

Appendices

AIR PARK DRIVE UTILITY RELOCATION PROJECT

OCEANO, CA
CONTRACT NO. 2018-01



Oceano

Services District

Community

APPENDICES

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REIMBURSEMENT AGREEMENT
For Adjustment of Existing Water Valve and Sewer Manhole Covers to
Grade as Part of the 2015-16 Asphalt Overlay Various
South County Roads, Oceano, California

THIS REIMBURSEMENT AGREEMENT ("Agreement") is made and effective this 23rd day of February, 2016 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."

WITNESSETH:

WHEREAS, the County is preparing to construct an asphalt overlay on various roads in Oceano, California as part of the County's 2015-16 Asphalt Overlay Various South County Roads Project (hereinafter the "Project"); and

WHEREAS, the District desires to have the following work incorporated into the Project at the District's sole expense: the raising of District water valve and sewer manhole covers (hereinafter "District Facilities") located within the physical boundaries of the Project to the new street grade created by the Project (herein referred to as the Adjustment to Grade Work); and

WHEREAS, the District desires to have the Adjustment to Grade Work incorporated into the County's Project, according to the terms of this Agreement, so that the Adjustment to Grade Work can be included as a Bid item in the Project bid package; and

WHEREAS, the District agrees to reimburse the County for all reasonable costs incurred by the County relating to the Adjustment to Grade Work, including, but not limited to, those costs related to the design and contract preparation phase, bidding phase, and/or construction phase; and

WHEREAS, the parties agree to coordinate the Adjustment to Grade Work with the Project pursuant to the terms of the Agreement.

NOW, THEREFORE, the parties hereto agree as follows:

Recitals

The above recitals are incorporated herein by reference as though fully set forth herein.

A. Design and Award of Adjustment to Grade Work

1. District agrees that it will satisfy all requirements of the California Environmental Quality Act and Public Contract Codes with respect to the Adjustment to Grade Work.

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 Adjustment to Grade Work. The County assumes no responsibility for the accuracy or completeness of any documents or information submitted by the District relating to the design, bidding, and construction of the Adjustment to Grade Work.

2. District shall submit to the County a list of the water valve covers and sewer manhole covers included in the Adjustment to Grade Work for the portion of each street located within the physical boundaries of the Project. The County will provide the District with the electronic files of the latest design for the Project.

3. The District shall pay to County a deposit of \$ 35,900 for the Adjustment to Grade Work no later than January 15, 2016. If said deposit for the Adjustment to Grade Work is not timely paid to the County, the Adjustment to Grade Work will not be part of the Project.

If said deposit for the Adjustment to Grade Work is timely received by the County, the County shall, at the District's expense, accept the bid amount for the Adjustment to Grade Work submitted by the responsible contractor selected by the County as long as the Adjustment to Grade Work bid price is no more than ten percent (10%) over the above amount deposited by the District.

4. In the event said bid price for the Adjustment to Grade Work bid items are more than 10% over the deposited amount, the District shall have 20 calendar days to notify the County of the District's desire to still proceed with the Adjustment to Grade Work. If the County does not receive such written notification within 20 calendar days of bid opening, the District will have been deemed to reject the bid items exceeding 10% of the deposited amount, and all District deposits shall be promptly returned less any administrative costs in processing the Adjustment to Grade Work. If the District so refuses said bid for the Adjustment to Grade Work, the County will not select the bid items, the Adjustment to Grade Work will not be included as part of the Project, and the District will have to raise the water valve and sewer manholes covers after the Project is completed.

B. Construction of Adjustment to Grade Work

1. The parties acknowledge that the County shall not be responsible for inspecting the Adjustment to Grade Work, including but not limited to, any testing of District Facilities pursuant to the Adjustment to Grade Work. As between the District and the County, the District shall be solely responsible for any and all such inspections

of the Adjustment to Grade Work. On the other hand, the parties acknowledge that the District shall not be responsible for inspecting the road work portion of the Project. As between the District and the County, the County shall be solely responsible for any and all such inspections of the road construction work.

2. County will forward any Request for Information ("RFI") it receives from the construction contractor pertaining to the Adjustment to Grade Work to the District, and the District shall be obliged to provide a timely response to the County regarding the RFI. Any change orders for the Adjustment to Grade Work will be subject to the District engineer's approval, which shall not be unreasonably withheld.

District shall provide, in a timely manner, all inspections necessary to verify that the Adjustment to Grade Work is constructed in conformance with the Construction Contract. The District shall coordinate any such inspections with the construction contractor, and shall have access to the job site to inspect the construction and testing of the Adjustment to Grade Work. The District acknowledges that the construction contractor is responsible for the safety of the job site, and 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. 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 a direct act of negligence of a County employee, at the job site, caused the injury.

3. The District shall immediately report to the County any substandard work or materials discovered by the District related to the Adjustment to Grade Work 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 construction 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 construction contractor of its obligation to perform the Adjustment to Grade Work in accordance with the Construction Contract. The District acknowledges that any claim by the construction contractor resulting from an act or omission by the District, including, but not limited to, a District caused delay, will be passed through to the District for payment. Notwithstanding the foregoing, the County will promptly tender any such claim to the District so that the District has a timely opportunity to cure and/or defend the claim prior to payment of any kind becoming due.

4. The County shall pay the construction contractor pursuant to Section 9 of the Caltrans Standard Specifications (dated May 2006), as modified by the County's construction contract. The County shall consult with the District's designated representative regarding Adjustment to Grade Work eligible for payment to the construction contractor. The County shall provide the District with a copy of all partial payment estimates, prepared by the County, regarding the Adjustment to Grade Work. The District will notify the County of any improper payment items in the partial payment estimate regarding the Adjustment to Grade Work within 5 days of receipt of the partial pay estimate.

5. Upon completion of the Adjustment to Grade Work (as defined by the earliest "Completion" date under Public Contract Code Section 7107(c)), the District shall automatically assume full, complete, and sole ownership and control over the District Facilities installed as part of the Adjustment to Grade Work, and shall be solely responsible for the maintenance of said facilities.

6. The County's Construction Contract shall require that the District, its directors, officers, and employees be named as additional insured's for the Adjustment to Grade Work under the general liability and automobile insurance policies of the construction contractor.

7. The Construction Contract shall require the construction contractor to defend, indemnify, and save harmless the District, its directors, officers, and employees in the same manner as the County under the Construction Contract.

8. District shall own, operate, and maintain all potable water facilities within the Project. District will apply for an encroachment permit from County to construct, operate, and be responsible for District facilities within the County right of way. District will be responsible for all general provisions of the encroachment permit, and the County agrees to issue the District said encroachment permit.

9. Notwithstanding the provisions of paragraph B(7) above, the parties agree that, if the Adjustment to Grade Work is not included in the County's Project as bid items, and thereafter the District constructs the Adjustment to Grade Work the parties agree that the District is allowed to cut into the new County asphalt overlay for the sole purpose of adjusting the water valves and sewer manhole covers.

C. District Reimbursement of County Costs

1. District shall reimburse the County for 100% of all costs incurred by the County, relating to the design, bidding and construction of the Adjustment to Grade Work. General Project administration costs, including, but not limited to costs relating to reviewing and assembling the bid package, advertising and evaluating bids, award of contract, environmental compliance and mitigation, processing payments to the construction contractor, construction support, and contract administration shall be shared between the District and the County on a pro rata basis based upon the actual bid amount for the Adjustment to Grade Work and the other work on the Project. (For example, if the bid amount of the Adjustment to Grade Work is 20% of the entire Project bid, the District shall pay 20% of the general Project administrative costs.) Notwithstanding the foregoing, due to the District's participation in design and construction inspection, the District's share of the aforementioned costs shall not exceed 15% of the actual bid amount for the Adjustment to Grade Work.

2. In the event any reimbursable costs of the County exceed the District's deposit, the County shall provide to the District an invoice for said costs relating to the Adjustment to Grade Work. The District shall remit payment to the County for each such invoice so that payment is received by the County within 20 days of the

District's receipt of the invoice. The District shall owe the County interest on late payments in accordance with Public Contract Code Section 20104.50 (just as if the District was the "local agency" and the County was the "Contractor" under that statute); and also, in the event the County properly pays the construction contractor for Adjustment to Grade Work before the District pays the County for said Adjustment to Grade Work.

D. 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.

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 Adjustment to Grade Work shall be required by the County or independent contractor hired by the County, and the District shall be obliged to reimburse the County for all costs incurred by the County relating to the Adjustment to Grade Work up to the date of termination.

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. 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, its Contractors, agents or employees that is negligent or otherwise in breach of this Agreement.

4. This Agreement shall not be changed or modified except upon written consent of the parties hereto.

5. 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 one 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 or of the breach of any other term, covenant or provision of this Agreement.

6. 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.

7. 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.

8. Unless otherwise provided, all notices herein required shall be in writing, and delivered in person or sent by United States first class mail, postage prepaid. Notices required to be given to County shall be addressed as follows:

Department of Public Works
Room 206 County Government Center
San Luis Obispo, CA 93408
Attn: Dave Flynn, Deputy Director

Notices required to be given to District shall be addressed as follows:

Oceano Community Service District
1655 Front Street
Oceano, CA 93445
Attn: Paavo Ogren, General Manager

9. 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.

10. The time for the parties to commence and/or complete their obligations required by this Agreement shall be extended for such period reasonably necessary to take into account any delays caused by riots, insurrections, martial law, civil commotion, war, flood, earthquakes or other acts of God.

11. 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.

12. 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.


IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Oceano Community Services District

BY: 

DATE: 1.13.2016.

COUNTY OF SAN LUIS OBISPO


BY: 
Chairperson of the Board of Supervisors
County of San Luis Obispo
State of California

DATE: February 23, 2016

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 23, 2016

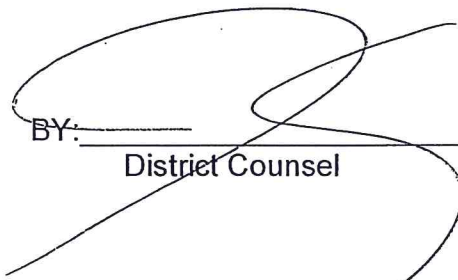
By: 
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT

RITA NEAL
COUNTY COUNSEL

BY: _____
Deputy County Counsel

DATED _____

BY: 
District Counsel

DATE 1.13.16

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ENVIRONMENTAL PERMIT SUMMARY FORM

Date: December 29, 2017
To: Kidd Immel, Project Manager
From: Katie Drexhage, Environmental Programs Division
Subject: Environmental Review & Permit Status for the Air Park Drive Bridge Replacement Project (WBS 300430)

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:

Table with 3 columns: Permit, Status, Attachments. Rows include CEQA Review, NEPA Review, Coastal Permit, CZMA, CDFW, USACOE 404, NMFS ESA, USFWS ESA, and RWQCB 401.

Summary Project Timeframe
Based on the below work windows, the basic work window for this project is from June 1 – October 31.

Date: December 2017		ENVIRONMENTAL COMMITMENTS RECORD (ECR)			Page 1 of 29
Project Manager: Kidd Immell / ERS: Katie Drexhage		Air Park Drive Bridge over Meadow Creek Lagoon (300430)[BRLO-5949(129)]			
Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
PRE-CONSTRUCTION					
1	In-lagoon diversion berms, dams, bladders, and/or pipelines or conduits, or another agency-approved method will be installed prior to construction activities to isolate the work area. Pumping to dewater the work area will likely be necessary during Project activities to provide a dry work area.	NES, Jurisdictional Waters Avoidance and Minimization Effort; NES/BA, South Central California Coast Steelhead Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort	<u>Pre-Construction</u> : The Contractor will install the diversion with County oversight.		
2	Non-erosive materials (e.g., clean gravel-filled bags, sheet pile, metal/rubber/plastic bladders) will be used to construct the diversion structure.	NES, Jurisdictional Waters Avoidance and Minimization Effort; NES/BA, South Central California Coast Steelhead Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort; IS, BR-22	<u>Pre-Construction</u> : The Contractor will abide by this measure with County oversight.		
3	To minimize impacts to species that may be dependent on the water resources within the PIA, sensitive species, and conflicts with fish, in-lagoon construction activities will be planned for periods between June 1 and October 31, when the lagoon is at low water capacity, to the greatest extent feasible.	NES, Jurisdictional Waters Avoidance and Minimization Effort; NES/BA, South Central California Coast Steelhead Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort; IS, BR-18	<u>Pre-Construction</u> : The Contractor will abide by this measure with County oversight.		
4	Placement of fencing along the Project limits to prevent inadvertent loss or damage to adjacent riparian vegetation and marsh vegetation.	NES, Jurisdictional Waters Avoidance and Minimization Effort; NES, California Bulrush Marsh Avoidance and Minimization Effort; NES, Riparian Areas Avoidance and Minimization Effort; IS, BR-12	<u>Pre-Construction</u> : Contractor to install fencing prior to staging and construction activities, County to provide oversight.		
5	A qualified fisheries biologist will provide a training session for all work personnel prior to the start of construction to provide information on avoidance and minimization measures for fishes.	NES/BA, South Central California Coast Steelhead Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort	<u>Pre-Construction</u> : County will conduct training, contractor will not begin work until all work personnel are trained.		
6	If authorized by the USFWS, tidewater goby found in the work area will be captured and relocated by a qualified biologist to suitable habitat.	NES/BA, Tidewater Goby Avoidance and Minimization Effort; IS, BR-13; IS, BR-20	<u>Pre-Construction</u> : County's authorized biologist will conduct capture and relocation efforts for tidewater goby.		
7	Pre-activity surveys will be completed prior to project staging and initial ground disturbing activities by a qualified biologist.	NES, Southern Western Pond Turtle Avoidance and Minimization Effort; NES, Two-Striped Garter Snake Avoidance and Minimization Effort; NES, California Legless Lizard Avoidance and Minimization Effort; NES, Blainville's Horned Lizard Avoidance and Minimization Effort; IS, BR-1	<u>Pre-Construction</u> : County will conduct surveys, contractor will not begin work until surveys are completed.		
8	A qualified biologist will conduct a training session for all construction personnel before construction is initiated. The training will include a description of California red-legged frog, steelhead, tidewater goby, southern western pond turtle, two-striped garter snake, California legless lizard, Blainville's horned lizard and their habitat, specific measures to be implemented at the site to protect southern western pond turtle, two-striped garter snake, California legless lizard and Blainville's horned lizard, and a description of the Project boundaries.	NES, Southern Western Pond Turtle Avoidance and Minimization Effort; NES, Two-Striped Garter Snake Avoidance and Minimization Effort; NES, California Legless Lizard Avoidance and Minimization Effort; NES, Blainville's Horned Lizard Avoidance and Minimization Effort; IS, BR-8; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(b)3, 2.3(c)4	<u>Pre-Construction</u> : County will conduct surveys, contractor will not begin work until surveys are completed.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
9	If work is scheduled to occur between February 15 and September 1, a qualified biologist experienced in bird identification and nest searches will conduct a pre-construction bird survey prior to the onset of work activities, including vegetation removal. If the species is identified in the PIA, Project activities will stop until the bird leaves the PIA and Caltrans will be notified. Caltrans will notify USFWS and the County will notify CDFW if further direction is required.	NES/BA, Least Bell's Vireo Avoidance and Minimization Effort; NES/BA, Willow Flycatcher Avoidance and Minimization Effort; NES/BA, Yellow-Billed Cuckoo Avoidance and Minimization Effort; NES/BA, California Black Rail Avoidance and Minimization Effort; NES/BA, California Least Tern Avoidance and Minimization Effort; NES, Yellow Warbler Avoidance and Minimization Effort; NES, Tricolored Blackbird Avoidance and Minimization Effort; NES/BA, Ridgeway's Rail Avoidance and Minimization Effort; NES, Discussion of Other Birds Avoidance and Minimization Effort; IS, BR-2	<u>Pre-Construction</u> : County will conduct surveys, contractor will not begin work until surveys are completed.		
10	If a California least tern or California black rail is found nesting, vegetation removal should be scheduled prior to the nesting bird season, between March 15 and September 15; however, in the event Project activities are scheduled during the nesting bird season, when there is a greater likelihood for black rail to occur, a nesting bird survey shall be completed by a qualified biologist with experience in bird identification prior to vegetation removal. If a black rail is found nesting within the Project area, all activities that could result in take of this species will be stopped and Caltrans shall be notified. The County will notify CDFW regarding next steps.	NES, California Black Rail Avoidance and Minimization Effort; IS, BR-5	<u>Pre-Construction</u> : County will conduct surveys and coordinate with Caltrans/CDFW; the County will coordinate with the contractor who will stop all work that could result in take.		
11	In the event a nest is identified, appropriate buffers shall be incorporated into the Project plans to ensure the protection of the nest. Buffers will be delineated by a qualified biologist based on coordination with Caltrans and based on an appropriate distance to minimize disturbance to the active nest.	NES, 4.3.14 Discussion of Other Birds Avoidance and Minimization Effort; IS, BR-3	<u>Pre-Construction</u> : County will coordinate with Caltrans on buffers, contractor will avoid working within the determined buffer area.		
12	Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. If the project has significant truck trips where hauling/truck tips are routine activity and operate in close proximity to sensitive receptors, toxic risk as a result of diesel particulate matter needs to be evaluated.	IS, AQ-3	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
13	Reduce the amount of the disturbed area where possible.	IS, AQ-4	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
14	All of these fugitive dust mitigation measures shall be shown on grading and building plans.	IS, AQ-8	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
15	All notification and permitting determination requests shall be directed to the APCD Engineering Division at (805) 781-5912.	IS, AQ-11	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
16	Best management practices to avoid erosion and sedimentation will be implemented according to an approved storm water pollution prevention plan.	IS, BR-16	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
17	The diversion will be implemented such that diverted surface flow is returned to downstream waters.	IS, BR-19	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
18	The diversion will be in place prior to beginning diversion of surface flow.	IS, BR-21	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
19	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 Meadow Creek Lagoon. The County shall adhere to all conditions included within these permits, approvals, and authorizations. Appendix B - Environmental Permit Summary	IS, BR-29	<u>Pre-Construction</u> : County will obtain permits prior to construction.		Contract No. 2018-01

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
20	Prior to the onset of the project, the contractor must prepare a Health and Safety Plan which will include procedures to follow if contaminated soil or groundwater are encountered; testing of unknown substances; and handling and disposal procedures for potentially hazardous materials. Any unknown substances should be tested, handled and disposed of in accordance with appropriate federal, state and local regulations.	IS, HHM-2	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
21	Ground disturbance will not begin until written approval is received from the Service that the biologist is qualified to conduct the work, unless the individual(s) has/have been approved previously and the Service has not revoked that approval.	CRLF PBO, Minimization of Adverse Effects	<u>Pre-Construction</u> : County will ensure compliance with this measure.		
22	A Service-approved biologist will survey the project site no more than 48 hours before the onset of work activities. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work begins. The Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and that will not be affected by activities associated with the proposed project. The relocation site should be in the same drainage to the extent practicable. Caltrans will coordinate with the Service on the relocation site prior to the capture of any California red-legged frogs.	CRLF PBO, Minimization of Adverse Effects; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(b)2	<u>Pre-Construction</u> : County will conduct surveys and coordinate with Caltrans and USFWS about relocation site; contractor will not begin work until surveys are completed.		
23	Before any activities begin on a project, a Service-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the specific measures that are being implemented to conserve the California red-legged frog for the current 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.	CRLF PBO, Minimization of Adverse Effects	<u>Pre-Construction</u> : County will conduct training, contractor will not begin work until all work personnel are trained.		
24	The number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goals. Environmentally Sensitive Areas will be delineated to confined access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.	CRLF PBO, Minimization of Adverse Effects	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
25	Caltrans will attempt to schedule work activities for times of the year when impacts to the California red-legged frog would be minimal. For example, work that would affect large pools that may support breeding would be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain California red-legged frogs through the driest portions of the year would be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and coordination between Caltrans and the Service during project planning will be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year.	CRLF PBO, Minimization of Adverse Effects	<u>Pre-Construction</u> : Contractor will abide by this measure, County will provide oversight and coordinate with Caltrans if work is proposed to occur within the lagoon after October 31.		
26	A biologist with experience in the identification of all life stages of the California red-legged frog, and its critical habitat (75 FR 12816), will survey the project site no more than 48 hours before the onset of work activities. If any life stage of the California red-legged frog is detected the Service will be notified prior to the start of construction. If Caltrans and the Service determine that adverse effects to the California red-legged frog or its critical habitat cannot be avoided, the proposed project will not commence until the Caltrans completes the appropriate level of consultation with the Service. Appendix B - Environmental Permit Summary	CRLF PBO, Minimization of Adverse Effects	<u>Pre-Construction</u> : County will conduct surveys; contractor will not begin work until surveys are completed.		Contract No. 2018-01

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
27	Prior to the onset of work, Caltrans will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to implement should a spill occur.	CRLF PBO, Minimization of Adverse Effects	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
28	The Contractor will submit health and safety plan to RWQCB at least 21 days prior to construction.	RWQCB 401 Certification	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
29	A final contingency plan will be submitted to the RWQCB 30 days prior to construction activities by the contractor responsible for performing the work. The contingency plan will provide specifications of the diversion/dewatering system (i.e. capacity, settling times, etc.), and specific response procedures to protect water quality in the event of system breach or failure.	RWQCB 401 Certification	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
30	Final stamped drawings of this system will be submitted to the RWQCB 30 days prior to construction activities by the contractor responsible for the work and will include specifications and calculations for structural capacity, settling times, etc.	RWQCB 401 Certification	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
31	This permit is contingent upon the issuance of a Coastal Zone Management Act (CZMA) consistency certification by the California Coastal Commission. The Permittee shall abide by the terms and conditions of the CZMA consistency certification. The Permittee shall submit the CZMA consistency certification to the Corps Regulatory Division (preferably via email) within two weeks of receipt from the issuing state agency. The Permittee shall not proceed with construction until receiving an e-mail or other written notification from Corps Regulatory Division acknowledging the CZMA consistency certification has been received, reviewed, and determined to be acceptable. If the California Coastal Commission fails to act on a request for concurrence with your certification within six months after receipt, please notify the Corps so we may consider whether to presume a concurrence pursuant to 33 CFR 325.3(b)(2)(ii).	ACOE 404 Authorization, Special Condition 5	<u>Pre-Construction</u> : The County will ensure compliance with this measure.		
32	All personnel who engage in construction activities or their oversight at the project site (superintendent, construction manager, foreman, crew, contractor, biological monitor, etc.) must attend trainings on the conditions of the RWQCB Certification and how to perform their duties in compliance with those conditions. Every person shall attend an initial training within five working days of their start date at the project site and follow-up trainings every six months until the project is completed. Trainings shall be conducted by a qualified individual with experience in 401 Water Quality Certification conditions and compliance.	401 WQ Certification, Project Requirement 1	<u>Pre-Construction</u> : County will ensure compliance with this measure.		
33	Erosion and sediment control measures shall be on site prior to the start of construction and kept on site at all times so they are immediately available for installation in anticipation of rain events.	401 WQ Certification, Project Requirement 6	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
34	The Applicant shall designate a staging area for equipment and vehicle fueling and storage at least 100 feet away from waterways, in a location where fluids or accidental discharges cannot flow into waterways.	401 WQ Certification, Project Requirement 14	<u>Pre-Construction</u> : Contractor will abide by this measure, County to provide oversight.		
35	The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov: Creosote-Treated Timber Disposal Plan – Submit a final Creosote-Treated Timber Disposal Plan to Central Coast Water Board staff at least 21 days prior to construction commencement for review and approval.	401 WQ Certification, Reporting Requirement 2	<u>Pre-Construction</u> : Contractor to prepare plan, County will provide plan to Regional Board.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
36	The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov [Note: Annual fees are based on submittal of reporting items 3-4 below]: Health and Safety Plan for Contaminated Soil and/or Groundwater - Submit a final Health and Safety Plan for Contaminated Soil and/or Groundwater to Central Coast Water Board staff at least 21 days prior to construction commencement for review and approval.	401 WQ Certification, Reporting Requirement 3	<u>Pre-Construction</u> : Contractor to prepare plan, County will provide reports to Regional Board.		
37	The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov [Note: Annual fees are based on submittal of reporting items 3-4 below]: Diversion-Dewatering and Rain Event Contingency Plan – Submit a final Diversion-Dewatering and Rain Event Contingency Plan to Central Coast Water Board staff at least 21 days prior to construction commencement for review and approval.	401 WQ Certification, Reporting Requirement 4	<u>Pre-Construction</u> : Contractor to prepare plan, County will provide reports to Regional Board.		
38	The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov: Construction Commencement Notification - At least seven days in advance of any ground disturbing or grubbing activities, submit notification to the Central Coast Water Board of the date when project construction will begin.	401 WQ Certification, Reporting Requirement 5	<u>Pre-Construction</u> : Contractor will provide schedule to County who will provide schedule to RWQCB.		
39	<u>Work Schedule</u> . Permittee shall submit a <u>work schedule</u> to CDFW prior to beginning any activities covered by the CDFW Agreement. Permittee shall also notify CDFW upon the completion of the activities covered by the CDFW Agreement.	CDFW Streambed Alteration Agreement, Administrative Measure 1.8	<u>Pre-Construction</u> : Contractor will provide schedule to County who will submit schedule to CDFW.		
40	<u>Training</u> . 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 the CDFW Agreement, the resources at stake, and the legal consequences of noncompliance. Permittee shall maintain a sign-in sheet that includes the printed and signed name of each attendee, the name and qualifications of the person providing training, and the date of the training. Permittee shall provide the sign-in sheet to CDFW within one week of the training.	CDFW Streambed Alteration Agreement, Administrative Measure 1.9	<u>Pre-Construction</u> : County will conduct training, contractor will not begin work until all work personnel are trained. County will submit sign-in sheet to CDFW.		
41	<u>Flagging</u> . Prior to any activity within the channel, 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 CDFW jurisdictional areas beyond the identified work area limits shall be considered Environmentally Sensitive Areas (ESA) and shall not be disturbed.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.2	<u>Pre-Construction</u> : Contractor to flag/fence work area prior to ground disturbance, County to provide oversight.		
42	<u>Pre-activity surveys</u> for sensitive status species shall be conducted by a qualified biologist within 30 days prior to commencement of the Project. 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.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(a)	<u>Pre-Construction</u> : County will conduct surveys and ensure compliance with this measure; contractor will not begin work until surveys are completed.		

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43	(b) <u>California Red-Legged Frog (CRLF)</u> . 1. Prior to the start of Project activity, Permittee shall submit to CDFW documentation of United States Fish and Wildlife Service (USFWS) approval of biologists ("approved CRLF biologists") who will participate in activities associated with the capture, handling, and monitoring of CRLF.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(b)1	<u>Pre-Construction</u> : County will ensure compliance with this measure.		
44	(c) <u>Tidewater Goby (TG)</u> . 1. Prior to the start of Project activity, Permittee shall submit to CDFW documentation of USFWS approval of biologists ("approved TG biologists") who will participate in activities associated with the capture, handling, and monitoring of TG.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(c)1	<u>Pre-Construction</u> : County will ensure compliance with this measure.		
45	Prior to initiation of Project activities, Permittee shall identify and clearly mark all trees and shrubs to be removed, to prevent accidentally removing trees and shrubs that should not otherwise be affected.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.5(b)	<u>Pre-Construction</u> : Contractor to work with County to identify trees to be removed; County to provide oversight.		
46	An Emergency 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 material 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.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.9(e)	<u>Pre-Construction</u> : Contractor to prepare plan, County will submit report to CDFW.		
47	Work Site Dewatering. All Project activity shall be performed in the absence of surface water in the Project work area. Diversion of water flow and dewatering of the work area shall be implemented according to the following:(a) Permittee shall submit to CDFW for write approval a final design plan showing the configuration of the dewatering activity, including but not limited to the locations of the barriers and beginning and end locations of the pipe, the specifications (including dimensions and material) of the barriers and the diversion pipe, amounts of cut and fill required to implement the diversion, and documentation that the pipe is sized to accommodate maximum flows that could occur while the diversion is in place. The diversion shall not be implemented until CDFW provides write approval of the design plan. (b) Barriers shall not be made of silt, sand and gravel, or other substances subject to erosion unless first enclosed by sandbags, visquine, or other protective material. The enclosure and supportive material shall be removed when the work is completed and removal shall normally proceed from downstream in an upstream direction.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.11	<u>Pre-Construction</u> : Contractor to prepare plan, County will submit report to CDFW.		

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	(c) If it is necessary to dewater the work site, either by pump or by gravity flow, the suction end of the intake pipe shall be fitted with fish screens meeting CDFW and National Oceanic and Atmospheric Administration-Fisheries criteria to prevent entrainment or impingement of small fish: (http://www.dfg.ca.gov/fish/Resources/Projects/Engin/Engin_ScreenCriteria.asp). Fish rescue as described in Avoidance and Minimization Measure 2.3(c) shall occur before and during dewatering activity. All water pumped from the work area to maintain it in a dewatered state shall be placed in a settling pool to allow sediment to drop out. Once the water is clear, it shall be returned to the stream bed below the Project work area. If infiltrating water has come into contact with uncured concrete, all water shall be removed from the site and not allowed to enter the stream, per Avoidance and Minimization Measure 2.9(c).				
48	<p><u>Reports.</u> Permittee shall submit the following reports to CDFW:</p> <ul style="list-style-type: none"> o Work schedule, submitted to CDFW prior to commencing Project activities (Administrative Measure 1.8) o A list of approved biologists to handle CRLF, submitted to CDFW prior to the start of Project activity (Avoidance and Minimization Measure 2.3(b)1) o A list of approved biologists to handle TG, submitted to CDFW prior to the start of Project activity (Avoidance and Minimization Measure 2.3(c)1) o A TG monitoring plan, submitted to CDFW prior to the start of Project activity (Avoidance and Minimization Measure 2.3(c)2) o An Emergency Response Plan, submitted to CDFW for approval at least two (2) weeks prior to Project commencement (Avoidance and Minimization Measure 2.9(e)) o Final design of dewatering activity, submitted to CDFW for written approval at least two (2) weeks prior to the start of Project activity (Avoidance and Minimization Measure 2.11(a)) o A Planting Plan submitted to CDFW at least two (2) weeks prior to the start of Project activity (Compensatory Measure 3.1(a)) o A seed mixture to be used to control erosion, submitted to CDFW for approval prior to application (Compensatory Measure 3.1(b)) 	CDFW Streambed Alteration Agreement, Reporting Measure 4.2	<u>Pre-Construction:</u> Contractor to provide work schedule and final dewatering plan to County who will submit schedule and plan to CDFW. County to submit list of approved biologists, tidwatergoby monitoring plan, planting plan, and seed mix to CDFW.		
49	Caltrans and the County must develop and implement a monitoring plan to determine the level of incidental take of tidewater gobies that result from the proposed project activities. The monitoring plan must include a standardized mechanism for Caltrans and County employees, contractors, permittees, and volunteers to report any observations of dead or injured listed animals to the appropriate Caltrans and Service offices. Caltrans must collect information obtained through the monitoring to include in the project completion report to the Service that is required by this incidental take statement and described in the "Reporting Requirements" section below. Permittee shall provide a copy of the monitoring plan to CDFW prior to the start of Project activity.	USFWS BO, Term and Condition 1.1; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(c)2	<u>Pre-Construction:</u> The County will prepare and implement a monitoring plan for gobies and submit this plan to Caltrans and CDFW.		
50	The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov: Streambed Alteration Agreement - Submit a signed copy of the Department of Fish and Wildlife's streambed alteration agreement to the Central Coast Water Board immediately upon execution and prior to any discharge to waters of the State.	401 WQ Certification, Reporting Requirement 1	<u>Pre-Construction:</u> The County will ensure compliance with this measure.		KD/12.14.16

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51	Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or destroy the nest or eggs of any bird or bird-of-prey. To protect nesting birds, no Project activity shall be completed from February 1 through August 31 unless the following <u>Avian Nesting Surveys</u> are completed by a qualified biologist within 30 days prior to commencing Project activities. <u>Birds of Prey</u> : Survey for nesting activity of birds of prey within each Project work area and a 500-foot radius. If any active nests are observed, these nests shall be designated an ESA and 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. <u>Other Avian Species</u> : Survey for nesting activity within each Project work area and a 250-foot radius. If any nesting activity is found, Permittee shall designate nests and nest substrate (trees, shrubs, ground, or burrows) as an ESA and protected 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 <u>biological or ecological</u> reason to do so, such as when the Project work area would be concealed from a nest site by topography.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.4(b)	<u>Pre-Construction</u> : The County will implement this measure. The Contractor will be made aware of the need for surveys if work will occur within the nesting season.		
52	Prior to initiation of project construction, the Permittee shall notify the U.S. Fish and Wildlife Service in writing of the intended project initiation date and anticipated duration of the construction period. The notification shall include verification of compliance with the terms and conditions of the Service's December 3, 2015 BO.	ACOE 404 Authorization, Special Condition 3			
53	Prior to conducting any in-water work or activities (e.g., vegetation removal, installation of the water containment system, dewatering activities, demolition and removal of the current bridge or bridge parts, construction and installation of the new bridge pillings), the Service-approved biologist(s) must survey for tidewater gobies prior to each of these activities and relocate any individuals that could be killed or injured.	USFWS BO, Term and Condition 2.2; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(c)5	<u>Pre-Construction</u> : The County will ensure compliance with this measure.		
DURING CONSTRUCTION					
54	<u>Obligations of Permittee</u> . 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 the CDFW Agreement and the reporting program described therein.	CDFW Streambed Alteration Agreement, Reporting Measure 4.1(a)	<u>Construction</u> : The Contractor and County will ensure compliance with this measure.		
55	<u>Obligations of Permittee</u> . 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.	CDFW Streambed Alteration Agreement, Reporting Measure 4.1(b)	<u>Construction</u> : The Contractor and County will ensure compliance with this measure.		
56	During construction, all Project-related hazardous material spills within the PIA will be cleaned up immediately. Spill prevention and cleanup materials will be on-site at all times during construction.	NES, Jurisdictional Waters Avoidance and Minimization Effort; IS, BR-11	<u>Construction</u> : The Contractor will implement this measure, the County will provide oversight.		
57	Disturbed areas of the lagoon will be conformed to existing lagoon grades prior to restoring flow to the original channel.	NES, Jurisdictional Waters Avoidance and Minimization Effort; NES/BA, South Central California Coast Steelhead Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort; IS, BR-23	<u>Construction</u> : The Contractor will implement this measure per the contract.		
58	Silty or turbid water produced from dewatering or other activities will not be discharged into jurisdictional waters until filtered or allowed to settle prior to discharge.	NES, Jurisdictional Waters Avoidance and Minimization Effort; NES/BA, South Central California Coast Steelhead Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort; IS, BR-24	<u>Construction</u> : The Contractor will implement this measure per the contract.		

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59	Use of heavy equipment in flowing water will be avoided to the maximum extent practicable.	NES, Jurisdictional Waters Avoidance and Minimization Effort; IS, BR-25	<u>Construction</u> : The Contractor will implement this measure with County oversight.		
60	Erosion control best management practices (BMPs) will be implemented to minimize sedimentation into the adjacent waters.	NES, Jurisdictional Waters Avoidance and Minimization Effort; NES, Southern Western Pond Turtle Avoidance and Minimization Effort; NES, Two-Striped Garter Snake Avoidance and Minimization Effort	<u>Construction</u> : The Contractor will implement this measure per the contract.		
61	In conjunction with approved Project activities, giant reed will be removed using hand tools, mechanical equipment, or herbicides from the island in Meadow Creek Lagoon.	NES, Discussion of Invasive Species Avoidance and Minimization Effort	<u>Construction</u> : The Contractor will implement this measure with County oversight.	This measure applies to the contractor hired to conduct post-construction mitigation activities.	
62	All erosion control materials including straw wattles or mulch used on-site will be free of invasive species.	NES, Discussion of Invasive Species Avoidance and Minimization Effort	<u>Construction</u> : The Contractor will implement this measure per the contract.		
63	Use of heavy equipment in the lagoon will be avoided until after dewatering and use of heavy equipment in the lagoon bed following dewatering will be avoided to the maximum extent practicable.	NES/BA, South Central California Coast Steelhead Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort	<u>Construction</u> : The Contractor will implement this measure with County oversight.		
64	A qualified biologist experienced in handling turtles will be on-site during initial ground disturbance and available throughout the duration of the Project to relocate pond turtles to suitable habitat.	NES, Southern Western Pond Turtle Avoidance and Minimization Effort; IS, BR-15	<u>Construction</u> : The County will implement this measure.		
65	During Project activities, trash that may attract predators will be properly contained, removed from the work site and disposed regularly. Following construction, trash and construction debris will be removed from the Project work areas.	NES, Southern Western Pond Turtle Avoidance and Minimization Effort; NES, Two-Striped Garter Snake Avoidance and Minimization Effort; NES, California Legless Lizard Avoidance and Minimization Effort; NES, Blainville's Horned Lizard Avoidance and Minimization Effort; IS, BR-9; CRLF PBO, Minimization of Adverse Effects	<u>Construction</u> : The Contractor will implement this measure per the contract.		
66	All refueling, maintenance, and staging of equipment and vehicles will occur at least 60 feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, Caltrans will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.	NES, Southern Western Pond Turtle Avoidance and Minimization Effort; NES, Two-Striped Garter Snake Avoidance and Minimization Effort; IS, BR-10; CRLF PBO, Minimization of Adverse Effects	<u>Construction</u> : The Contractor will implement this measure per the contract.	Regional Board Cert requires 100' buffer	
67	In the event a two-striped garter snake is identified within the immediate Project work areas and may be harmed by Project activities, a qualified biologist experienced handling snakes will relocate the snake to suitable habitat.	NES, Two-Striped Garter Snake Avoidance and Minimization Effort	<u>Construction</u> : The County will implement this measure.		
68	If a least Bell's vireo, willow flycatcher, yellow-billed cuckoo, least tern, yellow warbler, tricolored blackbird, or Ridgeway's rail is found nesting within the PIA, all activities that could result in take of this species will be stopped and Caltrans shall be notified. Caltrans will notify the USFWS and the County will notify CDFW regarding next steps.	NES/BA, Least Bell's Vireo Avoidance and Minimization Effort; NES/BA, Willow Flycatcher Avoidance and Minimization Effort; NES/BA, Yellow-Billed Cuckoo Avoidance and Minimization Effort; NES/BA, California Least Tern Avoidance and Minimization Effort; NES, Yellow Warbler Avoidance and Minimization Effort; NES, Tricolored Blackbird Avoidance and Minimization Effort; NES/BA, Ridgeway's Rail Avoidance and Minimization Effort; IS, BR-4; IS, BR-6	<u>Construction</u> : The County will implement this measure.		

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69	<p><u>California Diesel Idling Regulations</u></p> <p>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:</p> <p>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 regulations; and,</p> <p>2) Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicles during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.</p> <p>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.</p> <p>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.</p> <p>d) The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.</p>	IS, AQ-1	<u>Construction:</u> The Contractor will implement this measure per the contract.		
70	<p><u>Diesel Idling Restrictions Near Sensitive Receptors</u></p> <p>In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors (residences):</p> <p>a) Because staging and queuing areas will be within 1,000 feet of sensitive receptors, the following measures will be enforced to minimize sensitive receptor impacts;</p> <p>b) Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;</p> <p>c) Use of alternative fueled equipment is recommended; and</p> <p>d) Signs that specify the no idling areas must be posted and enforced at the site.</p>	IS, AQ-2	<u>Construction:</u> The Contractor will implement this measure per the contract.		
71	<p>Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site or exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor of builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.</p>	IS, AQ-5	<u>Construction:</u> The Contractor will implement this measure per the contract.		
72	<p>All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed.</p>	IS, AQ-6	<u>Construction:</u> The Contractor will implement this measure per the contract.		
73	<p>All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders, or other dust controls are used.</p>	IS, AQ-7	<u>Construction:</u> The Contractor will implement this measure per the contract.		
74	<p>The contractor of builder shall designate a person or persons to monitor the fugitive dust emissions to enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity. Their duties shall include holidays and weekend periods when work may not be in progress.</p>	IS, AQ-9	<u>Construction:</u> The Contractor will implement this measure per the contract.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
75	<p>Should hydrocarbon contaminated soil be encountered during demolition or 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:</p> <ul style="list-style-type: none"> o Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal; o Contaminated soils 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; o Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted; o 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; o During soil excavation, odors shall not be evident to such a degree as to cause public nuisance; and o Clean soil must be segregated from contaminated soil. 	IS, AQ-10	<u>Construction:</u> The Contractor will implement this measure per the contract.		
76	<p>Proper abatement of lead before demolition of the structure must be performed in order to prevent the release of lead from the site. Sandblasting or removal of paint by heating with a heat gun can result in significant emissions of lead. Depending on removal method, an APCD permit may be required. Contact the APCD Engineering Division at (805) 781-5912 for more information. Approval of a lead work plan by the APCD is required and must be submitted ten days prior to the start of the demolition. For more information, contact the APCD Enforcement Division at (805) 781-5912 or for specific information regarding lead removal, please contact Cal-OSHA at (818) 901-5403. Additional information can also be found on line at http://www.epa.gov/lead.</p>	IS, AQ-12	<u>Construction:</u> The Contractor will implement this measure per the contract.		
77	<p>Portable equipment, 50 horsepower or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.</p> <ul style="list-style-type: none"> o Power screens, conveyors, diesel engines, and/or crushers; o Portable generators and equipment with engines that are 50 horsepower or greater; o Electrical generation plants or the use of standby generator; o Internal combustion engines; o Rock and pavement crushing; o Unconfined abrasive blasting operations; o Tub grinders; o Trommel screens; and o Portable plants (e.g., aggregate plant, asphalt batch plant, concrete batch plant, etc.). 	IS, AQ-13	<u>Construction:</u> The Contractor will implement this measure per the contract.		
78	<p>For this project, treated wood waste will be managed and disposed of as hazardous waste according to Alternative Management Standards even if not tested.</p>	IS, HHM-1	<u>Construction:</u> The Contractor will implement this measure per the contract.		
79	<p>Caltrans must require the County to implement measures to provide effective monitoring, reporting, and education of on-site personnel to minimize the effects of the take on California red-legged frog.</p>	USFWS Reinitiation Response Letter, Reasonable and Prudent Measure 1	<u>Construction:</u> The County will implement this measure.		

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80	Caltrans must require the County to use qualified biologists to capture and relocate California red-legged frog and take other measures to further minimize the effects of any take USFWS anticipates may occur.	USFWS Reinitiation Response Letter, Reasonable and Prudent Measure 2	<u>Construction:</u> The County will implement this measure.		
81	Caltrans and the County must develop and implement a monitoring plan to determine the levels of incidental take of California red-legged frogs that result from the proposed project activities. The monitoring plan must include a standardized mechanism for Caltrans and County employees, contractors, permittees, and volunteers to report any observations of dead or injured listed animals to the appropriate Caltrans and Service offices. Caltrans must collect information obtained through the monitoring to include in the project completion report to the Service that is required by the incidental take statement and described in the "Reportion Requirements" of the BO received for the project.	USFWS Reinitiation Response Letter, Term and Condition 1.1	<u>Construction:</u> The County will prepare and implement a monitoring plan for red-legged frogs and submit this plan to Caltrans.		
82	Service-approved biologist(s) must record all pertinent information when relocating California red-legged frogs including the number of individuals captured, site of capture, site of relocation, habitat at capture, and habitat at relocation site.	USFWS Reinitiation Response Letter, Term and Condition 1.2	<u>Construction:</u> The County will implement this measure.		
83	The Service-approved biologist(s) must conduct a training for all project personnel prior to any project activities. At a minimum, the training will include a description of the tidewater goby and its habitat; the California red-legged frog and its habitat; the general provisions of the Act; the necessity for adhering to the provisions of the Act; the penalties associated with violoating the provisions of the Act; and the boundaries within which the project may be accomplished. The program must also cover the restrictions and guidelines that will be followed by all construction personnel to reduce or avoid effects on these species during project implementation. The project foreman will be responsible for ensuring that crew members adhere to the guidelines and restrictions. Due to the duration of the project, multiple education programs must be conducted as needed to inform new personnel.	USFWS Reinitiation Response Letter, Term and Condition 1.3	<u>Construction:</u> The County will implement this measure.		
84	Only Service-approved biologists may capture and handle California red-legged frogs. Caltrans or the County must provide the qualifications of individuals that would be conducting these activities to the Service at least 15 days prior to project activities within the vicinity of the species' habitat. No project activities will begin in areas that could support California red-legged frog until Caltrans and the County have received approval from the Service that the biologist(s) are qualified to conduct the work. Please be advised that possession of a 10(a)(1)(A) permit for California red-legged frogs does not substitute for the implementation of this measure. Authorization of Service-approved biologist(s) is valid for this project only.	USFWS Reinitiation Response Letter, Term and Condition 2.1	<u>Construction:</u> The County will implement this measure.		
85	Only Service-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frogs. Biologists authorized under this biological opinion do not need to re-submit their qualifications for subsequent projects conducted pursuant to this biological opinion, unless we have revoked their approval at any time during the life of this biological opinion.	CRLF PBO, Minimization of Adverse Effects	<u>Construction:</u> The County will implement this measure.		
86	Unless approved by the Service, water will not be impounded in a manner that may attract California red-legged frogs.	CRLF PBO, Minimization of Adverse Effects	<u>Construction:</u> The Contractor will implement this measure per the contract.		
87	To control sedimentation during and after project implementation, Caltrans, and the sponsoring agency will implement best management practices outlined in any authorizations or permits issued under the authorities of the Clean Water Act that it receives for the specific project. If best management practices are ineffective, Caltrans will attempt to remedy the situation immediately, in coordination with the Service. Appendix B - Enviromental Permit Summary	CRLF PBO, Minimization of Adverse Effects	<u>Construction:</u> The Contractor will implement this measure per the contract; the County will coordinate with Caltrans if BMPs are ineffective.		Contract No. 2018-01

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88	A Service-approved biologist will permanently remove any individuals of non-native species, such as bullfrogs (<i>Rana catesbeiana</i>), signal and red swamp crayfish (<i>Pacifasticus leniusculus</i> ; <i>Procambarus clarkii</i>), and centrarchid fishes from the project area, to the maximum extent possible. The Service-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.	CRLF PBO, Minimization of Adverse Effects	<u>Construction:</u> The County will implement this measure.		
89	<p>Caltrans will not use herbicides as the primary method used to control invasive, exotic plants. However, if Caltrans determines the use of herbicides is the only feasible method for controlling invasive plants at a specific project site, it will implement the following additional protective measures for the California red-legged frog:</p> <p>a. Caltrans will not use herbicides during the breeding season for the California red-legged frog;</p> <p>b. Caltrans will conduct surveys for the California red-legged frog immediately prior to the start of any herbicide use. If found, California red-legged frogs will be relocated to suitable habitat far enough from the project area that no direct contact with herbicides would occur;</p> <p>c. Giant reed and other invasive plants will be cut and hauled out by hand and the painted with glyphosate or glyphosate-based products, such as Aquamaster or Rodeo;</p> <p>d. Licensed and experienced Caltrans staff or a licensed and experienced contractor will use a hand-held sprayer for foliar application of Aquamaster or Rodeo where large monoculture stands occur at an individual project site;</p> <p>e. All precautions will be taken to ensure that no herbicide is applied to native vegetation.</p> <p>f. Herbicides will not be applied on or near open water surfaces (no closer than 60 feet from open water).</p> <p>g. Foliar applications of herbicide will not occur when wind speeds are in excess of 3 miles per hour.</p>	CRLF PBO, Minimization of Adverse Effects; USFWS Reinitiation Response Letter allows herbicide use within 60' of water	<u>Construction:</u> The Contractor will abide by this measure, the County will provide oversight and conduct surveys for red-legged frogs.	This measure applies to the contractor hired to conduct post-construction mitigation activities. Per the Water Quality Cert, buffers from the lagoon must be 100'.	
	<p>h. No herbicides will be applied within 24 hours of forecasted rain.</p> <p>i. Application of all herbicides will be done by a qualified Caltrans staff or contractors to ensure that overspray is minimized, that all application is made in accordance with label recommendations, and with implementation of all required and reasonable safety measures. A safe dye will be added to the mixture to visually denote treated sites. Application of herbicides will be consistent with the U.S. Environmental Protection Agency's Office of Pesticide Programs, Endangered Species Protection Program county bulletins.</p> <p>j. All herbicides, fuels, lubricants, and equipment will be stored, poured, or refilled at least 60 feet from riparian habitat or water bodies in a location where a spill would not drain directly toward aquatic habitat. Caltrans will ensure that contamination of habitat does not occur during such operations. Prior to the onset of work, Caltrans will ensure that a plan is in place for a prompt and effective response to accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.</p>				
90	Work activities will take place during the dry season, between April 1 and November 1, when water levels are typically at their lowest, and California red-legged frogs are likely to be more detectable. Should activities need to be conducted outside of this period, Caltrans may conduct or authorize such activities after obtaining the Service's written approval.	CRLF PBO, Minimization of Adverse Effects	<u>Construction:</u> The Contractor will implement this measure per the contract; the County will coordinate with Caltrans if a time extension is required.		

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91	If any life stage of the California red-legged frog is detected in the project area during construction, work will cease immediately and the resident engineer, authorized biologist, or biological monitor will notify the Ventura Fish and Wildlife Office via telephone or electronic mail. If Caltrans and the Service determine that adverse effects to California red-legged frogs cannot be avoided, construction activities will remain suspended until Caltrans and the service complete the appropriate level of consultation.	CRLF PBO, Minimization of Adverse Effects	<u>Construction:</u> The County will implement this measure.	Section 7 consultation for CRLF has been conducted. No need to stop work if CRLF is detected within the project area.	
92	The County will submit to the RWQCB a brief report following the installation and removal of the diversion and dewatering system. This report will be submitted within 24-hours and will include Project site photographs.	RWQCB 401 Certification	<u>Construction:</u> The Contractor will prepare the report and the County will submit the report to the RWQCB.		
93	The County will conduct daily water quality monitoring and record keeping of the Meadow Creek Lagoon downstream of the Project site for the following: <ul style="list-style-type: none"> • Temperature: discharge water shall not be greater than four degrees Fahrenheit from the receiving water temperature; • Dissolved Oxygen: water discharges shall not reduce the dissolved oxygen level to below 5.0 milligrams per liter (mg/L) and median values should not fall below 85 percent saturation as a result of controllable water quality conditions; and • pH: pH shall be maintained between 7.0 to 8.5. If sampling results indicate noncompliance with this Plan, then follow-up sampling of Meadow Creek Lagoon upstream of the Project site will also be performed.	RWQCB 401 Certification	<u>Construction:</u> The Contractor will conduct daily monitoring, the County will provide oversight and submit reports to the RWQCB.		
94	Exclusionary devices, diversion structures, and embankments will be inspected by the onsite qualified personnel before and after any significant storms, and at least twice per day (at the beginning and end of each work day) while in service to inspect for damage to the linings, accumulation of debris, sediment buildup, and adequacy of the slope protection. Removal of debris and repairs to lining and slope protection will be performed as necessary. Pumps will be monitored frequently to ensure proper operation.	RWQCB 401 Certification	<u>Construction:</u> The Contractor will inspect the exclusionary device(s), remove debris, conduct repairs as necessary, and monitor pumps pursuant to this measure and the contract.		
95	The dewatering system will be removed once the construction and diversion/dewatering phase is complete.	RWQCB 401 Certification	<u>Construction:</u> The Contractor will remove the dewatering system once construction activities are complete per the contract.		
96	Should the diversion process result in erosion at the discharge points, immediate action will be taken to prevent adverse impacts to the water body and notify the RWQCB staff as soon as practicable, but no later than 24 hours. In the event of a spill (i.e., motor oil or gasoline from equipment) onsite trained personnel will respond immediately with the onsite staged spill kit in accordance with applicable spill contingency plans/procedures and notification requirements.	RWQCB 401 Certification	<u>Construction:</u> The Contractor will conduct spill clean up and the County will notify the RWQCB.		
97	All work performed within waters of the State shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that will adversely impact the water quality of waters of the State. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation. No heavy construction equipment shall be operated in flowing water at any time.	401 WQ Certification, Project Requirement 2	<u>Construction:</u> The Contractor will implement this measure per the contract.		

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98	Portions of the project that occur below top of creek banks or in other waters of the State shall be stabilized for the winter prior to October 31 of each year, either by completing construction of those portions of the project (including installation of permanent erosion control measures) or by implementing winterization stabilization measures capable of effectively stabilizing the area and preventing erosion under winter rain and flow conditions generated by the 10-year 24-hour storm event. No construction activities shall be conducted below top of creek banks or in other water of the State during the winter period (October 31-May 30), unless prior written approval has been obtained from Central Coast Water Board staff. Requests to conduct construction activities below top of creek banks or in other waters of the State during the winter period shall be submitted to Central Coast Water Board staff at least 21 days prior to the planned winter period work date. If approval is obtained, the Applicant shall implement the approved winter work as specified in the Central Coast Water Board staff approval and as described in any documentation submitted by the Applicant while seeking the approval.	401 WQ Certification, Project Requirement 3	<u>Construction:</u> The Contractor will implement this measure per the contract. The County will coordinate with the RWQCB if time extension is required.		
99	All creosote-treated timber removal operations during demolition of the existing Air Park Drive Bridge shall be conducted in accordance with Caltrans Specifications for Treated Wood Waste (Section 14-11.14 – Treated Wood Waste) and the requirements of Title 22 California Code of Regulations, Division 4.5, Chapter 34, including, but not limited to, employee training, submission of a disposal plan for Central Coast Water Board review and approval at least 21 days prior to construction commencement, and implementation of best management practices for storage and eventual disposal. All treated wood waste shall be disposed of at a landfill approved for the handling of this material.	401 WQ Certification, Project Requirement 4	<u>Construction:</u> The Contractor will implement this measure per the contract.		
100	If contaminated soil and/or groundwater is encountered during project activities, the Applicant shall conduct remediation activities in accordance with the Health and Safety Plan for Contaminated Soil and/or Groundwater to be submitted for Central Coast Water Board staff review and approval at least 21 days prior to construction commencement.	401 WQ Certification, Project Requirement 5	<u>Construction:</u> The Contractor will implement this measure per the contract.		
101	The Applicant shall implement and maintain an effective combination of erosion and sediment control measures (e.g., revegetation, fiber rolls, erosion control blankets, hydromulching, compost, straw with tackifiers, temporary basins) to prevent erosion and capture sediment. The Applicant shall implement and maintain washout, trackout, dust control, and any other applicable source control BMPs.	401 WQ Certification, Project Requirement 7	<u>Construction:</u> The Contractor will implement this measure per the contract.		
102	Erosion and sediment control measures and other construction BMPs shall be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance.	401 WQ Certification, Project Requirement 8	<u>Construction:</u> The Contractor will implement this measure per the contract.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
103	At any time of year, the Applicant shall not conduct construction activities below top of creek banks or in any other waters of the State during rain events or on any day for which the National Weather Service has predicted a 25% or more chance of at least 0.1 inch of rain in 24 hours (Predicted Rain Event). The Applicant shall install effective erosion control, sediment control, and other protective measures no later than the day prior to the Predicted Rain Event, and prior to the start of any rainfall. Construction activities below top of creek banks or in other waters of the State may resume after the rain has ceased, the National Weather Service predicts clear weather for at least 24 hours, and site conditions are dry enough to continue work without discharge of sediment or other pollutants from the project site.	401 WQ Certification, Project Requirement 9; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.8(a)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
104	Any material stockpiled that is not actively being used during construction shall be covered and surrounded with a linear sediment barrier.	401 WQ Certification, Project Requirement 10	<u>Construction</u> : The Contractor will implement this measure per the contract.		
105	The Applicant shall retain a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) onsite in case spills occur.	401 WQ Certification, Project Requirement 11	<u>Construction</u> : The Contractor will implement this measure per the contract.		
106	The Applicant shall confine all trash and debris in appropriate enclosed bins and dispose of the trash and debris at an approved site at least weekly.	401 WQ Certification, Project Requirement 12	<u>Construction</u> : The Contractor will implement this measure per the contract.		
107	All construction vehicles and equipment used on site shall be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials.	401 WQ Certification, Project Requirement 13	<u>Construction</u> : The Contractor will implement this measure per the contract.		
108	All vehicle fueling and maintenance activity shall occur at least 100 feet away from waterways and in designated staging areas, unless a requested exception on a case-by case basis granted by prior written approval has been obtained from Central Coast Water Board staff.	401 WQ Certification, Project Requirement 15	<u>Construction</u> : The Contractor will implement this measure per the contract.		
109	The project requires dewatering or diversion. The Applicant shall submit detailed dewatering/diversion plans and a rain event contingency plan for Central Coast Water Board staff approval at least 21 days prior to any dewatering or diversion. Dewatering/diversion plans shall include the area to be dewatered, timing of dewatering, and method of dewatering to be implemented. All temporary dewatering/diversion methods shall be designed to have the minimum necessary impacts to waters of the State to isolate the immediate work area. All dewatering/diversion methods shall be installed such that natural flow is maintained upstream and downstream of the project area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the project area. All dewatering/diversion methods shall be removed immediately upon completion of dewatering/diversion activities. Dewatering or diversion shall not commence until applicant has obtained Central Coast Water Board staff approval of the dewatering/diversion plans. Any dewatering/diversion must be implemented in compliance with approved dewatering/diversion plans.	401 WQ Certification, Project Requirement 16	<u>Construction</u> : The Contractor will implement this measure per the contract. The Contractor will prepare the plan and the County will submit the plan to the RWQCB. The Contractor will not begin work until approval of the plan is provided by the RWQCB.		
110	All post-construction BMPs shall be implemented and functioning prior to completion of the project and shall be maintained in perpetuity by the County of San Luis Obispo, Public Works Department.	401 WQ Certification, Project Requirement 18	<u>Construction</u> : The Contractor will implement this measure per the contract.		
111	Caltrans must require the County to implement measures to provide effective monitoring, reporting, and education of on-site personnel to minimize the effects of the take on tidewater gobies.	USFWS BO, Reasonable and Prudent Measure 1	<u>Construction</u> : The County will implement this measure.		
112	Caltrans must require the County to use qualified biologists to capture and relocation of tidewater gobies and take other measures to further minimize the effects of any take we anticipate may occur.	USFWS BO, Reasonable and Prudent Measure 2	<u>Construction</u> : The County will implement this measure.		

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113	Service-approved biologist(s) (see Term and Condition 2.1) must record all pertinent information when relocating tidewater gobies including the number of individuals captured, site of capture, site of relocation, habitat at capture, and habitat at relocation site.	USFWS BO, Term and Condition 1.2	<u>Construction</u> : The County will implement this measure.		
114	The Service-approved biologist(s) must conduct a training session for all project personnel prior to any project activities. At a minimum, the training will include a description of the tidewater goby and its habitat; the general provisions of the Act; the necessity for adhering to the provisions of the Act; the penalties associated with violating the provisions of the Act; the specific measures that are being implemented to conserve the tidewater goby while this project is being conducted; and the boundaries within which the project may be accomplished. The program must also cover the restrictions and guidelines that will be followed by all construction personnel to reduce or avoid effects on these species during project implementation. The project foreman will be responsible for ensuring that crew members adhere to the guidelines and restrictions. Due to the duration of the project, multiple education programs must be conducted as needed to inform new personnel.	USFWS BO, Term and Condition 1.3	<u>Construction</u> : The County will implement this measure.		
115	During in-lagoon/creek/channel work, the Service-approved biologist(s) must be onsite and continuously monitoring project activities, e.g., the placement and removal of any required water diversions, the status of the water diversion. The Service-approved biologist must capture any stranded tidewater gobies or other native fish species and relocate them to suitable habitat within the Meadow Creek Lagoon, as appropriate. The Service-approved biologist must note the number of all fish (including tidewater gobies, other native species, and non-native species) observed in the affected area, the number of fish relocated, the date and time of the collection and relocation, habitat conditions at the capture and relocation sites, and the numbers of tidewater gobies at the relocation site before release of the captured individuals.	USFWS BO, Term and Condition 1.4; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(c)6	<u>Construction</u> : The County will implement this measure.		
116	Only Service-approved biologists may capture, handle, and monitor of the tidewater goby. Caltrans or the County must provide the qualifications of individuals that would be conducting these activities to the Service at least 15 days prior to project activities within the vicinity of the species' habitat. No project activities will begin in areas that could support tidewater goby until Caltrans and the County have received approval from the Service that the biologist(s) are qualified to conduct the work. Please be advised that possession of a 10(a)(1)(A) permit for tidewater gobies does not substitute for the implementation of this measure. Authorization of Service-approved biologist(s) is valid for this project only.	USFWS BO, Term and Condition 2.1	<u>Construction</u> : The County will implement this measure.		
117	Caltrans and the County must implement appropriate Best Management Practices (BMPs) conforming with Caltrans' BMP Manual (Caltrans 2003) to avoid impacts to water quality in Meadow Creek Lagoon, which include fueling, maintaining, and storing heavy equipment outside of the project activity areas and checking equipment for leaks and spills prior to implementing project activities.	USFWS BO, Term and Condition 2.3	<u>Construction</u> : The Contractor will implement this measure per the contract.		

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118	When capturing and removing tidewater gobies from the work area, the Service-approved biologist(s) must minimize the amount of time the tidewater gobies are held in captivity. During this time, they must be maintained in a manner that does not expose them to temperatures or any other environmental conditions that could cause injury or undue stress. Tidewater gobies must be captured by seine, minnow trap, or dipnet, transported in buckets, and released elsewhere in Meadow Creek Lagoon.	USFWS BO, Term and Condition 2.4; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(c)7	<u>Construction</u> : The County will implement this measure.		
119	(b) <u>California Red-Legged Frog (CRLF)</u> . 4. An approved CRLF biologist shall be present at the work site until all CRLF have been relocated out of harm's way, workers have been instructed, and disturbance of habitat has been completed.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(b)4	<u>Construction</u> : The County will implement this measure.		
120	(c) <u>Tidewater Goby (TG)</u> . 3. Approved TG biologists shall record all pertinent information when relocating tidewater gobies including the number of individuals captured, site of relocation, habitat at capture, and habitat at relocation site. All information about the species collected through monitoring shall be included in the Final Report.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(c)3	<u>Construction</u> : The County will implement this measure.		
121	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.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.4(a)	<u>Construction</u> : The Contractor will implement this measure per the contract. The County will provide oversight.		
122	Permittee shall not stockpile cut invasive plant material within the streambed or channel at any time.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.5(g)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
123	Vehicles and equipment shall not be operated between the banks of the stream if flowing or standing water or saturated soils are present, except as needed to dewater the site according to Avoidance and Minimization Measure 2.11.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.6(a)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
124	Staging and storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the channel and banks. 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.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.6(f)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
125	Spoil storage sites shall not be located within the channel, where spoil could be washed into the channel, or where it could cover aquatic or riparian vegetation. Rock, gravel, and/or other materials shall not be imported into or moved within the bed or banks of the channel, except as otherwise addressed in this Agreement.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.7(a)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
126	Fill shall be limited to the minimal amount necessary to accomplish the agreed activities. Excess fill material shall be moved off-site at Project completion.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.7(b)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
127	Fill material used as rip-rap shall be composed of clean rock and shall not include concrete, asphalt, or other materials that are deleterious to fish and wildlife.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.7(c)	<u>Construction</u> : The Contractor will implement this measure per the contract.		

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128	All disturbed soils within the Project site 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.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.8(b)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
129	During Project implementation, Permittee shall not dump litter or debris within the stream. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.9(a)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
130	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."	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.9(b)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
131	Permittee shall install the necessary containment structures to control the placement of any wet concrete/cement and to prevent it from entering into the channel outside of those structures. No concrete/cement shall be poured or applied below the top of bank if the 10-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. CDFW may approve a variance to this measure if Permittee proposes a plan to collect surface water (including rain) that comes in contact with concrete/cement and dispose of the water in a lawful manner at an off-site location. No variance shall be implemented unless CDFW has provided approval in writing and in advance.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.9(c)	<u>Construction</u> : The Contractor will implement this measure per the contract. The County will coordinate with the CDFW if a variance from this measure is required.		
132	Permittee and all contractors shall be subject to the water pollution regulations found in FGC Sections 5650 and 12015.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.9(d)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
133	All Project-generated debris, building materials, and other rubbish shall be removed from the CDFW jurisdictional area, and from areas where such materials could be washed into the CDFW jurisdictional area.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.9(f)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
134	<u>Fish Rescue</u> . Fish rescue shall proceed according to Avoidance and Minimization Measure 2.3(c), to remove all fish from the work area before it is dewatered. A record shall be maintained of fish of all species that are rescued and moved. The record shall include, at a minimum, the date of capture and relocation, the method of capture, location and relocation in relation to the Project site, and the number and type of fish captured and relocated. The record shall be provided to CDFW within two (2) weeks of the fish rescue activity.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.10	<u>Construction</u> : The County will implement this measure.		

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135	<u>Reports.</u> Permittee shall submit the following Reports to CDFW: o Training sign-in sheet, submitted to CDFW within one (1) week of the training (Administrative Measure 1.9) o A fish rescue record, submitted to CDFW within two (2) weeks following fish rescue activity (Avoidance and Minimization Measure 2.11(a)) o 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)) o 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)) o A fish rescue record, submitted to CDFW within two (2) weeks following fish rescue activity (Avoidance and Minimization Measure 2.10)	CDFW Streambed Alteration Agreement, Reporting Measure 4.2	<u>Construction:</u> The County will implement this measure.		
136	<u>Construction/Work Hours.</u> 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.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.1	<u>Construction:</u> The Contractor will implement this measure per the contract.		
137	If the work site is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh no larger than 0.2 inch to prevent steelhead, small western pond turtles, and California red-legged frogs from entering the pump system. Filters will be monitored by a biologist and checked regularly to removed debris. Water will be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any diversion or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the lagoon bed will be minimized to the maximum extent possible; any imported material will be removed from the stream bed upon completion of the project.	NES/BA, South Central California Coast Steelhead Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort; NES, Southern Western Pond Turtle Avoidance and Minimization Effort; IS, BR-14; CRLF PBO, Minimization of Adverse Effects; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(b)5	<u>Construction:</u> The Contractor will implement this measure per the contract.		
138	To ensure that diseases are not conveyed between work sites by the Service-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times: (http://www.fws.gov/ventura/species_information/protocols_guidelines/docs/DAFTA.pdf). A copy of the code of practice is enclosed.	CRLF PBO, Minimization of Adverse Effects; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(b)6	<u>Construction:</u> The County will implement this measure.		
139	<u>Coast Range Newt, Western Pond Turtle, and Two-Striped Garter Snake.</u> All coast range newts, western pond turtles, and two-striped garter snakes discovered at the site immediately prior to or during Project activities shall be allowed to move out of the area of 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 immediately upstream or downstream from the Project work area.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(d)	<u>Construction:</u> The County will implement this measure.		
140	Trimming and removal of herbaceous vegetation for construction shall be limited to the minimal amount necessary to complete the Project.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.5(c)	<u>Construction:</u> The Contractor will implement this measure per the contract.		
141	Vehicles, equipment, and other machinery shall be inspected for the presence of undesirable plant species and cleaned prior to on-site use to reduce the risk of introducing exotic, invasive plant species into the Project site.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.6(b)	<u>Construction:</u> The Contractor will implement this measure per the contract.		
142	Vehicle access to the channel's banks and bed shall be limited to predetermined ingress and egress corridors on existing roads. All other areas adjacent to the work site shall be considered an ESA and shall remain off-limits to vehicles and equipment.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.6(c)	<u>Construction:</u> The Contractor will implement this measure per the contract.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
143	Vehicles shall not be driven where wetland vegetation, riparian vegetation, or aquatic organisms could be destroyed, except as otherwise provided for in this Agreement and as necessary to complete the authorized work.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.6(d)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
144	Caltrans and the County must implement appropriate BMPs conforming with Caltrans' BMP Manual (Caltrans 2003) to avoid impacts to water quality in Meadow Creek Lagoon, which include fueling, maintaining, and storing heavy equipment outside of the project activity areas and checking equipment for leaks and spills prior to implementing project activities.	USFWS Reinitiation Response Letter, Term and Condition 2.2; CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.6(e)	<u>Construction</u> : The Contractor will implement this measure per the contract.		
145	Pursuant to 36 C.F.R. section 800.13, in the event of any discoveries during construction of either human remains, archaeological deposits, or any other type of historic property, the Permittee shall notify the Corps' Project Manager (Lisa Mangione) and the Corps' Archaeology Staff within 24 hours (Danielle Storey at 213-452-3855 OR Meg McDonald at 213-452-3849). The Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume construction in the area surrounding the potential cultural resources until the Corps Regulatory Division re-authorizes project construction, per 36 C.F.R. section 800.13.	ACOE 404 Authorization, Special Condition 2			
146	Incidents where any individuals of SCCC DPS of steelhead listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into water of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Los Angeles District of the U.S. Army Corps of Engineers at [insert district's phone number]. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.	ACOE 404 Authorization, Special Condition 4			
147	The Contractor will place all iceplant material removed during construction in sealed bags and haul the bags to a landfill for disposal. The bags must be disposed of as trash and not green waste.		<u>Construction</u> : The Contractor will implement this measure per the contract.		
POST-CONSTRUCTION					
148	All construction-related equipment, materials, and any temporary BMPs no longer needed shall be removed and cleared from the site upon completion of the project.	401 WQ Certification, Project Requirement 19	<u>Post-Construction</u> : The Contractor will implement this measure per the contract.		
149	The bed and banks of the lagoon will be restored immediately following the completion of work.	NES, Jurisdictional Waters Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort; IS, BR-26	<u>Post-Construction</u> : The Contractor will implement this measure per the contract.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
150	To reduce impacts to bulrush vegetation and riparian habitat, the disturbed banks will be revegetated following Project completion per guidance in an approved revegetation plan prepared for the Project.	NES, California Bulrush Marsh Avoidance and Minimization Effort; NES, Riparian Areas Avoidance and Minimization Effort	Post-Construction: The Contractor will implement this measure per the contract.		
151	Riparian habitat removed by the Project will be restored to improve fish habitat.	NES/BA, South Central California Coast Steelhead Avoidance and Minimization Effort; NES/BA, Tidewater Goby Avoidance and Minimization Effort; IS, BR-28	Post-Construction: The Contractor will implement this measure per the contract.		
152	Habitat contours will be returned to their original configuration at the end of project activities. This measure will be implemented in all areas disturbed by activities associated with the project, unless the Service and Caltrans determine that it is not feasible or modification of original contours would benefit the California red-legged frog.	CRLF PBO, Minimization of Adverse Effects	Post-Construction: The Contractor will implement this measure per the contract.		
153	If Caltrans demonstrates that disturbed areas have been restored to conditions that allow them to function as habitat for the California red-legged frog, these areas will not be included in the amount of total habitat permanently disturbed.	CRLF PBO, Minimization of Adverse Effects	Post-Construction: The County will implement this measure.		
154	<p>Upon completion of any project for which this programmatic consultation is used, Caltrans will ensure that a Project Completion Report is completed and provided to the Ventura Fish and Wildlife Office. A copy of the form is enclosed. Caltrans should include recommended modifications of the protective measures if alternative measures would facilitate compliance with the provisions of this consultation. In addition, Caltrans will reinitiate formal consultation in the event any of the following thresholds are reached as a result of project conducted under the provisions of this consultation:</p> <p>Caltrans will reinitiate consultation when, as a result of projects conducted under the provisions of this consultation:</p> <p>a. 10 California red-legged frog adults or juveniles have been killed or injured in any given year. (For this and all other standards, an egg mass is considered to be one California red-legged frog.);</p> <p>b. 50 California red-legged frogs have been killed or injured in total;</p> <p>c. 20 acres of critical habitat for the California red-legged frog that include the primary constituent elements of aquatic breeding and non-breeding aquatic habitat and upland and dispersal habitat have been permanently lost in any given year;</p> <p>d. 100 acres of critical habitat for the California red-legged frog that include the primary constituent elements of aquatic breeding and non-breeding aquatic habitat and upland dispersal habitat have been permanently lost in total;</p> <p>e. 100 acres of critical habitat for the California red-legged frog that include the primary constituent elements of aquatic breeding and non-breeding aquatic habitat and upland and dispersal habitat have been temporarily disturbed in any given year; or</p> <p>f. 500 acres of critical habitat for the California red-legged frog that include the primary constituent elements of aquatic breeding and non-breeding aquatic habitat and upland and dispersal habitat have been temporarily disturbed in total.</p>	CRLF PBO, Minimization of Adverse Effects	Post-Construction: The County will implement this measure.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
155	Plants used in re-vegetation will consist of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practicable. Invasive, exotic plants will be controlled to the maximum extent practicable. This measure will be implemented in all areas disturbed by activities associated with the project, unless Caltrans and the Service determine that it is not feasible or practical.	CRLF PBO, Minimization of Adverse Effects	<u>Post-Construction</u> : The County will implement this measure.	This measure applies to the contractor hired to conduct post-construction mitigation activities.	
156	Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the creek bed will be minimized to the maximum extent possible; any imported material will be removed from the stream bed upon completion of the project.	CRLF PBO, Minimization of Adverse Effects	<u>Post-Construction</u> : The Contractor will implement this measure per the contract.		
157	The project shall include the following compensatory mitigation: a. 0.20 acre/92 linear feet of temporary ocean/estuary/bay impacts shall be restored to pre-Project conditions by re-contouring the substrate. b. 0.21 acre/187 linear feet of temporary riparian area impacts shall be restored to pre-Project conditions by re-contouring the disturbed areas, placing geotextiles or biodegradable erosion control blankets as needed, and applying an appropriate native seed mix. c. 0.01 acre/67 linear feet of permanent ocean/estuary/bay impacts shall be mitigated at a 3:1 ratio through the rehabilitation of 0.03 acre/67 linear feet of riparian habitat. d. 0.015 acre/60 linear feet of permanent riparian habitat impacts shall be mitigated at a 3:1 ratio through the rehabilitation of 0.045 acre/60 linear feet of riparian habitat. e. All mitigation for permanent impacts shall be implemented on publicly owned lands within the County's permanent right-of-way easement, on County Parks property, and on State Parks property (the island in Meadow Park Lagoon) at or adjacent to the project site.	401 WQ Certification, Compensatory Mitigation Requirement 1	<u>Post-Construction</u> : The County will implement this measure.		
158	The Applicant shall implement compensatory mitigation installation, maintenance, and monitoring as described in the Habitat Mitigation and Monitoring Plan dated June 2016, the application, and associated submittals.	401 WQ Certification, Compensatory Mitigation Requirement 2	<u>Post-Construction</u> : The County will implement this measure.	This measure applies to the contractor hired to conduct post-construction mitigation activities.	
159	Offsite compensatory mitigation is not permitted. Onsite compensatory mitigation shall be installed within 12 months of completion of the new Air Park Bridge Drive Bridge construction.	401 WQ Certification, Compensatory Mitigation Requirement 3	<u>Post-Construction</u> : The County will implement this measure.	This measure applies to the contractor hired to conduct post-construction mitigation activities.	
160	Central Coast Water Board staff shall be notified if mitigations as described in the 401 Water Quality Certification application for this project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. The Applicant shall inform Central Coast Water Board staff of any modifications that interfere with compliance with the RWQCB Certification.	401 WQ Certification, Project Requirement 20	<u>Post-Construction</u> : The County will implement this measure.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
161	Post-construction BMPs shall be implemented as outlined in the Stormwater Post-Construction Requirements Summary dated July 28, 2016 in full compliance with the County of San Luis Obispo's Post-Construction Stormwater Management Program, including but not limited to: a) Compliance with the Site Design and Runoff Reduction requirement (Performance Requirement No. 1) by limiting disturbance to the water body, minimizing the compaction of permeable soils, limiting impacts to natural vegetation, and minimizing impervious surfaces; and b) Compliance with the Water Quality Treatment requirement (Performance Requirement No. 2) by retaining the 85th percentile, 24-hour rain event.	401 WQ Certification, Project Requirement 17	<u>Post-Construction</u> : The Contractor will implement this measure per the contract.		
162	Visually inspect the project site and areas of waters of the State adjacent to project impact areas following completion of project construction and for three subsequent rainy seasons to ensure that the project is not causing excessive erosion, stream instability, or other water quality problems. If the project does cause water quality problems, contact the Central Coast Water Board staff member overseeing the project. You will be responsible for obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems.	401 WQ Certification, Monitoring Requirement 1	<u>Post-Construction</u> : The County will implement this measure.		
163	Monitor the compensatory mitigation site for five years. If success criteria are not achieved within that time, continue annual monitoring and maintenance until success criteria are achieved. Compensatory mitigation monitoring shall include assessment of growth, survival, percent cover, general health and stature, signs of reproduction, progress towards achieving success criteria, and any other measures identified in the Habitat Mitigation and Monitoring Plan dated June 2016, the application, and associated submittals.	401 WQ Certification, Monitoring Requirement 2	<u>Post-Construction</u> : The County will implement this measure.		
164	The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov: Discharge, Construction, and Mitigation Installation Completion Notification - Within seven days of completing all project discharge, construction, and mitigation installation activities, submit notification to the Central Coast Water Board of project discharge, construction, and mitigation installation completion.	401 WQ Certification, Reporting Requirement 6	<u>Post-Construction</u> : The County will implement this measure.		
165	The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov: Compensatory Mitigation and Monitoring Completion Notification – Within seven days of Applicant verification of achievement of all compensatory mitigation success criteria and completion of all monitoring, submit notification to the Central Coast Water Board of compensatory mitigation success criteria achievement and monitoring completion. Include identification of the date when the final Annual Project Status Report will be submitted. [Note: Submittal of Compensatory Mitigation and Monitoring Completion Notification does not terminate this Certification or its requirements.]	401 WQ Certification, Reporting Requirement 7	<u>Post-Construction</u> : The County will implement this measure.		
166	(b) <u>California Red-Legged Frog (CRLF)</u> . 7. Permittee shall include a summary of CRLF translocation in the Final Report submitted for the Project that includes the dates of capture and relocation, the method of capture, location of relocation in relation to the Project site, and the number of CRLF captured and relocated.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.3(b)7	<u>Post-Construction</u> : The County will implement this measure.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
167	If the Project results in unvegetated areas on the stream banks, these areas shall be seeded (with weed-free straw or mulch) with a blend of a minimum of three (3) locally native grass species. 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.	CDFW Streambed Alteration Agreement, Compensatory Measure 3.1(b)	<u>Post-Construction</u> : The Contractor will implement this measure per the contract.		
168	Where suitable vegetation cannot be reasonably expected to become established, non-erodible materials shall be used for such stabilization. Any installation of non-erodible materials not described in the original Project description shall be coordinated with CDFW.	CDFW Streambed Alteration Agreement, Compensatory Measure 3.1(c)	<u>Post-Construction</u> : The Contractor will implement this measure per the contract.		
169	<u>Reports</u> . Permittee shall submit the following Reports to CDFW: o Annual Reports of compensatory plantings, submitted to CDFW by December 31 of each year following plantings (Compensatory Measure 3.1(a)) o A Final Project Report to be submitted within 30 days after the Project is completed. The final report shall summarize the Project, and address the implementation of each Protective Measure included in this Agreement, including a summary of CRLF and TG translocation. Before, during, and after photo documentation of the Project site shall be included in the report.	CDFW Streambed Alteration Agreement, Reporting Measure 4.2	<u>Post-Construction</u> : The County will implement this measure.		
170	Permittee shall document the number and species of all woody-stemmed plants that are four inches diameter at breast height (DBH) or greater that will be cut or otherwise removed during Project activities. Trees and shrubs with a DBH of four inches or greater that are damaged or removed shall be replaced by replanting appropriate native species at a 2:1 ratio with an 80% survival rate(replaced to lost), except that heritage trees 24 inches or greater shall require replanting of like species at a 10:1 ratio. These numbers shall inform the replanting requirements in Compensatory Measure 3.1(a).	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.5(a)	<u>Post-Construction</u> : The County will implement this measure.	This measure applies to the contractor hired to conduct post-construction mitigation activities.	
171	Permittee shall employ only those herbicides that are approved for aquatic use. If surfactants are required, they shall be restricted by Permittee to non-ionic chemicals that are approved for aquatic use.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.5(d)	<u>Post-Construction</u> : The Contractor will implement this measure per the contract.	This measure applies to the contractor hired to conduct post-construction mitigation activities.	
172	The application and use of herbicides shall be environmentally safe, and shall be conducted in a manner consistent with directed and recommended methods. Permittee shall ensure compliance with all local, State, and Federal regulations, and ensure that workers applying these chemical or biological agents possess appropriate licenses.	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.5(e)	<u>Post-Construction</u> : The Contractor will implement this measure per the contract.	This measure applies to the contractor hired to conduct post-construction mitigation activities.	
173	Herbicides shall be applied by painted onto targeted arundo and ice plant sprouts. Appendix B - Environmental Permit Summary	CDFW Streambed Alteration Agreement, Avoidance and Minimization Measure 2.5(f)	<u>Post-Construction</u> : The Contractor will implement this measure per the contract.	This measure applies to the contractor hired to conduct post-construction mitigation activities.	Contract No. 2018-01

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
174	<p>Prior to starting Project activity, Permittee shall submit for CDFW approval a Planting Plan showing the locations of plantings to replace woody plants removed during Project activities, according to the requirements of Avoidance and Minimization Measure 2.5(a). Planting shall be performed according to the methods in the Habitat Mitigation and Monitoring Plan that was included with the Project Notification submitted to CDFW. Plantings shall be installed within one year following completion of Project construction. Permittee shall monitor and maintain plantings to ensure 80 percent survival after five (5) years, including up to three (3) years with supplemental water and at least two (2) years without such assistance. Permittee shall also provide Annual Reports to CDFW by December 31 of each year for a minimum of five years following initial planting. Reports shall provide a summary of the previous year's monitoring and the status of plantings (including photos), and include remedial action required during the following year if success of plantings is below 80 percent. CDFW shall review reports and beginning with Year 5 post-planting shall determine whether performance criteria have been met. If performance criteria have been met, CDFW shall provide written confirmation.</p>	CDFW Streambed Alteration Agreement, Compensatory Measure 3.1(a)	<u>Post-Construction</u> : The County will implement this measure.		
174 (i)	<p>The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov: Annual Project Status Report – The Applicant shall submit to the Central Coast Water Board an Annual Project Status Report by May 31 of each year following the issuance of this Certification, regardless of whether project construction has started or not. The Applicant shall submit Annual Project Status Reports until the Applicant has conducted all required monitoring and mitigation has achieved all success criteria. The final Annual Project Status Report is due on or before the May 31 following the achievement of all mitigation success criteria. Each Annual Project Status Report shall include at a minimum:</p> <ul style="list-style-type: none"> a. The status of the project: construction not started, construction started, or construction complete. b. The date of construction initiation, if applicable. c. The date of construction completion, if applicable. d. If project construction is complete: <ul style="list-style-type: none"> i. A summary of daily activities, monitoring and inspection observations, and problems incurred and actions taken; ii. Status of permanent post-construction stormwater management BMPs, including photo documentation of all BMPs; iii. Identification of when site personnel trainings occurred, description of the topics covered during trainings, and confirmation that every person that engaged in construction activities or their oversight at the project site was trained initially and every six months thereafter. 	401 WQ Certification, Reporting Requirement 8	<u>Post-Construction</u> : The Contractor will compile water quality monitoring data into a report that the County can submit to the RWQCB. The County will prepare and submit annual reports to RWQCB.		

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
174 (ii)	<p>iv. A description of the results of the annual visual inspection of the project site and areas of waters of the State adjacent to project impact areas, including:</p> <ol style="list-style-type: none"> 1. Erosion conditions; 2. Stream stability conditions; 3. Water quality and beneficial use conditions; 4. Clearly identified photo-documentation of all areas of permanent and temporary impact, prior to and after project construction; and 5. Clearly identified representative photo-documentation of other project areas, prior to and after project construction. <p>6. If the visual inspection monitoring period is over, but water quality problems persist, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the project is no longer causing excessive erosion, stream instability, or other water quality problems.</p> <p>e. Mitigation reporting, if mitigation installation has started, including the following information:</p> <ol style="list-style-type: none"> i. Date of initiation of mitigation installation and date mitigation installation was completed; ii. If mitigation installation was completed, confirmation mitigation was installed according to the requirements of this Certification and as described in the Habitat Mitigation and Monitoring Plan dated June 2016, the application, and associated submittals, and any other associated submittals; iii. Analysis of monitoring data collected in the field; iv. Quantification of growth, percent cover, survival, general health and stature, signs of reproduction, and documentation of progress toward achieving all mitigation performance criteria; v. Qualitative and quantitative comparisons of current mitigation conditions with preconstruction conditions and previous mitigation monitoring results; vi. Any remedial or maintenance actions taken or needed; vii. Any additional information specified in the Habitat Mitigation and Monitoring Plan dated June 2016, the application, and associated submittals; and viii. Annual photo-documentation representative of all mitigation areas, taken from vantage points from which Central Coast Water Board staff can identify changes in size and cover of plants. Compare photos of installed mitigation with photos of the mitigation areas prior to installation. <p>f. A description of mitigation completion status that identifies the amount of mitigation monitoring and maintenance remaining, or certifies that mitigation is complete and all required mitigation monitoring and maintenance has been conducted and all success criteria achieved. If the monitoring period is over, but all success criteria have not been achieved, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the criteria are met.</p>				

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
175	<p>Mitigation and Monitoring</p> <p>a. The Permittee has proposed to mitigate for impacts to waters of the U.S., through implementation of the mitigation plan: "Air Park Drive Replacement Project Habitat Mitigation and Monitoring Plan" (dated April 2016, and prepared by San Luis Obispo County Public Works Department Environmental Programs Division). According to the draft mitigation plan, responsible parties would be as follows: a) Implementation: County of San Luis Obispo, Department of Public Works; b) Performance: County of San Luis Obispo, Department of Public Works; c) Long-term management: County of San Luis Obispo, Department of Public Works. The Permittee retains ultimate legal responsibility for meeting the requirements of the final mitigation plan. Detailed mitigation objectives, performance standards, and monitoring requirements are described in the above mitigation plan. Any requirements for financial assurances and/or long-term management provisions are also described in the above mitigation plan.</p> <p>b. MONITORING: You shall submit monitoring reports for all compensatory mitigation sites as described in the final, approved mitigation plan by October 1 of each year following the construction of mitigation.</p> <p>To assure compensatory mitigation success, you shall monitor the mitigation areas for at least five (5) consecutive growing seasons after construction or until the Corps determines the final performance standards are met (monitoring shall be for a minimum of 5 years unless the Corps agrees earlier that success has been reached and maintained for a sufficient time period, or, if success is not demonstrated to the Corps' satisfaction after the 5th year of monitoring, additional monitoring may be required by the Corps as determined at that time). The monitoring period shall commence upon completion of the construction of the mitigation sites. Additionally, you shall demonstrate continued success of the compensatory mitigation sites, without human intervention, for at least two consecutive years during which interim and/or final performance standards are met. The compensatory mitigation project will not be deemed successful until this criterion has been met.</p> <p>c. GIS DATA: Within 60 days following written Corps approval of the mitigation plan for General Permits, you shall provide to this office GIS data (polygons only) depicting the boundaries of all compensatory mitigation sites, as authorized in the above, final mitigation plan.</p> <p>All GIS data and associated metadata shall be provided on a digital medium (CD or DVD) or via file transfer protocol (FTP), preferably using the Environmental Systems Research Institute (ESRI) shapefile format. GIS data for mitigation sites shall conform to the Regulatory_mitigation_template_20160115.lpk labeling requirements, as specified in the Final Map and Drawing Standards for the South Pacific Division Regulatory Program dated February 10, 2016 (http://www.spd.usace.army.mil/Missions/Regulatory/PublicNoticeandReferences/tabid/10390/Article/651327/updated-map-and-drawing-standards.aspx), and shall include a text file of metadata, including datum, projection, and mapper contact information. Within 60 days following completion of compensatory mitigation construction activities, if any deviations have occurred, you shall submit as-built GIS data (polygons only) accompanied by a narrative description listing and explaining each deviation.</p>	ACOE 404 Authorization, Special Condition 6			

Task #	Task and Brief Description	Reference	Timing/Phase	Comments	Environmental Compliance Initial/Date
176 (i)	<p>The Applicant shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov: Annual Project Status Report – The Applicant shall submit to the Central Coast Water Board an Annual Project Status Report by May 31 of each year following the issuance of this Certification, regardless of whether project construction has started or not. The Applicant shall submit Annual Project Status Reports until the Applicant has conducted all required monitoring and mitigation has achieved all success criteria. The final Annual Project Status Report is due on or before the May 31 following the achievement of all mitigation success criteria. Each Annual Project Status Report shall include at a minimum:</p> <ul style="list-style-type: none"> a. The status of the project: construction not started, construction started, or construction complete. b. The date of construction initiation, if applicable. c. The date of construction completion, if applicable. d. If project construction is complete: <ul style="list-style-type: none"> i. A summary of daily activities, monitoring and inspection observations, and problems incurred and actions taken; ii. Status of permanent post-construction stormwater management BMPs, including photo documentation of all BMPs; 	401 WQ Certification, Reporting Requirement 8	<p><u>Post-Construction</u>: The County will impelment this measure.</p>		
176 (ii)	<ul style="list-style-type: none"> iii. Identification of when site personnel trainings occurred, description of the topics covered during trainings, and confirmation that every person that engaged in construction activities or their oversight at the project site was trained initially and every six months thereafter. iv. A description of the results of the annual visual inspection of the project site and areas of waters of the State adjacent to project impact areas, including: <ul style="list-style-type: none"> 1. Erosion conditions; 2. Stream stability conditions; 3. Water quality and beneficial use conditions; 4. Clearly identified photo-documentation of all areas of permanent and temporary impact, prior to and after project construction; and 5. Clearly identified representative photo-documentation of other project areas, prior to and after project construction. 				

Air Park Drive Bridge Replacement Project
ED08-251/300430

**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: ED08-251 (300430)

SCH Number: 2015101090

**COUNTY DEPARTMENT OF PUBLIC WORKS
AIR PARK DRIVE BRIDGE REPLACEMENT PROJECT
COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & INITIAL STUDY**

Abstract

The County of San Luis Obispo Department of Public Works (County) is proposing to replace the Air Park Drive Bridge (Bridge No. 49C-0125), an existing timber structure, over Meadow Creek Lagoon, with a modern reinforced concrete bridge, in the community of Oceano. The proposed replacement bridge will be slightly longer than the existing structure at approximately 83 feet and also slightly wider at about 40 feet. The roadway configuration includes raised sidewalks and narrow shoulders on both sides of the bridge separating pedestrian and vehicular traffic. The project is located on Air Park Drive between Pier Avenue on and Railroad Avenue. The project is in the San Luis Bay Coastal planning area, Supervisorial District #4.

This project is receiving funding from the Federal Highway Administration (FHWA) and assistance from Caltrans. Activities for the Project involve the removal of the existing timber structure and replacement with a modern reinforced concrete bridge. The project is located along Air Park Drive, within the community of Oceano, crossing over Meadow Creek Lagoon (also referred to as Oceano Lagoon), which is the downstream terminus of Meadow Creek. Project activities would also involve the diversion and dewatering of water resources from Meadow Creek Lagoon to completely isolate the Project site during construction activities. The project will result in approximately 1.08 acre of temporary impacts and 0.5 acre of permanent impacts, for a total of 1.58 acres of disturbance.

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
Kidd Immel, Project Manager
County Department of Public Works
County Government Center, Room 206
San Luis Obispo, CA 93408
(805) 781-5252

This proposed Mitigated Negative Declaration has been issued by:

10.21.2015
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:

10/20/15
Date

Dave Flynn
Dave Flynn, Deputy 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

(ver 5.7) Using Form

Project Title & No. County Public Works - Air Park Drive Bridge Replacement Project, ED08-251, 300430

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 checked="" 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 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

10/19/15
Date

Steven McMasters
Reviewed by (Print)

Signature

Ellen Carroll,
Environmental Coordinator
(for)

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 Planning Department, 976 Osos Street, Rm. 200, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: The County of San Luis Obispo Department of Public Works (County) is proposing to replace the Air Park Drive Bridge (Bridge No. 49C-0125), an existing timber structure, over Meadow Creek Lagoon, with a modern reinforced concrete bridge, in the community of Oceano. The proposed replacement bridge will be slightly longer than the existing structure at approximately 83 feet and also slightly wider at about 40 feet. The roadway configuration includes raised sidewalks and narrow shoulders on both sides of the bridge separating pedestrian and vehicular traffic. The project is located on Air Park Drive between Pier Avenue on and Railroad Avenue. The project is in the San Luis Bay Coastal planning area.

This project is receiving funding from the Federal Highway Administration (FHWA) and assistance from Caltrans. Activities for the Project involve the removal of the existing timber structure and replacement with a modern reinforced concrete bridge. The project is located along Air Park Drive, within the community of Oceano, crossing over Meadow Creek Lagoon (also referred to as Oceano Lagoon), which is the downstream terminus of Meadow Creek. Project activities would also involve the diversion and dewatering of water resources from Meadow Creek Lagoon to completely isolate the Project site during construction activities. The project will result in approximately 1.08 acre of temporary impacts and 0.5 acre of permanent impacts, for a total of 1.58 acres of disturbance.

The purpose of the proposed project is to remove the structurally and geometrically deficient existing timber structure and replace it with a modern reinforced concrete bridge that will provide adequate and safe pedestrian and vehicular access. The new bridge will maintain access, improve safety, and result in reduced maintenance costs. The existing timber bridge on Air Park Drive over Meadow Creek Lagoon was built around 1940.

The proposed two-lane bridge with sidewalks will be constructed along the existing roadway alignment on Air Park Drive. Air Park Drive is a short road (approximately 0.4 mile) that runs between Pier Avenue on the west and Railroad Avenue on the east. The main entrance to the Oceano County Airport is on Air Park Drive approximately 400 feet southeast of the bridge. Oceano State Campground is located to the southwest of the bridge, within a driveway located just 80 feet from the bridge. Refer to Appendix A for Plan Sheets.

Project activities would involve: removal of the existing bridge; approach and roadway construction and conforming; temporary fill embankment for construction; and road closures. The existing bridge is a four span timber bridge on timber pile bents and abutments. The bridge length is 76 feet long by 21 feet wide. The existing bridge is a narrow two-lane vehicular bridge, with attached guard railings and a timber pedestrian path cantilevered off of the northeast side of the

bridge. Removal of creosote-treated timber piles and installation of abutments will require full containment and isolation from the lagoon; therefore, dewatering operations will be necessary. Dewatering work will be contained within the approved project area of disturbance. The operational timeline for the stream diversion will be June 1 to October 31.

The proposed replacement bridge will consist of a cast-in-place concrete slab bridge. The proposed bridge will utilize pile foundations at the abutments and at the intermediate piers, and will accommodate two travel lanes, two shoulders, and sidewalks. The intermediate piers will be located inside Meadow Creek Lagoon. The proposed replacement bridge will be slightly longer than the existing structure at approximately 83 feet and also slightly wider at about 40 feet. The roadway configuration includes raised sidewalks and narrow shoulders on both sides of the bridge separating pedestrian and vehicular traffic. The new bridge will be constructed to allow the same, or more, clearance similar to existing bridge heights and creosote treated timber would be removed from the lagoon, a potential long-term benefit to the lagoon waters.

Construction activities will include: clearing and grubbing of vegetation of the new bridge location, establishment of staging areas and ingress/egress roads, isolation of the work area, dewatering, bridge demolition, excavation for the cast-in-drilled-hole pile abutments approximately five to eight feet deep, forming of foundations, followed by rebar placement and then concrete pouring, and new bridge construction. New bridge construction may include temporary fill within the streambed for falsework pad support, which would be later removed prior to removal of the water containment system. The Project will involve restoration activities on the island of giant reed (*Arundo donax*) located in the upper portion of Meadow Creek Lagoon as a part of mitigation efforts to offset Project impacts. The Project will also consist of road closure and establishment of alternative traffic routes. Construction is anticipated to take approximately nine months to complete.

ASSESSOR PARCEL NUMBER(S): 061-093-040, 061-093-048, 061-093-050, and 061-093-035

Latitude: 35 degrees 6' 18 " N Longitude: 120 degrees 37' 33" W

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLAN AREA: San Luis Bay(Coasta **SUB:**

COMM: Oceano

LAND USE CATEGORY: Recreation Public Facilities Commercial Retail

COMB. DESIGNATION: Coastal Original Jurisdiction Airport Review Archaeologically Sensitive Flood Hazard

PARCEL SIZE: N/Aacres

TOPOGRAPHY: Nearly level

VEGETATION: Grasses Riparian Ornamental landscaping

EXISTING USES: Blue line creek residential airport

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Commercial Retail; multi-family residences	<i>East:</i> Recreation;
<i>South:</i> Public Facilities; residential airport	<i>West:</i> Recreation; residential

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, at least one issue was identified as having a 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	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<i>Will the project:</i>				
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Aesthetics

Setting. The project is located in an area of varied uses. Surrounding uses include, residential, RV/camping and a County Park. The project will not be visible from any major public roadway or silhouette against any ridgelines as viewed from public roadways. The project is considered compatible with the surrounding uses.

Impact. Pursuant to the National Environmental Policy Act (NEPA) process, the Visual Impact Assessment Level was scored for this project. The result of the assessment was that the project would not result in adverse impacts to visual impacts and no formal visual analysis beyond the assessment was required (Immel 2014a). The project would not introduce a new type of roadway feature to the setting. The project would replace an existing bridge with a similar bridge in the same location. The new bridge would be similar in size and height. No Scenic Resources such as unique or outstanding trees, rock outcrops, historic buildings or other structures would be affected. No noise barriers, signage, or significant landform changes would result from the project. The project would not result in unsightly conditions or expose unsightly areas that are now screened from public view. Therefore, impacts to compatibility, scenic views, and unique physical features would be less than significant. In addition, no lighting is proposed for this project. The project will not result in impacts as a result of lighting or glare. Vegetation including bulrush and Arroyo willows will be removed as a result of construction activities; however these species would be replanted at a 3:1 ratio

within/adjacent to the project area.

Mitigation/Conclusion. Vegetation removal activities would be mitigated through habitat restoration activities. No additional visual mitigation measures are anticipated.

2. AGRICULTURAL RESOURCES

Will the project:

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

Agricultural Resources

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

Land Use Category: Recreation, Commercial, Public Facility

Historic/Existing Commercial Crops: None

State Classification: Not prime farmland

In Agricultural Preserve? No

Under Williamson Act contract? No

According to the San Luis Obispo County (Coastal Part) soil survey (NRCS, 2014), the northern portion of the BSA is underlain with Dune Land soil (sand), while southern portion is underlain with the Mocho soil series (fine sandy loam). Soils which form the basin of Meadow Creek Lagoon consist of Psamment and Fluvent orders (sediments). A soil survey map is provided in the Jurisdictional Determination Report (Padre 2014).

Impact. The project is not located on prime farmland. The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

Mitigation/Conclusion. No significant impacts to agricultural resources are anticipated and 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"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 and updated their CEQA Air Quality Handbook (2012) 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 Air Pollution Control District (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:

Qualitative GHG Reduction Strategies (e.g. Climate Action Plans): A qualitative threshold that is consistent with AB 32 Scoping Plan measures and goals; or,

Bright-Line Threshold: Numerical value to determine the significance of a project's annual GHG emissions; or,

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.

Bridge demolition activities may have negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos or lead containing material. Notification requirements to the APCD will be required.

According to the SLOAPCD Naturally Occurring Asbestos (NOA) Map for San Luis Obispo County, the project site is not located in or near an area that has the potential to contain naturally occurring asbestos.

Impact. As proposed, the project will result in the temporary disturbance of approximately 1 acre. This will result in the creation of construction dust, as well as short-term vehicle emissions associated with construction activities. Based on Table 2-1 of the CEQA Air Quality Handbook, the project will not 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 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.

The project referral noted that the bridge was sampled for both lead and asbestos. No asbestos was identified, but the paint on the bridge tested positive for lead. Refer to Hazards and Hazardous Materials for mitigation measures that will be implemented to reduce impacts as a result of lead based paint.

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. The below mitigation measures, suggested by County APCD, will further reduce impacts, but they are not necessary to reduce a significant impact.

[AQ-1] 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 regulations; 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 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.

d) The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

[AQ-2] Diesel Idling Restrictions Near Sensitive Receptors

In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors (residences):

a) Because staging and queuing areas will be within 1,000 feet of sensitive receptors, the following measures will be enforced to minimize sensitive receptor impacts;

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-3] Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. If the project has significant truck trips where hauling/truck tips are routine activity and operate in close proximity to sensitive receptors, toxic risk as a result of diesel particulate matter needs to be evaluated.
- [AQ-4] Reduce the amount of the disturbed area where possible.
- [AQ-5] Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site or exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor of builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.
- [AQ-6] All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed.
- [AQ-7] All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders, or other dust controls are used.
- [AQ-8] All of these fugitive dust mitigation measures shall be shown on grading and building plans.
- [AQ-9] The contractor of builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity. Their duties shall include holidays and weekend periods when work may not be in progress.
- [AQ-10] Should hydrocarbon contaminated soil be encountered during demolition or 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 soils 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 public nuisance; and
 - Clean soil must be segregated from contaminated soil.
- [AQ-11] All notification and permitting determination requests shall be directed to the APCD Engineering Division at (805) 781-5912.

[AQ-12] Proper abatement of lead before demolition of the structure must be performed in order to prevent the release of lead from the site. Sandblasting or removal of paint by heating with a heat gun can result in significant emissions of lead. Depending on removal method, an APCD permit may be required. Contact the APCD Engineering Division at (805) 781-5912 for more information. Approval of a lead work plan by the APCD is required and must be submitted ten days prior to the start of the demolition. For more information, contact the APCD Enforcement Division at (805) 781-5912 or for specific information regarding lead removal, please contact Cal-OSHA at (818) 901-5403. Additional information can also be found on line at <http://www.epa.gov/lead>.

[AQ-13] Portable equipment, 50 horsepower or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- o Power screens, conveyors, diesel engines, and/or crushers;
- o Portable generators and equipment with engines that are 50 horsepower or greater;
- o Electrical generation plants or the use of standby generator;
- o Internal combustion engines;
- o Rock and pavement crushing;
- o Unconfined abrasive blasting operations;
- o Tub grinders;
- o Trommel screens; and
- o Portable plants (e.g., aggregate plant, asphalt batch plant, concrete batch plant, etc.).

4. BIOLOGICAL RESOURCES

Will the project:

	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Conflict with any regional plans or policies to protect sensitive species, or regulations of the California Department of Fish & Wildlife or U.S. Fish & Wildlife Service?</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"/>

* 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: Vegetation communities and other habitat types present within the BSA include *Salix lasiolepis* Shrubland Alliance (Arroyo willow thickets), *Schoenoplectus californicus* Herbaceous Alliance (California bulrush marsh), Ruderal, *Arundo donax* stand (giant reed stand) (Padre 2015a), Ornamental, Open Water, and Developed.

Name and distance from blue line creek(s): The project crosses Meadow Creek Lagoon

Padre Associates, Inc. conducted a desktop review and field studies as a part of their preparation of a Biological Assessment and Natural Environmental Study they prepared for the project (Padre Associates, Inc. 2015a, b). A query of the CDFW California Natural Diversity Database (CNDDDB) was conducted to identify reported occurrences of special-status plant and wildlife species and sensitive habitats within the regional area surrounding and including the project site. The CNDDDB query included the Oceano, Pismo Beach, Arroyo Grande NE, Tar Spring Ridge, Nipomo, Guadalupe, Point Sal, and Santa Maria United States Geological Survey (USGS) 7.5-minute quadrangle (CDFW 2014). The USFWS Critical Habitat Portal (2014) was also used to determine location of critical habitat for federally listed species that may potentially occur in the region.

Following the desktop review and field surveys, and a jurisdictional determination of waters/wetlands were completed (Padre 2014). All surveys were completed within the project area in accordance to standards that satisfy federal, state, and local survey guidelines. Habitat types existing within the project area include willow thickets (riparian), bulrush marsh, and ruderal habitat within the community park, nearby campgrounds, and surrounding roads. Meadow Creek Lagoon is hydrologically connected through a set of flap gates located in an earthen levee to the Arroyo Grande Creek Lagoon, which in turn drains to the Pacific Ocean.

Special-status plant species have been documented outside the project area, within the region of the project site (within ten miles); however, no special-status plant species were observed during the botanical surveys conducted within the project area during the appropriate blooming periods.

Federally-listed south central California coast steelhead (*Oncorhynchus mykiss irideus*) and tidewater goby (*Eucyclogobius newberryi*) are presumed to occur within the project area as they have been previously documented within the vicinity. Tenera Environmental initiated one tidewater goby seining event per United States Fish and Wildlife Service (USFWS) protocol and no tidewater goby was documented. The scheduled second seining event was cancelled subsequent to correspondence with the USFWS because presence of tidewater goby in the Meadow Creek Lagoon was established near the flap gates on July 29, 2014. California red-legged frog (*Rana draytonii*), federally threatened, has been previously documented in Meadow Creek Lagoon, and was observed in the lower portion of Meadow Creek Lagoon within the project area by Padre Biologists during a nighttime field survey.

Willow flycatcher (*Empidonax triallii*) has been detected within Meadow Creek, upstream of the project site, and may occur within the riparian areas within the project area. There are three subspecies of willow flycatcher that occur in California, each are State listed and one is federally listed (southwestern willow flycatcher [*E. t. extimus*]). It is unknown which subspecies was documented near the project site; however, willow flycatcher are a migratory species that could occur outside typical nesting and wintering grounds during periods of migration. The project site also supports suitable habitat for least Bell's vireo (*Vireo bellii pusillus*) and yellow-billed cuckoo (*Coccyzus americanus*). These species, including willow flycatcher, may frequent the area during migration; however, they are not likely to nest within the project site due to lack of suitable nesting habitat and high human activity and disturbance. Additionally, no documented nesting pairs of these species have been documented in the vicinity of the project.

The project site supports suitable habitat for Blainville's (coast) horned lizard (*Phrynosoma bainvillii*), California (silvery) legless lizard (*Anniella pulchra*), and southern western pond turtle (*Actinemys pallida*). The horned lizards and legless lizards may occur in the soils and leaf litter within the project area. Southern western pond turtles were observed within the project area during 2014 spring field surveys basking on logs and rocks along the margin of the lagoon.

Project activities will be completely isolated from the Meadow Creek Lagoon with a containment system utilizing sheet piles, sandbags, and/or water filled bladder dams with pipes. The diversion will be in place from June 1 to October 31. Any temporary fill associated with diversion and dewatering activities will be removed at the end of construction, returning the lagoon to its original condition. Diversion pipes may be installed to equalize the water level on either side of the containment system, as necessary. It is likely that some surface water and groundwater will be encountered within the work area after the containment system has been installed; therefore, a dewatering system that pumps water outside of the containment system, and utilizes a baker tank or settling basin, will be available and implemented as necessary.

Impact. Project activities will be completely isolated from the Meadow Creek Lagoon with a containment system. Temporary impacts will result from staging and access required to construct the new bridge. The project has the potential to impact state and federal jurisdictional waters. Impacts to jurisdictional areas will be required to accommodate construction activities which include a temporary diversion.

Project related noise and increased human activity may indirectly disturb bird foraging patterns. If present, southwestern willow flycatcher, California black rail, western yellow-billed cuckoo, tricolored blackbird, and/or California least tern could be temporarily displaced into adjacent habitat and likely experience greater competition for food. The implementation of the avoidance and minimization measures such as appropriate timing of vegetation removal, pre-activity surveys, revegetation of willow thickets and bulrush marsh, and exclusion zones will avoid the potential for effects to these species.

The project could 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. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Based on site conditions and the life histories of the considered wildlife species, it was determined that the project could impact California red-legged frog, steelhead, and tidewater goby. These species could be impacted during use of heavy equipment if individuals are killed or injured. Project related noise and increase human activity may also indirectly impact the species. Temporary impacts to these species could be associated with dewatering/diversion of the water within the project area, use of heavy equipment operation in channel, bridge construction activities, and removal of existing wood piles. If present during project activities, individuals could be stranded in dewatered portions of the creek, caught in dewatering pumps, impede dispersal routes, restrict foraging habitat, and/or made vulnerable to predation from foraging birds and mammals. However, these impacts will be mitigated with the presence of qualified biologists surveying for and moving California red-legged frogs, steelhead, and tidewater gobies outside of the project site to suitable habitat. Indirect impacts could include increased sediment deposition within the lagoon, which could adversely impact water quality. However, this would be mitigated through the use of appropriate avoidance and minimization measures discussed below.

Appropriate project timing and site dewatering would minimize potential adverse effects to these species and would reduce temporary impacts to their habitats. With the implementation of avoidance and minimization measures such as preconstruction surveys and dewatering activities, this project will have minimal, temporary effect on listed and sensitive species and their habitat. No adverse cumulative effects on biological resources are anticipated to occur as a result of this project.

Mitigation/Conclusion. No significant biological impacts are expected to occur, and no mitigation measures are necessary.

[BR-1] Pre-activity surveys will be completed prior to Project staging and initial ground disturbing activities by a qualified biologist.

[BR-2] If work is scheduled to occur between February 15 and September 1, a qualified biologist experienced in bird identification and nest searches will conduct a pre-construction bird survey prior to the onset of work activities, including vegetation removal. If the species is identified in the PIA, Project activities will stop until the bird leaves the PIA and Caltrans will be notified. Caltrans will notify USFWS and the County will notify CDFW if further direction is required.

[BR-3] In the event a nest is identified, appropriate buffers shall be incorporated into the Project plans to ensure the protection of the nest. Buffers will be delineated by a qualified biologist based on coordination with Caltrans and based on an appropriate distance to minimize disturbance to the active nest.

[BR-4] If a southwestern willow flycatcher, yellow-billed cuckoo, yellow warbler, or least Bell's vireo is found nesting within the PIA, all activities that could result in take of these species will be stopped and Caltrans shall be notified. Caltrans will notify the USFWS and the County will notify CDFW regarding next steps.

[BR-5] If a California least tern or California black rail is found nesting, vegetation removal should be scheduled prior to the nesting bird season, between March 15 and September 15; however, in the event Project activities are scheduled during the nesting bird season, when there is a greater likelihood for black rail to occur, a nesting bird survey shall be completed by a qualified biologist with experience in bird identification prior to vegetation removal. If a least tern or black rail are found nesting within the Project area, all activities that could result in take of this species will be stopped and Caltrans shall be notified. The County will notify CDFW regarding next steps.

[BR-6] If tricolored blackbirds are found nesting within the PIA, all activities that could result in take of this species will be stopped and Caltrans shall be notified. The County will notify the CDFW regarding next steps.

[BR-7] All Minimization of Adverse Effects listed in the Programmatic Biological Opinion (USFWS, 2011) must be implemented for all Project activities.

[BR-8] A biologist will conduct a training session for all construction personnel before construction is initiated. The training will include a description of California red-legged frog, steelhead, tidewater goby, southern western pond turtle, coast horned lizard, silvery legless lizard, two-striped garter snake and their habitats, specific measures to be implemented at the site to protect these species, and a description of the project boundaries.

[BR-9] During project activities, trash that may attract predators will be properly contained, removed

from the work site and disposed regularly. Following construction, trash and construction debris will be removed from the project work areas.

- [BR-10] All refueling, maintenance and staging of equipment and vehicles will occur at least 60 feet from riparian and wetland habitat.
- [BR-11] During construction, all project-related hazardous material spills will be cleaned up immediately. Spill prevention and cleanup materials will be on-site at all times during construction.
- [BR-12] Fencing will be placed along the project limits to prevent inadvertent loss or damage to adjacent riparian vegetation.
- [BR-13] If authorized by the USFWS, tidewater goby found in the work area will be captured and relocated by a qualified biologist to suitable habitat.
- [BR-14] If the work site is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh no larger than 0.2 inch to prevent steelhead from entering the pump system. Filters will be monitored by a biologist and checked regularly to remove debris. Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the lagoon bed will be minimized to the maximum extent possible.
- [BR-15] A qualified biologist experienced in handling turtles will be on-site during initial ground disturbance and available throughout the duration of the Project to relocate pond turtles to suitable habitat.
- [BR-16] Best management practices to avoid erosion and sedimentation will be implemented according to an approved storm water pollution prevention plan.
- [BR-17] In-lagoon diversion berms, dams, bladders, pipelines or conduits, or another agency-approved method will be installed prior to construction activities to isolate the work area. Dewatering of the work area will likely be necessary to provide a dry work area.
- [BR-18] To avoid conflicts with sensitive species, in-stream construction activities will be planned for periods between June 1 and October 31, or periods when the project site is at its lowest flow.
- [BR-19] The diversion will be implemented such that diverted surface flow is returned to downstream waters.
- [BR-20] If authorized by the USFWS, tidewater goby found in the work area will be recaptured and relocated by a qualified biologist to suitable habitat within the lagoon.
- [BR-21] The diversion structure will be in place prior to beginning diversion of surface flow.
- [BR-22] Non-erosive materials (e.g., clean gravel-filled bags, sheet pile, metal/rubber/plastic bladders) will be used to construct the diversion structure.
- [BR-23] Disturbed areas of the lagoon will be conformed to existing lagoon grades prior to restoring flow to the original channel.
- [BR-24] Silty or turbid water produced from dewatering or other activities will not be discharged into the lagoon until allowed to settle prior to discharge.

[BR-25] Use of heavy equipment in flowing water will be avoided to the maximum extent practicable.

[BR-26] The bed and banks of the project site will be restored immediately following the completion of construction work.

[BR-28] Riparian habitat removed by the project will be restored to enhance fish habitat.

[BR-29] 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 Meadow Creek Lagoon. The County shall adhere to all conditions included within these permits, approvals, and authorizations.

5. CULTURAL RESOURCES

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb archaeological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historical resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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. No historic structures are present and no paleontological resources are known to exist in the area.

The proposed Project is located within the ethnographic territory of the Chumash, who inhabited the Coast Ranges between San Simeon and Malibu. The Oceano Dunes are part of the larger Pismo-Callender-Guadalupe dune complex, the largest dune field in California. The Oceano Dunes include about 4 miles of beach backed by sand dunes between the mouth of Arroyo Grande Creek and Oso Flaco Lake and extend inland about 2 miles. The Oceano Dunes are in the southern portion of San Luis Obispo County and Chumash Obispeño dialect speakers and their ancestors have occupied this region for over 10,000 years.

Impact. A previously recorded archaeological site was identified within the project area during a cultural resources inventory conducted by Garcia and Associates (GANDA); therefore, GANDA completed an Extended Phase I Survey for the project (GANDA 2015) based on a recommendation received from Caltrans. Because the project is receiving federal funding from the U.S. Federal Highway Administration (FHWA), Caltrans is acting as the lead federal agency for Section 106 of the Historic Preservation Act. Extended Phase I survey represents an intensification of the initial archaeological survey and is undertaken only when additional information is needed to ensure adequate definition of an archaeological site. An Extended Phase I survey resolves questions concerning site boundaries, and/or the presence/absence of a subsurface cultural deposit, if these cannot be resolved from surface survey alone. No prehistoric artifacts, features, or evidence of intact cultural activities were observed during testing and the project is not anticipated to impact archaeological, historical, or paleontological resources.

It is Caltrans' policy to avoid cultural resources whenever possible. If buried cultural materials are encountered during construction, it is Caltrans' policy that work will stop in that area until a qualified archaeologist can evaluate the nature and significance of the find. Additional survey will be required if the project changes to include areas not previously surveyed.

State law under Assembly Bill 52 (Public Resources Code Section 21080.3.1) (AB 52) allows California Native American tribes 30 days to request consultation regarding possible significant effects that implementation of the proposed project may have on tribal cultural resources. The local tribes were contacted for comments via letter and email notification. The 30-day comment period for the AB-52 consultation ended on September 15, 2015. Only one comment was received; this was from the Santa Ynez Band of Chumash Indians. The Santa Ynez Tribe defers to the local tribes (Freddy Romero, pers. comm. 2015).

Mitigation/Conclusion. No impacts to archaeological, historical, or cultural resources are anticipated to occur as a result of the project, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone", or other known fault zones*?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Include structures located on expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Preclude the future extraction of valuable mineral resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Other: _____	<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: Moderate
 Nearby potentially active faults?: No Distance? Not applicable
 Area known to contain serpentine or ultramafic rock or soils?: No
 Shrink/Swell potential of soil: Negligible
 Other notable geologic features? None

Geology and Soils

The project is not within a Geologic Study area designation or within a high liquefaction area. The effects of the site's geology and soils on the proposed new bridge were evaluated in a geotechnical study prepared for the project (Kleinfelder, Inc. 2014).

According to the Natural Resources Conservation Service Soil Survey, soils on the project site are described as Dune Land, Mocho Fine Sandy Loam, Oceano Sand (0 to 9 percent slopes), Psamments and Fluvents (wet), and Water. The Project footprint consists of Water, Psamments and Fluvents (wet), and Dune Land along the northern bank (Padre Associates, Inc. 2015c).

Impact. As proposed, the project will result in the temporary disturbance of approximately 1.08 acres and the permanent disturbance of approximately 0.5 acre. Although the Project area contains moderately liquefiable soils, no new buildings or major underground utilities are proposed as a part of the project; therefore, mitigation is not warranted above and beyond the mitigation measures under the Biological Resources section relating to erosion control (BR-16, -22, -24).

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) Create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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 checked="" type="checkbox"/>	<input 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"/>
h) <i>Be within a 'very high' fire hazard severity zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Be within an area classified as a 'state responsibility' area as defined by CalFire?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is not on or adjacent to a site which is included on a list of hazardous material/waste sites compiled pursuant to Government Code 65962.5 ("Cortese List"), nor will the project result in an adverse public health condition. The project is not within a 'high' or 'very high' severity risk area for fire. The project is located within an Airport Review area; however, coordination with the Oceano County Airport has occurred and will continue to occur regarding proposed construction dates and appropriate flagging of construction equipment that meets their designated height limit.

The Initial Site Assessment prepared for the project (Drake Haglan & Associates 2015) identified the following potential hazards:

- Impacts associated with the presence of lead-based paint due to the age and demolition of the existing bridge.
- The presence of creosote treated timber due to the material and demolition of the existing bridge.
- The presence of aerielly deposited lead due to the age of the roadway alignment.

Impact. The project does not propose the use of hazardous materials, nor the generation of hazardous wastes. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional emergency response or evacuation plan. The Initial Site

Assessment provides mitigation measures to offset potential impacts resulting from lead-based paint, aerially deposited lead, and creosote-treated timbers.

Mitigation/Conclusion. The following mitigation measures identified in the Initial Site Assessment prepared for the project will bring impacts as a result of Hazards and Hazardous Materials to a less than significant level:

[HMM-1] For this project, treated wood waste will be managed and disposed of as hazardous waste according to Alternative Management Standards even if not tested.

[HMM-2] Prior to the onset of the project, the contractor must prepare a Health and Safety Plan which will include procedures to follow if contaminated soil or groundwater are encountered; testing of unknown substances; and handling and disposal procedures for potentially hazardous materials. Any unknown substances should be tested, handled and disposed of in accordance with appropriate federal, state and local regulations.

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 type="checkbox"/>	<input checked="" 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. The project is within the Airport Review designation for the Oceano County Airport. Noise impacts resulting from construction associated with this bridge replacement project 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 following is one of the exceptions to the Noise Standards from the LUO: Noise sources associated with construction provided such activities do not take place before 7 a.m. or after 9 p.m. on any day except Saturday or Sunday, or before 8 a.m. or after 5 p.m. on Saturday or Sunday. The County will abide by this time-frame during all Project activities. The Project is not expected to conflict with the surrounding uses.



As a part of the NEPA process, noise levels were measured at four locations surrounding the project site. Measurements were conducted on November 14th and 27th, 2013 using a Larson-Davis LXT Type 1 Precision Integrating Sound Level Meter. Measurements were conducted for 15 minutes. The noise environment of the Project area is dominated by local vehicle traffic on Air Park Drive. Other noise sources include air traffic from the adjacent Oceano Airport, outdoor landscaping activities at nearby residences, passing railroad traffic and some wildlife (primary gulls, geese and other bird species). The U.S. Federal Highway Administration Roadway Construction Noise Model was used to estimate construction noise at residential noise receivers. Equipment assumed to be operating included a drill rig, dozer, jack hammer and excavator. No shielding was assumed for construction activities (Immel 2014b).

Impact. It was determined that no further analysis was needed for traffic related noise and construction noise levels are anticipated to be 85.0 dBA at the nearest sensitive receptor located directly adjacent to the bridge. These estimated construction noise levels are in compliance with the County of San Luis Obispo Municipal Code construction hour requirements. Additionally, no long-term traffic related noise impacts will result from this bridge replacement project (Immel 2014b).

Mitigation/Conclusion. No significant noise impacts are anticipated, and no 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"/>
c) <i>Create the need for substantial new housing in the area?</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. Bridge replacement activities are not anticipated to result in substantial growth, development, or create a need for substantial housing in the community of Oceano. The project is not anticipated to displace existing housing or people or require construction of replacement housing. Additionally, the project will not result in substantial use of fuel or energy.

Impact. The proposed project would not affect population or housing because no housing units would be constructed. The proposed project would consist of demolition and construction of a bridge. The proposed project would not result in the demand for any new housing, would not displace existing any housing, or result in population growth. Energy and fuel consumption would not change, as the operation of the proposed project would remain the same. Impacts to population and housing are not applicable to the proposed project.

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

10. PUBLIC SERVICES/UTILITIES

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the following public services/facilities:

Police: County Sheriff

Location: Approximately 0.7 mile east of the project site

Fire: Community Service District

Hazard Severity:

Response Time: 5-10 minutes

Location: Approximately 0.7 mile east of the project site

School District: Lucia Mar Unified School District.

Impact. The proposed project would have no effect on police, fire, schools, or other public services and would not result in the need for new services or facilities as no new structures would be built. Access via other adjacent roadways (e.g., Lakeside Avenue, Norswing Drive, and Pier Avenue) would allow vehicle access to continue servicing this general area and there would be no increase in population or traffic. The proposed project involves replacement of a deficient bridge, and would therefore improve that safety for the public using this portion of Air Park Drive.

Refer to the Transportation/Circulation section for more information on alternate vehicle routes during daytime construction activities that could result in airborne dust. The proposed project would generate debris. However, all project-generated debris, building materials, and rubbish will be picked up daily and properly disposed of at the appropriate site. Any potentially hazardous material would be hauled to an appropriate facility. For additional information regarding fire hazard impacts, go to the 'Hazards and Hazardous Materials' section.

There are several utilities at the Project site, including overhead electrical, telephone, and cable lines, as well as underground sewer, water, and gas lines. Temporary relocation of the communication lines and relocation and/or de-energizing the overhead electrical lines will be required during construction. The underground utilities will also have to be temporarily relocated or, if practicable, shutoff until the new bridge is constructed, at which point they will be permanently relocated.

Mitigation/Conclusion. No significant public services/utilities impacts are anticipated and no mitigation measures are necessary.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County's Parks and Recreation Element does not show that a potential trail goes through the proposed project. The Juan Bautista de Anza National Historic Trail is east of the project site but does not cross the project site. The project is not proposed in a location that will affect any trail, park, recreational resource, coastal access, and/or Natural Area.

Impact. The proposed project will not create a significant need for additional park, Natural Area, and/or recreational resources.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>
g) <i>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 checked="" type="checkbox"/>	<input type="checkbox"/>

12. TRANSPORTATION/CIRCULATION

<i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
<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 checked="" type="checkbox"/>	<input type="checkbox"/>
<i>i) Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Air Park Drive will be closed during construction; however, the County campground west of the bridge and the Elks Lodge and residences north of the bridge will remain accessible. Vehicles that would typically use Air Park Drive will be routed onto adjacent roadways including Norswing Drive, Mendel Drive, and Lakeside Drive, which serve the same area for residential and recreational uses.

Vehicles accessing the work area and staging areas will travel from Highway 1, to Pier Avenue, onto the west end of Air Park Drive and/or from Pier Avenue, to Norswing Drive, to Mendel Drive, and onto the east end of Air Park Drive

Equipment and materials may be staged within the Oceano County Airport parking lot located immediately to the south east of the bridge construction area off Air Park Drive or within the County-owned vacant lot immediately to the north of the airport parking lot.

Mitigation/Conclusion. No significant traffic impacts were identified, and no mitigation measures above what are already required by ordinance 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"/>
<i>c) Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>d) Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. The project involves replacing an existing bridge which is not anticipated to generate waste or wastewater or adversely affect wastewater facilities and solid waste capacity. A portable chemical toilet will be available for use by construction crews. No impacts resulting from wastewater would occur as a result of the project.

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

14. WATER & HYDROLOGY

Will the project:

QUALITY

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
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 project is within the Cienega Valley watershed. The topography of the project is nearly level. Meadow Creek Lagoon runs through the project site. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Water quality within Meadow Creek Lagoon may be impacted by proposed construction activities including implementation of the creek diversion and dewatering plan and removal of the existing bridge. As discussed above under Hazards and Hazardous Materials, the project will temporarily introduce potentially hazardous materials into the area in the form of fuel in construction equipment. However, a spill and clean-up kit will be stored onsite at all times and all fueling and maintenance of

vehicles and other equipment and staging areas will occur at least 60 feet from any riparian habitat or water body. Measures to control dust will be implemented as well.

Projects involving more than one acre of disturbance are subject to preparing a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion. When work is done in the rainy season, the County's Land Use Ordinance requires that temporary erosion and sedimentation measures to be installed.

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

Within the 100-year Flood Hazard designation? Yes

Closest creek? Meadow Creek Distance? Meadow Creek lagoon runs through project site

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 drainage characteristics: Well drained

Soil erodibility: Low

In response to the CEQA notification (project referral form), the Regional Water Quality Control Board stated that they have no major concerns with the project at this time (Paula Richter, pers. comm. 2015).

Impact – Water Quality/Hydrology

With regards to project impacts on water quality the following conditions apply:

- ✓ Approximately 1.58 acres of site disturbance is proposed;
- ✓ The project will be disturbing over an acre and will be required to prepare a SWPPP, which will be implemented during construction;
- ✓ The Project will be subject to standard County requirements for drainage, sedimentation and erosion control for construction and permanent use;
- ✓ Stockpiles will be properly managed during construction to avoid material loss due to erosion;
- ✓ All hazardous materials and/or wastes will be properly stored on-site, which include secondary containment should spills or leaks occur;

The project site is within the dam inundation area for Lopez Dam; however, the project is not exposing people to a risk of loss, injury or death resulting from flooding. The project could result in water quality impacts through dewatering activities, the discharge of sediments during construction, or the accidental spill of petroleum based fuels or lubricants. The project will not affect groundwater levels. Dewatering at the site would be localized and return of pumped water to the stream would prevent any decrease in groundwater in Meadow Creek Lagoon.

Mitigation/Conclusion. Degradation to water quality within Meadow Creek Lagoon before and during construction activities would be mitigated by the implementation of a dewatering and diversion plan, mitigation and monitoring plan, and best management practices to prevent erosion/sedimentation. The County is also required to obtain a permit from the Regional Water Quality Control Board prior to commencement of site disturbance (Mitigation Measures BR-10, -11, -16, -17, -19, -21, -22, -24, -25, and -29).

Based on the discussion above and implementation of all recommended mitigation measures, all onsite, off-site, direct, in-direct, and cumulative hydrology and water quality impacts associated with the proposed project are less than significant.

15. LAND USE <i>Will the project:</i>	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
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 type="checkbox"/>	<input checked="" 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"/>

Land Use

Setting/Impact. Surrounding uses are identified on Page 3 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, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., APCD, County Parks, Environmental Health, etc.) on August 13, 2015. The project was found to be consistent with these policies (refer also to Exhibit A on reference documents used).

The project is not within a Habitat Conservation Plan area. The project is adjacent to or near two proposed Habitat Conservation Plan (HCP) areas: the County Zone 3 Flood Control and Water Conservation District’s Lopez Water Project HCP and California Department of Parks and Recreation’s Oceano Dunes State Vehicular Recreation Area HCP. However, neither plan has been finalized nor permitted. The project will not interfere with either plan’s conservation efforts. The project is consistent or compatible with the surrounding uses as summarized on page 3 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 <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
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- 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 pre-history?**

**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 Department has 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 checked="" type="checkbox"/>	County Environmental Health Services	None
<input type="checkbox"/>	County Agricultural Commissioner's Office	Not Applicable
<input checked="" type="checkbox"/>	County Airport Manager	None
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<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 Wildlife	None
<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 Services District	None
<input checked="" type="checkbox"/>	Other <u>County Parks</u>	In File**
<input checked="" type="checkbox"/>	Other <u>Oceano Advisory Council</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 type="checkbox"/> Design Plan
<u>County documents</u>	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Coastal Plan Policies	<input checked="" type="checkbox"/> Annual Resource Summary Report
<input checked="" type="checkbox"/> Framework for Planning (Coastal/Inland)	<input type="checkbox"/> Circulation Study
<input checked="" type="checkbox"/> General Plan (Inland/Coastal), includes all maps/elements; more pertinent elements:	<u>Other documents</u>
<input checked="" type="checkbox"/> Agriculture Element	<input checked="" type="checkbox"/> Clean Air Plan/APCD Handbook
<input checked="" type="checkbox"/> Conservation & Open Space Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input type="checkbox"/> Economic Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Parks & Recreation Element/Project List	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> Special Biological Importance Map
<input checked="" type="checkbox"/> Land Use Ordinance (Inland/Coastal)	<input checked="" type="checkbox"/> CA Natural Species Diversity Database
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Public Facilities Fee Ordinance	<input checked="" type="checkbox"/> Flood Hazard Maps
<input type="checkbox"/> Real Property Division Ordinance	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Affordable Housing Fund	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input type="checkbox"/> Airport Land Use Plan	<input type="checkbox"/> Other
<input type="checkbox"/> Energy Wise Plan	
<input checked="" type="checkbox"/> San Luis Bay (Coastal) Area Plan and Update EIR	

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

Drake Haglan & Associates. 2015. Air Park Drive Bridge Replacement Project Initial Site Assessment. January 2015. 14 pp + appendices.

Immel, Kidd. 2014a. San Luis Obispo County Public Works Department Memorandum: Air Park Drive at Oceano Lagoon Bridge Replacement Project Scenic Resource Evaluation and Visual Impact Assessment Memorandum. Prepared for California Department of Transportation, District 5.

Immel, Kidd. 2014b. San Luis Obispo County Public Works Department Memorandum: Air Park Drive at Oceano Lagoon Bridge Replacement Project Noise Technical Memorandum. Prepared for California Department of Transportation, District 5.

Kleinfelder, Inc. 2014. Preliminary Foundation Report, Air Park Drive at Oceano Beach Lagoon (Replacement), State Bridge No. 49C-0125, San Luis Obispo County, California. Prepared for Drake Haglan and Associates. March 7, 2014. 26 pp + appendices.

Padre Associates, Inc. 2015a. Air Park Drive at Oceano Lagoon Bridge Replacement Project Biological Assessment. 71 pp + appendices.

Padre Associates, Inc. 2015b. Air Park Drive at Oceano Lagoon Bridge Replacement Project Natural Environment Study. 110 pp + appendices.

Padre Associates, Inc. 2015c. Jurisdictional Determination Report for the Air Park Drive Bridge Replacement Project, Oceano, San Luis Obispo County, California. Prepared for San Luis Obispo County Department of Public Works. 19 pp + appendices.

Romero, Freddy. Santa Ynez Band of Mission Indians. Personal Communication. September 1, 2015.

Richter, Paula. Regional Water Quality Control Board. Personal Communication. August 25, 2015.

U.S. Fish and Wildlife Service. 2011. Programmatic Biological Opinion for Projects Funded or Approved under the Federal Highway Administration's Federal Aid Program (8-8-10-F-58). Dated: May 4, 2011.

Mitigation Monitoring Plan

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

If the recommended mitigation measures and monitoring plan are implemented successfully, the potential significant adverse effects stemming from project construction will be reduced to a level of insignificance.

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

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

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

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

Exhibit B - Mitigation Summary Table

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

AIR QUALITY

[AQ-1] 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 regulations; 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 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.

d) The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

[AQ-2] Diesel Idling Restrictions Near Sensitive Receptors

In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors (residences):

a) Because staging and queuing areas will be within 1,000 feet of sensitive receptors, the following measures will be enforced to minimize sensitive receptor impacts;

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-3] Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. If the project has significant truck trips where hauling/truck tips are routine activity and operate in close proximity to sensitive receptors, toxic

risk as a result of diesel particulate matter needs to be evaluated.

- [AQ-4] Reduce the amount of the disturbed area where possible.
- [AQ-5] Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site or exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.
- [AQ-6] All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed.
- [AQ-7] All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders, or other dust controls are used.
- [AQ-8] All of these fugitive dust mitigation measures shall be shown on grading and building plans.
- [AQ-9] The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity. Their duties shall include holidays and weekend periods when work may not be in progress.
- [AQ-10] Should hydrocarbon contaminated soil be encountered during demolition or 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 soils 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 public nuisance; and
 - Clean soil must be segregated from contaminated soil.
- [AQ-11] All notification and permitting determination requests shall be directed to the APCD Engineering Division at (805) 781-5912.
- [AQ-12] Proper abatement of lead before demolition of the structure must be performed in order to prevent the release of lead from the site. Sandblasting or removal of paint by heating with a heat gun can result in significant emissions of lead. Depending on removal method, an APCD permit may be required. Contact the APCD Engineering Division at (805) 781-5912 for more information. Approval of a lead work plan by the APCD is required and must be submitted ten

days prior to the start of the demolition. For more information, contact the APCD Enforcement Division at (805) 781-5912 or for specific information regarding lead removal, please contact Cal-OSHA at (818) 901-5403. Additional information can also be found on line at <http://www.epa.gov/lead>.

[AQ-13] Portable equipment, 50 horsepower or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 horsepower or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and
- Portable plants (e.g., aggregate plant, asphalt batch plant, concrete batch plant, etc.).

BIOLOGICAL RESOURCES

[BR-1] Pre-activity surveys will be completed prior to Project staging and initial ground disturbing activities by a qualified biologist;

[BR-2] If work is scheduled to occur between February 15 and September 1, a qualified biologist experienced in bird identification and nest searches will conduct a pre-construction bird survey prior to the onset of work activities, including vegetation removal. If the species is identified in the PIA, Project activities will stop until the bird leaves the PIA and Caltrans will be notified. Caltrans will notify USFWS and the County will notify CDFW if further direction is required;

[BR-3] In the event a nest is identified, appropriate buffers shall be incorporated into the Project plans to ensure the protection of the nest. Buffers will be delineated by a qualified biologist based on coordination with Caltrans and based on an appropriate distance to minimize disturbance to the active nest.

[BR-4] If a southwestern willow flycatcher, yellow-billed cuckoo, yellow warbler, or least Bell's vireo is found nesting within the PIA, all activities that could result in take of this species will be stopped and Caltrans shall be notified. Caltrans will notify the USFWS and the County will notify CDFW regarding next steps.

[BR-5] If a California least tern or California black rail is found nesting, vegetation removal should be scheduled prior to the nesting bird season, between March 15 and September 15; however, in the event Project activities are scheduled during the nesting bird season, when there is a greater likelihood for black rail to occur, a nesting bird survey shall be completed by a qualified biologist with experience in bird identification prior to vegetation removal. If a least tern or black rail are found nesting within the Project area, all activities that could result in take of this species will be stopped and Caltrans shall be notified. The County will notify CDFW regarding next steps.

- [BR-6] If tricolored blackbirds are found nesting within the PIA, all activities that could result in take of this species will be stopped and Caltrans shall be notified. The County will notify the CDFW regarding next steps.
- [BR-7] All Minimization of Adverse Effects listed in the Programmatic Biological Opinion (USFWS, 2011) must be implemented for all Project activities.
- [BR-8] A biologist will conduct a training session for all construction personnel before construction is initiated. The training will include a description of California red-legged frog, steelhead, tidewater goby, southern western pond turtle, coast horned lizard, silvery legless lizard, two-striped garter snake and their habitats, specific measures to be implemented at the site to protect these species, and a description of the project boundaries;
- [BR-9] During project activities, trash that may attract predators will be properly contained, removed from the work site and disposed regularly. Following construction, trash and construction debris will be removed from the project work areas;
- [BR-10] All refueling, maintenance and staging of equipment and vehicles will occur at least 60 feet from riparian and wetland habitat;
- [BR-11] During construction, all project-related hazardous material spills will be cleaned up immediately. Spill prevention and cleanup materials will be on-site at all times during construction;
- [BR-12] Fencing will be placed along the project limits to prevent inadvertent loss or damage to adjacent riparian vegetation.
- [BR-13] If authorized by the USFWS, tidewater goby found in the work area will be captured and relocated by a qualified biologist to suitable habitat;
- [BR-14] If the work site is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh no larger than 0.2 inch to prevent steelhead from entering the pump system. Filters will be monitored by a biologist and checked regularly to remove debris. Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the lagoon bed will be minimized to the maximum extent possible;
- [BR-15] A qualified biologist experienced in handling turtles will be on-site during initial ground disturbance and available throughout the duration of the Project to relocate pond turtles to suitable habitat;
- [BR-16] Best management practices to avoid erosion and sedimentation will be implemented according to an approved storm water pollution prevention plan;
- [BR-17] In-lagoon diversion berms, dams, bladders, pipelines or conduits, or another agency-approved method will be installed prior to construction activities to isolate the work area. Dewatering of the work area will likely be necessary to provide a dry work area;
- [BR-18] To avoid conflicts with sensitive species, in-stream construction activities will be planned for periods between June 1 and October 31, or periods when the project site is at its lowest flow;
- [BR-19] The diversion will be implemented such that diverted surface flow is returned to downstream

waters;

- [BR-20] If authorized by the USFWS, tidewater goby found in the work area will be recaptured and relocated by a qualified biologist to suitable habitat within the lagoon;
- [BR-21] The diversion structure will be in place prior to beginning diversion of surface flow;
- [BR-22] Non-erosive materials (e.g., clean gravel-filled bags, sheet pile, metal/rubber/plastic bladders) will be used to construct the diversion structure;
- [BR-23] Disturbed areas of the lagoon will be conformed to existing lagoon grades prior to restoring flow to the original channel;
- [BR-24] Silty or turbid water produced from dewatering or other activities will not be discharged into the lagoon until allowed to settle prior to discharge;
- [BR-25] Use of heavy equipment in flowing water will be avoided to the maximum extent practicable;
- [BR-26] The bed and banks of the project site will be restored immediately following the completion of construction work;
- [BR-28] Riparian habitat removed by the project will be restored to enhance fish habitat; and,
- [BR-29] 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 Meadow Creek Lagoon. The County shall adhere to all conditions included within these permits, approvals, and authorizations.

HAZARDS AND HAZARDOUS MATERIALS

- [HHM-1] For this project, treated wood waste will be managed and disposed of as hazardous waste according to Alternative Management Standards even if not tested.
- [HHM-2] Prior to the onset of the project, the contractor must prepare a Health and Safety Plan which will include procedures to follow if contaminated soil or groundwater are encountered; testing of unknown substances; and handling and disposal procedures for potentially hazardous materials. Any unknown substances should be tested, handled and disposed of in accordance with appropriate federal, state and local regulations.

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.

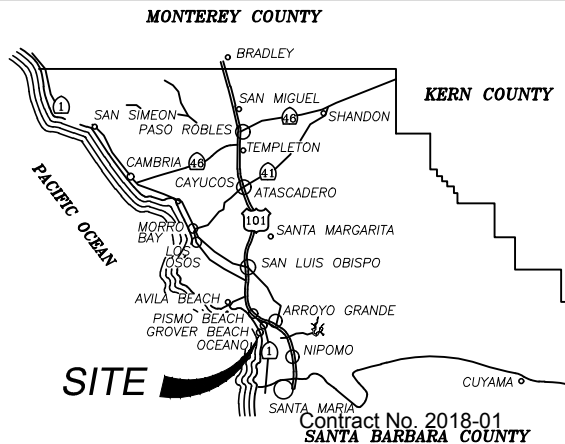
When a Protestor objects to a Construction Contract being awarded to the Bid Protester on the grounds that the Protestor made a mistake in its bid that entitles the Protestor to be relieved of its bid under Public Contract Code Sections 5100 et seq, a final decision of the General Manager that relieves 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.



**AIR PARK DRIVE BRIDGE
CONTRACT # 300430**

AREAS FOR CONTRACTOR'S USE

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PUBLIC WORKS**



PART 1 GENERAL

1.1 SECTION INCLUDES

- A. Requirements to comply with all Sections of the San Luis Obispo County Construction and Demolition Debris Recycling Ordinance for County Sponsored Construction Projects.

1.2 RELATED SECTIONS

(NOT USED)

1.3 GENERAL

- A. All County-sponsored construction and renovation activity within incorporated or unincorporated areas, the areas of which are greater than 1,000 square feet, and/or the costs of which are or are estimated to be, greater than or equal to \$50,000 shall be required to divert at least 70% by weight or volume of all construction and demolition debris in compliance with the County Ordinance, which implements AB 939, the California Integrated Waste Management Act.

- B. Reference Title 19 of the San Luis Obispo County Code, Chapter 8, Green Building Standards, Section 19.08.060 – Additional requirements, (a) Waste Recycling. See the following link to San Luis Obispo County Building and Construction Ordinance, under the ‘Ordinances’ subdirectory:

<http://www.slocounty.ca.gov/planning/Forms-Docs.htm>

- C. The Contractor shall make every effort to provide opportunities for the reuse, recycling or diversion of any construction waste or by-products, including but not limited to:

- 1. Demolition proceeds.
- 2. Recyclable glass, metal, paper, or plastic containers and wrappers.
- 3. Lumber end cuts, scrap, dunnage or rejects.
- 4. Packing crates, boxes, or skids.
- 5. Miscellaneous clean discards, over-orders, and scrap products.

- D. The Contractor shall register the construction site in the local curbside recycling program and use provided containers for all acceptable glass, metal, paper, or plastic products.

- E. The Contractor shall complete and submit a Construction Waste Management Plan (CWMP) within 30 days of the issuance of a Notice to Proceed.

- F. The Contractor shall submit periodic Waste Disposal Reports with each application for payment. All landfill disposal, recycling, salvage and reuse must be reported regardless of to whom the cost or savings accrues. Use the same units of measure on all reports.
- G. The Contractor shall submit documentation that the Diversion Requirements have been met prior to issuance of a Notice of Completion.
- H. Civil Penalties will be assessed to the Contractor if documentation is not submitted or if Diversion Requirements are not met as established in the County Ordinance.
- I. Regulatory Requirements: Contractor is responsible for knowing and complying with regulatory requirements, including but not limited to Federal, State and local requirements, pertaining to legal disposal of all construction and demolition waste materials.

1.4 SUBMITTALS AND PROCEDURES

- A. Construction Waste Management Plan: A Construction Waste Management Plan (CWMP) shall be completed and submitted on an approved Recycling Plan form and shall indicate the following:
 - 1. Project Location, Project Number and Project Contractor
 - 2. Identification of the designated on-site person or persons responsible for instructing workers and overseeing and documenting results of the CWMP.
 - 3. Analysis of the trash and waste projected to be generated during the entire project construction cycle, including types and quantities.
 - 4. Landfill Options: The name, address, and telephone number of the landfill(s) where trash/waste will be disposed of, the applicable landfill tipping fee(s), and the projected cost of disposing of all project trash/waste in the landfill(s).
 - 5. Landfill Alternatives: List all waste materials that will be diverted from landfills by reuse, salvage, or recycling The maximum volume or weight of such materials that can feasibly be diverted to reuse or recycling
 - 6. Meetings: Describe regular meetings to be held to address waste prevention, reduction, recycling, salvage, reuse, and disposal.
 - 7. Materials Handling Procedures: Describe the means by which materials to be diverted from landfills will be protected from contamination and prepared for acceptance by designated facilities; including separation procedures for recyclables, storage, and packaging.
 - 8. Transportation: Identify the destination and means of transportation of materials to be recycled; i.e. whether materials will be site-separated and self-hauled to designated centers, or whether mixed materials will be collected by a waste hauler. The vendor or facility that the Contractor proposes to use to collect or receive that material.
- B. Calculating Volume and Weight of Debris: In estimating the volume or weight of materials identified in the Recycling Plan, the Contractor shall use the standardized

Conversion Rates established by the County Public Works Director for this purpose and revised from time to time.

- C. Deconstruction: Projects involving the removal of all or part of an existing structure shall be deconstructed to the maximum extent feasible. The materials generated thereby shall be available for salvage.
- D. Approval of CWMP: No County-sponsored project shall proceed unless the CWMP Compliance Official has first approved the CWMP. The CWMP compliance Official shall only approve a CWMP if all of the following conditions have been met:
 - 1. The CWMP Plan provides all of the information set forth in 8.12.460 of the San Luis Obispo County Construction and Demolition Debris Recycling Ordinance.
 - 2. The CWMP indicates that at least 70% by weight of all construction and Demolition debris generated by the project will be diverted.
- E. If the CWMP Compliance Official determines that these conditions have been met, the Official shall mark the CWMP 'Approved', return a copy of the Plan to the Contractor, and notify the Department of Public Works' Project Coordinator that the CWMP has been approved.
- F. If the CWMP Compliance Official determines that the CWMP is incomplete or fails to indicate that at least 70% by weight of all Construction and Demolition debris generated by the project will be reused or recycled, the Officer shall either:
 - 1. Return the CWMP to the Contractor marked 'Denied', including a document of reasons, and so notify the Department of Public Works' Project Coordinator.
 - 2. Return the CWMP to the Contractor marked, 'Further Explanation Required'.
- G. Documentation:
 - 1. Waste Disposal Reports: Submit at specified intervals, with details of quantities of trash and waste, means of disposal or reuse, and costs; show both totals to date and since last report.
 - a. Submit updated Report with each Application for Progress Payment; failure to submit Report will delay payment.
 - b. Submit Report on a form acceptable to County.
 - c. Landfill Disposal: Include the following information:
 - 1. Identification of material.
 - 2. Amount, in tons or cubic yards, of trash/waste material from the project disposed in landfills.
 - 3. Identity of landfills, total amount of tipping fees paid to landfill, and total disposal cost.
 - 4. Include manifests, weight tickets, receipts, and invoices as evidence of quantity and cost.
 - d. Recycled and Salvaged Materials: Include the following information for each:
 - 1. Identification of material, including those retrieved by installer for use on other projects.

- 2.Amount, in tons or cubic yards, date removed from the project site, and receiving party.
 - 3.Transportation cost, amount paid or received for the material, and the net total cost or savings of salvage or recycling each material.
 - 4.Include manifests, weight tickets, receipts, and invoices as evidence of quantity and cost.
 - 5.Certification by receiving party that materials will not be disposed of in landfills or by incineration.
- e. Material Reused on Project: Include the following information for each:
- 1.Identification of material and how it was used in the project.
 - 2.Amount, in tons or cubic yards.
 - 3.Include weight tickets as evidence of quantity.
- H. Other Disposal Methods: Include information similar to that described above, as appropriate to disposal method.
1. As part of Closeout procedures and prior to receiving Notice of Completion for the project, the Contractor shall submit to the CWMP Compliance Official the CWMP Disposal Report and documentation that the Diversion Requirement for the project has been met. The Diversion Requirement is satisfied if the contractor has diverted at least 70% of the total Construction And Demolition debris generated by the project *via* reuse or recycling, unless an Exemption has been granted pursuant to 8.12.475 of the Ordinance, in which case the Diversion Requirement shall be the maximum feasible diversion rate established by the Waste Management Plan Compliance Official for the project. The Disposal Report documentation shall include all of the following:
 - a. All receipts from the vendor or facility that collected or received each material showing the actual weight or volume of that material.
 - b. A copy of the previously approved CWMP for the project with a completed Disposal Report section showing the actual volume or weight of each material diverted and landfilled.
 - c. Any additional information the Contractor believes is relevant to determining its efforts to comply in good faith with the County's Ordinance.
- I. Weighing of Wastes: The Contractor shall make reasonable efforts to ensure that all Construction and Demolition debris diverted or landfilled is measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and Demolition debris shall be measured by weight on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For Construction and Demolition debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used.
- J. Determination of Compliance: The Recycling Plan Compliance Official shall review the documentation and determine whether the Contractor has complied with the Diversion Requirement as follows:

1. Full Compliance: If the Official determines that the Contractor has fully complied with the documentation and Diversion Requirements applicable to the project, the Disposal Report shall be approved and the Contractor and the Department of Public Works' Project Coordinator shall be informed.
2. Substantial Compliance: If the Official determines that the Diversion Requirement has not been achieved, the Official shall determine whether the Contractor has made a good faith effort and is in substantial compliance with the County's Ordinance. In making this determination, the Official shall consider the availability of markets for the Construction and Demolition debris landfilled, the size of the project, and the documented efforts of the Contractor to divert Construction and Demolition debris. If the Official determines that the Contractor has made a good faith effort to comply with the Ordinance, the Disposal Report shall be approved and the Contractor and the Department of Public Works' Project Coordinator shall be informed.
3. Non-Compliance: If the Official determines that the Contractor is not in Substantial Compliance with the County Ordinance or if the Contractor failed to submit proper documentation, the Contractor shall be assessed and be responsible for any civil penalty arising from the project's failure to comply with the Ordinance. The penalty shall be calculated as 2% of the total Project Valuation or Contract Award Amount and shall be paid within 30 days of the finding on non-compliance by the Official. The civil penalty shall be payable to the County of San Luis Obispo and sent to the Public Works Director. Interest shall accrue on any penalty at the legal rate of interest from the date of imposition by the Official per Section 8.12.485 of the Ordinance.

PART 2 PRODUCTS (Not Used)

PART 3 EXECUTION

3.1 SUBMITTAL OF WASTE MANAGEMENT PLAN FORM

- A. Contractor shall complete and submit CWMP per instructions in Part 1 - General and per the County's Recycling Ordinance for County Sponsored Projects. County Recycling Ordinance, instructions and forms are available at:

http://www.slocounty.ca.gov/PW/DevServ/Construction_and_Demolition_Debris_Recycling.htm

3.2 RECYCLING/DIVERSION EFFORTS DURING DEMOLITION/CONSTRUCTION ACTIVITIES

- A. Contractor shall make a good faith effort to achieve to comply with County's Recycling Ordinance and shall accurately weigh materials and provide proper documentation per the Ordinance as outlined above in Part 1 - General.
- B. Communication: Distribute copies of the CWMP to jobsite foremen, each subcontractor, the County, and the Architect.

- C. Instruction: Provide on-site instruction of appropriate separation, handling, and recycling, salvage, reuse, and return methods to be used by all parties at the appropriate stages of the project and in compliance with the CWMP.
- D. Waste management and diversion goals may be achieved by the following methods:
 - 1. Roll off waste containers: Contractor may hire a company which provides a roll off waste containers which is then sorted off site.
 - 2. On site sorting: Contractor may sort waste on site prior to off-haul.

3.3 SUBMITTAL OF CONSTRUCTION WASTE MANAGEMENT PLAN DISPOSAL REPORT

- A. Contractor shall complete and Submit Construction Waste Management Plan Disposal Report per instructions in Part1 -General and per the County's Recycling Ordinance for County Sponsored Projects prior to receiving a Notice of Completion.

3.4 PAYMENT OF PENALTIES, IF REQUIRED

- B. If the project is found to be non-compliant with the County's Recycling Ordinance for County Sponsored Projects, Contractor shall promptly pay penalties as described in Part 1 - General per the Ordinance.

Requirements for Managing Project Waste

Under WASTE MANAGEMENT in your Construction Permit Application you must select either:

- A) use an Integrated Waste Management Authority (IWMA)-certified construction and demolition waste recycling facility? or
- B) use other recycling and disposal facilities?

Please select A or B on back of this form.

Your choice means:

A) use an IWMA-certified construction and demolition waste recycling facility. Check this if your construction and demolition waste is going to the following facilities.

C&D Recycling Facility at Cold Canyon Landfill	805-549-8332
C&D Recycling Facility at Chicago Grade Landfill	805-466-2985
North SLO County Recycling	805-434-0043
API (roll-off/debris box company)	805-928-8689
R&R (a roll-off/debris box company)	805-929-8000
Recycling Facility at the Paso Robles Landfill	805-238-2028
Santa Maria Transfer Station	805-922-9255
Bedford Enterprises/SMART	805-922-4977
Health Sanitation Service	805-922-2121

By using the above IWMA-certified recycling facilities for your construction and demolition (C&D) waste, you have met the requirement to recycle 70% of your waste. You can either hire a hauling company or haul your C&D waste yourself to these facilities. Call for rates and hours of operation.

B) use other recycling and disposal facilities. Check this if your C&D waste is NOT going to the C&D recycling facilities listed above. If you choose this option, before you FINAL THE WORK fill out an extra form (a [Detailed Recycling Plan](#)) that shows how you will recycle 70% of your C&D waste. The form is available from Architectural Services, Design Division (781- _____)

Receipts. With both Option A or Option B, at the end of your project you must submit all the original receipts from any recycling and/or disposal facility that received waste from your project. (Be sure that the receipts from Cold Canyon Landfill, Chicago Grade Landfill, Paso Robles Landfill and the Santa Maria Transfer Station indicate that you used the C&D recycling area.) Your receipts must be submitted and approved **before you can receive the Final Building Inspector Approval.** If you select Option B, before you receive the Final Inspector Approval you also need to fill out another part of the Detailed Recycling Plan that shows you recycled the required amount of project waste. Do **NOT** use a regularly scheduled garbage/recycling collection service because you will not have proper documentation for the amount of waste generated and where it went.

SLO Green Building Ordinance requires that you recycle **70%** (by weight) of the waste your construction or demolition project generates. Waste includes anything you discard from the site, such as wood scraps, cardboard, drywall, flashing, paint or other finishing products, tools, concrete, asphalt, plastic bags, remnants of insulation, etc. In addition, seventy percent of the total discards must be recycled if your project is a demolition project of 1,000 sq. ft or more.

Before you receive a construction permit you must tell the County how you will handle the project's waste stream. As noted above, there is a place to do this on the Construction Permit Application, or on the other side of this paper, or on the form on the web. Failure to achieve the recycling goal could result in delays in receiving Final Inspection Approval and result in a Code Enforcement Case against your property. Code Enforcement Fees must be paid before receiving Final Approval.

Dec 12

Project #/ Permit Number: _____ - _____

Simplified Recycling Plan
Excerpt from the Construction Permit Application

WASTE MANAGEMENT

You need to review the Requirements for Managing Project Waste information on the back of this form and then check the box that fits your project. You must check one of the boxes prior to permit issuance. Note: IWMA means Integrated Waste Management Authority

Are you planning to

- A) use an IWMA-certified construction and demolition waste recycling facility? or
- B) use other recycling and disposal facilities?

If B is checked, you must fill out Sections 1 & 2 of a [Detailed Recycling Plan](#) form and have it approved prior to the permit being issued. For a copy of the Detailed Recycling Plan form, use the web: <http://www.slocounty.ca.gov/planning/formslibrary.htm>. or contact Building Div. (781-5628). For more information and a list of certified facilities read the **Requirements for Managing Project Waste** on the back of this form.

LEGAL DECLARATION

I, the owner of record of this property, or authorized agent, have accurately completed this form and declare that all statements herein are true. I acknowledge the responsibility for recycling my project's waste and the penalty for non-compliance. I agree to comply with the requirements of the State Green Code and SLO County's Green Ordinance

Property owner/Agent signature _____ Date: _____

Name of IWMA certified construction and demolition waste recycling facility to be

Used for this project: _____

Prior to a construction and demolition, this form must be signed and emailed or faxed to: _____,

Architectural Services, Design Division

Department of Public Works
1050 Palm Street, Room 206
San Luis Obispo CA 93408

TO EXPEDITE THE PROCESSING OF YOUR RECYCLING PLAN, PLEASE EMAIL OR FAX IT TO ARCHITECTURAL SERVICES, DESIGN DIVISION.

Seven days prior to Final Inspection you must submit receipts from all of the recycling and landfill facilities that received waste from your project. Final Inspection approval will be delayed until the receipts are submitted and approved. Anticipate when you will need Final Inspection approval.

Dec 12



DETAILED RECYCLING PLAN & DISPOSAL REPORT

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

SECTION 1. To be completed for all projects that do NOT use a certified recycling facility. Call 781-5628 for a list of certified facilities.						
Application Number: PMT _____		Owner Name: _____				
Site Address: _____		Owner Address: _____				
APN: _____		Contractor Name: _____				
Project Cost Estimate: _____		Contractor Address: _____				
Square Footage: _____		Contractor Phone: _____				
Garbage/Recycling Company: _____		Applicant Name: _____				
Recycling Facility: _____		Applicant Signature: _____				
SECTION 2. Recycling Plan – to be completed by all unincorporated county Project Applicants prior to the permit being issued unless an IWMA-Certified facility is used for recycling and disposal.		SECTION 3. Disposal Report – To be completed before Final Approval/Sign Off. The Disposal Report must be done for all finished projects not using an IWMA-Certified recycling facility. Fill in quantities below and attach all original disposal & recycling receipts.				
Materials	Before Construction (Estimated Tons)		After Construction (Actual Tons)			All disposal & recycling receipts must be submitted to Barry Tolle
	To Landfill	To Recycling	Tons Disposed in Landfill	Recycling On-Site Reuse	Off-Site Recycling	
Land Clearing (brush, trees, etc.)						
Inerts (Concrete, soil, etc.)						
Drywall						
Metals						
Lumber						
Cardboard						
Mixed Recyclables						
Trash						
Totals						
Estimated % Diversion						
Official Use Only.		Final Project Approval will be delayed if Section 3 is not completed and if receipts are not submitted			Official Use Only	
Plan Approved						Balance
Project Exempt						Disposal Report Approved
Plan Denied						Disposal Report Denied
Information Required						Information Required
Date						Date
Reviewed/Approved By						Reviewed/Approved By
					Questions? Call 781-5628 for questions about certified recycling facilities.	

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.