, or its failure to otherwise meet the time requirements of this section, shall not constitute an adverse finding with regard to the merits of the claim or the responsibility or qualifications of the claimant.

(4) Amounts not paid in a timely manner as required by this section shall bear interest at 7 percent per annum.

(5) If a subcontractor or a lower tier subcontractor lacks legal standing to assert a claim against a public entity because privity of contract does not exist, the contractor may present to the public entity a claim on behalf of a subcontractor or lower tier subcontractor. A subcontractor may request in writing, either on his or her own behalf or on behalf of a lower tier subcontractor, that the contractor present a claim for work which was performed by the subcontractor or by a lower tier

subcontractor on behalf of the subcontractor. The subcontractor requesting that the claim be presented to the public entity shall furnish reasonable documentation to support the claim. Within 45 days of receipt of this written request, the contractor shall notify the subcontractor in writing as to whether the contractor presented the claim to the public entity and, if the original contractor did not present the claim, provide the subcontractor with a statement of the reasons for not having done so.

(e) The text of this section or a summary of it shall be set forth in the plans or specifications for any public works project that may give rise to a claim under this section.

(f) A waiver of the rights granted by this section is void and contrary to public policy, provided, however, that (1) upon receipt of a claim, the parties may mutually agree to waive, in writing, mediation and proceed directly to the commencement of a civil action or binding arbitration, as applicable; and (2) a public entity may prescribe reasonable change order, claim, and dispute resolution procedures and requirements in addition to the provisions of this section, so long as the contractual provisions do not conflict with or otherwise impair the timeframes and procedures set forth in this section.

(g) This section applies to contracts entered into on or after January 1, 2017.

(h) Nothing in this section shall impose liability upon a public entity that makes loans or grants available through a competitive application process, for the failure of an awardee to meet its contractual obligations.

(i) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 2.

The Legislature finds and declares that it is of statewide concern to require a charter city, charter county, or charter city and county to follow a prescribed claims resolution process to ensure there are uniform and equitable procurement practices.

SEC. 3.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

PUBLIC CONTRACT CODE
SECTION 20104-20104.6
(2016)

20104. (a) (1) This article applies to all public works claims of three hundred seventy-five thousand dollars (\$375,000) or less which arise between a contractor and a local agency.

(2) This article shall not apply to any claims resulting from a contract between a contractor and a public agency when the public agency has elected to resolve any disputes pursuant to Article 7.1 (commencing with Section 10240) of Chapter 1 of Part 2.

(b) (1) "Public work" means "public works contract" as defined in

Section 1101 but does not include any work or improvement contracted for by the state or the Regents of the University of California.

(2) "Claim" means a separate demand by the contractor for (A) a time extension, (B) payment of money or damages arising from work done by, or on behalf of, the contractor pursuant to the contract for a public work and payment of which is not otherwise expressly provided for or the claimant is not otherwise entitled to, or (C) an amount the payment of which is disputed by the local agency.

(c) The provisions of this article or a summary thereof shall be set forth in the plans or specifications for any work which may give rise to a claim under this article.

(d) This article applies only to contracts entered into on or after January 1, 1991.

20104.2. For any claim subject to this article, the following requirements apply:

(a) The claim shall be in writing and include the documents necessary to substantiate the claim. Claims must be filed on or before the date of final payment. Nothing in this subdivision is intended to extend the time limit or supersede notice requirements otherwise provided by contract for the filing of claims.

(b) (1) For claims of less than fifty thousand dollars (\$50,000), the local agency shall respond in writing to any written claim within 45 days of receipt of the claim, or may request, in writing, within 30 days of receipt of the claim, any additional documentation supporting the claim or relating to defenses to the claim the local agency may have against the claimant.

(2) If additional information is thereafter required, it shall be requested and provided pursuant to this subdivision, upon mutual agreement of the local agency and the claimant.

(3) The local agency's written response to the claim, as further documented, shall be submitted to the claimant within 15 days after receipt of the further documentation or within a period of time no greater than that taken by the claimant in producing the additional information, whichever is greater.

(c) (1) For claims of over fifty thousand dollars (\$50,000) and less than or equal to three hundred seventy-five thousand dollars (\$375,000), the local agency shall respond in writing to all written claims within 60 days of receipt of the claim, or may request, in writing, within 30 days of receipt of the claim, any additional documentation supporting the claim or relating to defenses to the claim the local agency may have against the claimant.

(2) If additional information is thereafter required, it shall be requested and provided pursuant to this subdivision, upon mutual agreement of the local agency and the claimant.

(3) The local agency's written response to the claim, as further documented, shall be submitted to the claimant within 30 days after receipt of the further documentation, or within a period of time no greater than that taken by the claimant in producing the additional information or requested documentation, whichever is greater.

(d) If the claimant disputes the local agency's written response, or the local agency fails to respond within the time prescribed, the claimant may so notify the local agency, in writing, either within 15 days of receipt of the local agency's response or within 15 days of the local agency's failure to respond within the time prescribed, respectively, and demand an informal conference to meet and confer for settlement of the issues in dispute. Upon a demand, the local agency shall schedule a meet and confer conference within 30 days for settlement of the dispute.

(e) Following the meet and confer conference, if the claim or any portion remains in dispute, the claimant may file a claim as provided in Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government Code. For purposes of those provisions, the running of the period of time within which a claim must be filed shall be tolled from the time the claimant submits his or her written claim pursuant to subdivision (a) until the time that claim is denied as a result of the meet and confer process, including any period of time utilized by the meet and confer process.

(f) This article does not apply to tort claims and nothing in this article is intended nor shall be construed to change the time periods for filing tort claims or actions specified by Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government Code.

20104.4. The following procedures are established for all civil actions filed to resolve claims subject to this article:

(a) Within 60 days, but no earlier than 30 days, following the filing or responsive pleadings, the court shall submit the matter to nonbinding mediation unless waived by mutual stipulation of both parties. The mediation process shall provide for the selection within 15 days by both parties of a disinterested third person as mediator, shall be commenced within 30 days of the submittal, and shall be concluded within 15 days from the commencement of the mediation unless a time requirement is extended upon a good cause showing to the court or by stipulation of both parties. If the parties fail to select a mediator within the 15-day period, any party may petition the court to appoint the mediator.

(b)(1) If the matter remains in dispute, the case shall be submitted to judicial arbitration pursuant to Chapter 2.5 (commencing with [Section 1141.10](#)) of Title 3 of Part 3 of the Code of Civil Procedure, notwithstanding Section 1141.11 of that code. The Civil Discovery Act (Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure) shall apply to any

proceeding brought under this subdivision consistent with the rules pertaining to judicial arbitration.

(2) Notwithstanding any other provision of law, upon stipulation of the parties, arbitrators appointed for purposes of this article shall be experienced in construction law, and, upon stipulation of the parties, mediators and arbitrators shall be paid necessary and reasonable hourly rates of pay not to exceed their customary rate, and such fees and expenses shall be paid equally by the parties, except in the case of arbitration where the arbitrator, for good cause, determines a different division. In no event shall these fees or expenses be paid by state or county funds.

(3) In addition to Chapter 2.5 (commencing with [Section 1141.10](#)) of Title 3 of Part 3 of the Code of Civil Procedure, any party who after receiving an arbitration award requests a trial de novo but does not obtain a more favorable judgment shall, in addition to payment of costs and fees under that chapter, pay the attorney's fees of the other party arising out of the trial de novo.

(c) The court may, upon request by any party, order any witnesses to participate in the mediation or arbitration process.

20104.6

(a) No local agency shall fail to pay money as to any portion of a claim which is undisputed except as otherwise provided in the contract.

(b) In any suit filed under [Section 20104.4](#), the local agency shall pay interest at the legal rate on any arbitration award or judgment. The interest shall begin to accrue on the date the suit is filed in a court of law.