

1 **3.3.9 Land Use and Planning**

IX. LAND USE AND PLANNING: Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2 **3.3.9.1 Environmental Setting**

3 **Onshore.** PG&E owns the DCPP, which is located on approximately 30.4 km² (7,410
4 acres) of land and consists of two reactor units. Unit 1 is a 1,073 megawatt (MW)
5 pressurized water reactor (PWR), which began commercial operation in 1985. Unit 2 is
6 a 1,087 MW PWR that began commercial operation in 1986. The DCPP, including the
7 onshore portion of the Project, is located on Assessor’s Parcel Number 076-011-018.

8 Land uses adjacent to the Project area include approximately 0.12 km² (30 acres) of
9 farmland south of the DCPP facility. Additionally, the coastline along DCPP has a year-
10 round grazing program for cows, goats, and sheep. Montaña de Oro State Park, which
11 encompasses over 32.4 km² (8,000 acres) of land, is immediately north of the DCPP
12 property. Activities and amenities within the park include: fishing, horseback trails,
13 guided tours, bike trails, campsites, exhibits and programs, hiking trails, nature trails,
14 wildlife viewing, surfing, picnic areas, and trailers accommodations.

15 **Offshore.** Uses of the marine waters located in the offshore portion of the Project
16 include boating, kayaking, fishing and other water sports, although commercial and
17 recreational fishing are the primary offshore uses in the ocean waters within and
18 adjacent to the Project area. Commercial and tourist vessels also transit the area
19 between major West Coast ports such as San Francisco and Los Angeles. The marine
20 waters near DCPP also provide opportunities for whale watching.

21 **3.3.9.2 Regulatory Setting**

22 **Federal.** There are no federal regulations related to land use and planning relevant to
23 the Project.

24 **State**

25 **California State Lands Commission (CSLC).** The CSLC has jurisdiction and
26 management authority over all ungranted tidelands, submerged lands, and the beds of
27 navigable lakes and waterways. The CSLC also has certain residual and review

1 authority for tidelands and submerged lands legislatively granted in trust to local
2 jurisdictions (Pub. Resources Code, §6301 and §6306). All tidelands and submerged
3 lands, granted or ungranted, as well as navigable lakes and waterways, are subject to
4 the protections of the Common Law Public Trust. As general background, the State of
5 California acquired sovereign ownership of all tidelands and submerged lands and beds
6 of navigable lakes and waterways upon its admission to the United States in 1850. The
7 State holds these lands for the benefit of all people of the State for statewide Public
8 Trust purposes, which include but are not limited to waterborne commerce, navigation,
9 fisheries, water-related recreation, habitat preservation and open space. On tidal
10 waterways, the State's sovereign fee ownership extends landward to the mean high tide
11 line, except for areas of fill or artificial accretion. In the Project area, sovereign lands to
12 the 3 nm state boundary are regulated by the CSLC, and are subject to CSLC the
13 leasing and/or permitting requirements.

14 **California Coastal Act of 1976.** The Coastal Act requires anyone who proposes any
15 development in the coastal zone to secure a CDP from either the CCC or local
16 jurisdiction with a certified LCP. In general, the CCC is responsible for determining a
17 project's consistency with the Coastal Act and/or the CCMP and for granting CDPs for
18 projects within the California coastal zone not covered by LCPs. The San Luis Obispo
19 County has a certified LCP; therefore, the County's coastal policies are applicable to the
20 onshore portion of the Project.

21 **Marine Life Protection Act of 1999 (MLPA)** (Fish & G. Code, § 2850 et seq.). The
22 MLPA directs the state to redesign California's system of MPAs to function as a network
23 in order to: increase coherence and effectiveness in protecting the state's marine life
24 and habitats, marine ecosystems, and marine natural heritage, as well as to improve
25 recreational, educational and study opportunities provided by marine ecosystems
26 subject to minimal human disturbance. The Point Buchon MPA has been established
27 within the Project area (Figure 2-2). Within that MPA, there are two different area
28 designations: the inshore SMR and the offshore SMCA. Three of the four proposed
29 temporary OBS units, long-term OBS-3, and a portion of the cable connecting three of
30 the four long-term OBS units are located within the MPA.

31 **Local**

32 **San Luis Obispo General Plan, Land Use Element, and Local Coastal Plan.** State
33 law requires that every county have a General Plan with goals, policies, and programs
34 that regulate the use of land in the unincorporated areas of the county. The San Luis
35 Obispo County General Plan governs land use within unincorporated communities and
36 surrounding areas. The Land Use Element (LUE) and LCP establish the overall policies
37 for land use in the unincorporated inland and coastal areas of the county, respectively.
38 The LUE is composed of four sections: framework for planning, the area plans, the
39 coastal program policy document, and the official maps.

1 *Framework for Planning.* This section contains policies, programs, and procedures that
2 apply countywide, and explains how the LUE is to be used with other adopted plans.
3 The framework section also describes the various land use categories that apply to the
4 unincorporated portions of the county, the allowable land uses within each category,
5 and typical building intensities (parcel sizes, population, and building densities). There is
6 also a coastal framework for planning that describes the policies, programs and land
7 use categories that apply to lands within the Coastal Zone.

8 *Area Plans.* The LUE includes 15 Area Plans that address specific land use issues
9 affecting the unincorporated communities and regions within the county. The Area Plans
10 supplement and refine the general goals, policies, and programs contained in the
11 framework section and help to make the planning process more localized. The Area
12 Plans describe where the land use categories are to be applied and discuss population
13 growth and economic conditions, public services, and circulation. The onshore portion
14 of the Project area is located within the boundaries of the San Luis Bay Area Coastal
15 Plan (San Luis Obispo County 1988). The LUE of the Coastal Plan designates the
16 DCPD property and the leasehold area controlled by PG&E as “Public Facilities.” Within
17 the Public Facilities designation, the following additional designations and ordinance
18 requirements are applicable to the onshore portion of the Project area.

- 19 • Diablo Canyon Power Plant. This designation includes the location of the power
20 plant and the surrounding buffer area of the PG&E lease site. The operations
21 should not be expanded beyond the present property, nor should future
22 development of adjacent lands encroach into this area and hinder the operating
23 capabilities of the plant.

24 *County of San Luis Obispo Coastal Zone Land Use Ordinance.* The CZLUO regulates
25 the development of land within the Coastal Zone. It details permitting requirements for
26 development; provides site design, site development, operational and combining-
27 designation standards; and, lists provisions for special uses. The following coastal zone
28 designations and ordinance requirements are applicable to the onshore portion of the
29 Project.

- 30 • Energy or Extractive Area. This area applies to where oil, gas, or mineral
31 extraction occurs or is proposed. This designation is also given to energy-
32 producing facilities. Title 23 of the San Luis Obispo County Code, section
33 23.01.033, mandates consistency with the LUE and LCP requirements that no
34 new use of land, buildings, division of land or other development be established,
35 and no application for such use, land division or other permit required pursuant to
36 this title be approved, unless the proposed use or division is determined to be
37 allowable in the land use category where the proposed site is located, pursuant
38 to subsections (a) through (e) of this section.
- 39 • Flood Hazard Combining Designation. FEMA designated the coastline containing
40 DCPD as a 100-year flood hazard. All uses proposed within the Flood Hazard

1 Combining Designation (FH) are subject to FH Area Permit and Processing
2 Requirements (§ 23.07.064 of the CZLUSO).

- 3 • Geologic Study Area. A Geologic Study Area (§ 23.07.080) combining
4 designation is applied by the Official Maps (Part III) of the Land Use Element to
5 areas where geologic and soil conditions could present new developments and
6 their users with potential hazards to life and property
- 7 • Sensitive Resource Area Combining Designation. Under the San Luis Obispo
8 County LCP, the Project is in or near areas considered to be an Environmentally
9 Sensitive Habitats (ESH) or a Sensitive Resource Area (SRA) under the Land
10 Use Element. These include Marine Habitats, Wetlands, Streams and Riparian
11 Habitats, Archaeological Sensitive Area, and Terrestrial Habitat.

12 *San Luis Bay Rural Area Standards*. The County of San Luis Obispo contains special
13 "standards" for new development in the San Luis Bay Planning Area. These standards
14 are mandatory requirements for development designed to handle special problems in a
15 particular area of the county. These standards apply to the planning and development of
16 new land uses, and must be satisfied to enable a permit for a new use to be approved,
17 and for a newly constructed project to be used. The following area standard is
18 applicable for the onshore portion of the Project. The standard below is specifically
19 designated under Energy and Extractive Resource Areas (EX) combining designations
20 within the County.

- 21 • DCPP Access. Access to the power plant site is to remain in control of PG&E.
22 Development of adjacent land shall not provide access to the power plant site.

23 3.3.9.3 Impact Analysis

24 **a) *Would the Project physically divide an established community?***

25 The only proposed onshore "structure" is an extension of an existing 10 cm (4 in)
26 diameter conduit from its current location on top of armor rock rip-rap along the east
27 side of the DCPP intake embayment. The conduit would be extended into the water
28 where it would terminate on the natural seafloor sediment in approximately 2.4 m (8 ft)
29 of water. The Project would not divide an established community.

30 **b) *Would the Project conflict with any applicable land use plan, policy, or*** 31 ***regulation of an agency with jurisdiction over the Project (including, but*** 32 ***not limited to the general plan, specific plan, local coastal program, or*** 33 ***zoning ordinance) adopted for the purpose of avoiding or mitigating an*** 34 ***environmental effect?***

35 An evaluation of the Project's consistency with applicable policies of the California
36 Coastal Act and San Luis Obispo County is provided below, leading to a conclusion that
37 the Project would be potentially consistent with the requirements of these policies.

1 **San Luis Obispo County**

2 The Project would not result in a change in pattern, scale, or character of the land use
 3 at or in the general Project area. The onshore Project area has a “Public Facility” land
 4 use designation. The Project includes the deployment and operation of temporary and
 5 long-term OBS units in support of seismic monitoring activities for the DCP. As such,
 6 the Project would be consistent with existing land uses on the Project area and in the
 7 surrounding area.

8 The County’s CZLUSO has applied to the onshore portion of the Project area the
 9 various combining designations described in Section 3.3.9.2 of this MND. The only
 10 onshore development proposed is the placement of a short segment of cable conduit
 11 across an existing rock rip-rap area. This development would not increase existing flood
 12 or landslide hazard risk, result in impacts to sensitive habitat, and would be consistent
 13 with existing onsite energy production operations.

14 **California Coastal Act**

<u>Coastal Act Policy</u>	<u>Analysis of Consistency with Policy</u>
<p>§ 30211 - Development Not to Interfere with Access. <i>Development shall not interfere with the public’s right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of vegetation.</i></p>	<p>The only proposed onshore development is a cable conduit that would be located on existing stone rip-rap at the DCP facility. The DCP does not provide public access to the ocean. The Project would not interfere with public access to coastal resources.</p>
<p>§ 30212.5 - Public Facilities. <i>Whenever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social or otherwise, of overcrowding or overuse by the public of any single area.</i></p>	<p>The Project would not result in short- or long-term impacts to existing public facilities, including parking facilities, and would not result in population growth that would have the potential to increase the demand for coastal area parking or other public facilities.</p>
<p>§ 30213 - Low Cost Visitor and Recreational Facilities. <i>Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.</i></p>	<p>The Project would not result in short- or long-term impacts to existing visitor or recreation facilities, and would not result in population growth that would have the potential to result in an increased demand for new visitor-serving facilities.</p>
<p>§ 30220 - Protection of Certain Water Oriented Activities. <i>Coastal areas suited for water oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.</i></p>	<p>Public access to the DCP facility is restricted and the Project area does not provide areas suited for water-oriented recreation. As described in Section 3.3.15, the Project would not result in significant impacts to recreational fishing resources or opportunities. Therefore, the project would not adversely affect areas suitable for recreation uses.</p>

Coastal Act Policy	Analysis of Consistency with Policy
<p>§ 30221 – Oceanfront Land: Protection for Recreation Use and Development. <i>Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.</i></p>	<p>Public access to the DCPD facility is restricted and the Project area does not provide any areas suitable for recreation use. In addition, the Project would not increase the demand for recreation facilities or opportunities.</p>
<p>§ 30223 – Upland Areas. <i>Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.</i></p>	<p>The DCPD Project area does not provide areas necessary to support coastal recreation uses.</p>
<p>§ 30230 - Marine Resources and Special Protection. <i>Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters, and will maintain healthy populations of all species of marine organisms, adequate for long term commercial, recreational, scientific and educational purposes.</i></p>	<p>Proposed OBS units and associated cable would avoid sensitive habitat areas such as surf grass and kelp. The proposed cable route would avoid rocky substrate areas to the extent possible, thus minimizing impacts to sensitive species or other marine organisms.</p> <p>Portions of the Project are within the boundaries of the Point Buchon MPA. The purpose of the MPA is to increase coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage, as well as to improve recreational, educational and study opportunities provided by marine ecosystems subject to minimal human disturbance. Project components located within the MPA include 11.5 km (7.1 mi) of cable, two temporary OBS units, and one long-term OBS unit. OBS placement and recovery operations would affect a limited area over a short period of time. With the implementation of various APMs, such as only conducting vessel fueling at docking facilities, minimizing impacts to rocky substrate areas, and maintaining onboard spill response capabilities, the Project would not result in significant impacts to the marine resources of the Point Buchon MPA.</p> <p>Specific regulations pertaining to the “take” of living marine organisms apply to the MPA. The installation of OBS units and cable would not result in impacts to sensitive species, but has the potential to result in the “take” of organisms such as sea stars, sea pens, tubeworms, anemones, mollusks (no abalone) and miscellaneous species of red algae.</p>

<u>Coastal Act Policy</u>	<u>Analysis of Consistency with Policy</u>
	<p>Consistency with MPA “take” regulations would be achieved by amending the Scientific Collecting Permit issued by the CDFG, and by complying with the requirements of the amended permit. Additional information regarding the requirements of the Scientific Collecting Permit is provided in Section 3.3.4 (Biological Resources).</p> <p>In conclusion, the Project would be carried out in a manner that would not significantly affect marine organisms in the Project area, and would comply with the special protection requirements of the Point Buchon MPA.</p>
<p>§ 30231 - Coastal Waters, Marine Organisms and Human Health. <i>The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes, appropriate to maintain optimum populations of marine organisms, and for the protection of human health, shall be maintained. Where feasible, the aforesaid biological productivity shall be restored through, among other means, minimizing the adverse effects of wastewater discharges and entrainment; controlling runoff; preventing depletion of groundwater supplies and substantial interference with surface water flow; encouraging wastewater reclamation; maintaining natural vegetation buffer areas that protect riparian habitats; and minimizing alteration of natural streams.</i></p>	<p>The Project would not alter existing operations conducted at the DCPP, would not result in significant water quality impacts, and would not alter any streams, wetlands or other habitat resources that support upland or marine organisms. Similarly, the Project would not result in increased wastewater discharges, stormwater runoff, groundwater use, or the removal of any vegetation.</p>
<p>§ 30232 - Oil and Hazardous Substance Spills. <i>Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.</i></p>	<p>The Project would require the use of the <i>MV Michael Uhl</i> to install offshore OBS units and cable. Due to the short duration (2_weeks) of Project-related construction activities, the potential for a release of hazardous materials would be very low. Onboard spill response equipment would be provided aboard the <i>MV Michael Uhl</i> and would be sufficient to contain and recover an accidental petroleum product spill. Impacts of an accidental release would be further reduced through the implementation of the OSCP maintained by the <i>MV Michael Uhl</i>, which provides detailed measures for prevention and recovery of spills.</p>

Coastal Act Policy	Analysis of Consistency with Policy
<p>§ 30233 - Diking, Filling or Dredging of Open Coastal Waters. <i>(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:</i></p> <p>(1) <i>New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities;</i></p> <p>(2) <i>Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps;</i></p> <p>(3) <i>In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities;</i></p> <p>(4) <i>Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines;</i></p> <p>(5) <i>Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas;</i></p> <p>(6) <i>Restoration purposes; and</i></p> <p>(7) <i>Nature study, aquaculture, or similar resource-dependent activities.</i></p>	<p>The Project would not result in the diking, dredging or filling of any coastal waters.</p>
<p>§ 30234 - Commercial Fishing and Recreational Boating Activities. <i>Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.</i></p>	<p>The Project would generate a very small amount of vessel traffic in and out of the Morro Bay Harbor and would not result in physical changes to harbor facilities provided in the Project area, and, therefore, would not result in adverse effects to existing commercial or recreational fishing facilities.</p>

Coastal Act Policy	Analysis of Consistency with Policy
<p>§ 30234.5 - Economic and Recreational Importance of Fishing. <i>The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.</i></p>	<p>As demonstrated by the analysis provided in Section 3.3.15, Commercial and Recreational Fisheries, the Project would not result in activities that would substantially diminish the importance of commercial or recreational fishing activities that occur in the Project area. Impacts to commercial and recreational fishing would be minimized by the very small area affected by the Project, the very short duration of proposed OBS unit deployment and recovery operations, and proposed OBS units and cable would avoid sensitive habitat areas such as surf grass and kelp. The potential for such an impact to occur would be reduced by the applicant-proposed noticing of local fishing interests of cable-laying activities through the issuance of a Notice to Mariners, and through the posting of notices in the harbor masters' offices of Morro Bay and Port San Luis at least 15 days in advance of in-water operations.</p>
<p>§ 30240 - Environmentally Sensitive Habitat Areas (ESHAs). <i>The ESHAs shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Development in areas adjacent to environmentally sensitive habitat areas, and parks and recreation areas, shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.</i></p>	<p>Proposed OBS units and associated cable would avoid sensitive habitat areas such as surf grass and kelp. The proposed cable route would avoid rocky substrate areas to the extent possible.</p> <p>Project components that would be located within the Point Buchon MPA boundaries include 11.5 km (7.1 mi) of cable, one long-term OBS unit, and three temporary OBS units. OBS placement and recovery operations would affect a very limited area over a very short period of time. With the implementation of various APMs, such as only conducting vessel fueling at docking facilities, minimizing impacts to rocky substrate areas, and maintaining onboard spill response capabilities, the Project would not result in significant impacts to the marine resources of the Point Buchon MPA.</p> <p>As proposed, the Project would not result in a significant disruption of habitat values, and structures placed within the Point Buchon MPA would not degrade the area or interfere with the recreational use of the area.</p>

Coastal Act Policy	Analysis of Consistency with Policy
<p>§ 30244 - Archaeological or Paleontological Resources. <i>Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</i></p>	<p>As described in Section 3.3.5, Cultural Resources, the onshore and offshore components of the Project would not adversely affect any known archaeological resources, and the potential for the Project to impact undetected resources is remote. The Project would not result in any ground disturbing operations that could affect any paleontological resources that may be located in the Project area.</p>
<p>§ 30250 - Location in Existing Developed Area. <i>New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. Where such existing developed areas are not able to accommodate it, development shall be located in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.</i></p>	<p>The proposed OBS units, accessory cables and onshore cable conduit would be installed in support of the existing DCPD facility, and would be provided in locations that are in proximity to the DCPD. The Project area is able to accommodate the Project components, and the Project would not require additional public services.</p>
<p>§ 30251 - Scenic and Visual Qualities. <i>The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to, and along, the ocean and scenic coastal areas to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.</i></p>	<p>The only development component of the Project that would be visible is the cable conduit to be placed across an existing area of rip-rap. Views of the rip-rap are not accessible to the public as access to the DCPD is restricted. The proposed conduit would be a minor feature and would not adversely affect existing views of or along the ocean.</p>
<p>§ 30253.3 - New Development, Air Pollution Control District and California Air Resources Board Rules. <i>New development shall be consistent with requirements imposed by an air-pollution control district or the State Air Resources Control Board, as to each particular development.</i></p>	<p>As demonstrated by the analysis provided by Section 3.3.3, Air Quality and Greenhouse Gas Emissions, the Project would not result in air emissions or other impacts that exceed a significance threshold adopted by the San Luis Obispo County APCD and BAAQMD. Project-related GHGs would not be substantial and would not interfere with efforts by the State Air Resources Board to meet the greenhouse gas emission reduction goals established by AB 32.</p>

Coastal Act Policy	Analysis of Consistency with Policy
<p>§ 30260 - Location or Expansion. <i>Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.</i></p>	<p>The Project would implement a seismic monitoring program for the DCP. The Project would not result in changes to existing DCP operations or result in an expansion of the facility. Therefore, the Project would be potentially consistent with the requirements of this policy.</p>

1 **c) Would the Project conflict with any applicable habitat conservation plan or**
2 **natural community conservation plan?**

3 The Project would result in the installation and recovery of seismic monitoring
4 equipment within the boundaries of the Point Buchon MPA. Specific regulations
5 pertaining to the “take” of living marine organisms apply to the MPA. The installation of
6 OBS units and cable have the potential to result in the “take” of marine organisms such
7 as sea stars, sea pens, tubeworms, anemones, mollusks (no abalone) and
8 miscellaneous species of red algae. Consistency with MPA “take” regulations would be
9 achieved by compliance with the requirements of an amended Scientific Collecting
10 Permit (SCP) issued by the CDFG (See Mitigation Measure BIO-1 above). With the
11 implementation of this permitting requirement, the Project would likely not conflict with
12 the regulations governing activities within the Point Buchon MPA.

13 3.3.9.4 Mitigation and Residual Impact

14 **Mitigation.** The Project would not result in impacts related to dividing an established
15 community or inconsistency with applicable state and local land use policies; however,
16 the Project does have the potential to result in the “take” of marine organisms within the
17 boundaries of the Point Buchon MPA. This potential conflict with the requirements of the
18 MPA would be resolved through implementation of MM BIO-1, which requires the
19 acquisition of and compliance with an SCP for work in the MPA. No additional mitigation
20 is required.

21 **Residual Impacts.** With the implementation of the required amended SCP, Project-
22 related land use impacts would be reduced to a less than significant level.