

**STAFF REPORT
45**

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08/23/19
A2103
C. Hudson

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Cayucos Sanitary District

PROPOSED LEASE:

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Pacific Ocean, at Estero Bay, near the city of Morro Bay, San Luis Obispo County.

AUTHORIZED USE:

Installation, use, and maintenance of a 12-inch-diameter nominal high-density polyethylene (HDPE) pipeline within an existing 20-inch-diameter pipeline casing and installation of a 200-foot-long diffuser pipeline at the offshore end of the HDPE pipeline for a new wastewater outfall.

LEASE TERM:

25 years, beginning August 23, 2019.

CONSIDERATION:

The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

BACKGROUND:

Cayucos Sanitary District (CSD) was formed in 1942 for the purpose of constructing a sewer collection system and a treatment plant. In 1954, CSD constructed a sewer system and treatment plant under a Joint Powers Agreement with Morro Sanitary District (now the City of Morro Bay). Cayucos Sanitary District and the City of Morro Bay worked collaboratively to upgrade the treatment processes and improve the discharge water quality at the shared Morro Bay Cayucos Sanitary District Wastewater Treatment Plant (MBCSD WWTP) for several years. The plant was operated subject to a Clean Water Act Section 301(h) modified discharge permit based on a Settlement Agreement with the Central Coast Regional Water Quality Control Board. The purpose of the proposed upgrade to the MBCSD WWTP was to improve discharged water quality to at least full secondary treatment, eliminating the need for the Section

STAFF REPORT NO. 45 (CONT'D)

301(h) permit. But the California Coastal Commission determined that upgrading and maintaining wastewater facilities at the existing site would violate the Coastal Act, effectively mandating the decommissioning of the CSD's historic wastewater treatment infrastructure. Since upgrading the existing site was no longer a viable option, the CSD Board determined at its April 30, 2015 meeting that the best way to secure the community's future water needs was by developing the proposed Cayucos Sustainable Water Project (Project), a stand-alone water resource recovery facility. The purpose of this project is to deliver a sustainable and cost-effective water resource recovery system for the community of Cayucos within the streamlined schedule necessitated by the status of the current MBCSD WWTP National Pollutant Discharge Elimination System permit and the Regional Water Quality Control Board Time Settlement Order R3-2018-0019.

The onshore proposed Project site is located on the east side of Highway 1 within the Estero Marine Terminal (EMT) near Cayucos, San Luis Obispo County. The EMT was constructed in the late 1920s and commissioned in 1929. It remained in operation until 1999 when the EMT was placed in caretaker status. The Project anticipates using the existing EMT facilities and open space as construction staging for financial efficiency and to minimize environmental impacts.

The offshore portion of the Project consists of the reuse of an existing 20-inch-diameter non-operational petroleum transfer pipeline, known as Chevron Estero Marine Terminal Load Line 2 (LL2), situated in the offshore, surf-zone, and beach area sovereign land leased to Chevron Environmental Management Company (Chevron) under existing Lease No. PRC 8100.1, previously authorized by the Commission on June 29, 2015 ([Item 73, June 29, 2015](#)). The reuse of LL2 as a wastewater outfall is the effluent discharge component of the Project's Water Resource Recovery Facility (WRRF).

The Applicant is seeking approval by the Commission to reuse LL2 for the proposed Project. The Project consists of construction of a new tertiary WRRF and related conveyance infrastructure to serve the Cayucos community. The proposed Project includes infrastructure, pipelines, and appurtenances for influent, effluent, recycled water, and processed discharge water.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503;
California Code of Regulations, title 2, sections 2000 and 2003.

STAFF REPORT NO. 45 (CONT'D)

Public Trust and State's Best Interests Analysis:

The Applicant has applied for a 25-year General Lease – Public Agency Use for the installation, use, and maintenance of a 12-inch-diameter HDPE pipeline, which will be pulled through the existing 20-inch-diameter LL2 offshore pipeline casing. The Applicant entered into a sales agreement with Chevron, whereby Chevron will sell LL2 to the Applicant. Initial plans called for LL2's decommissioning as part of the overall EMT decommissioning and, as a separate project, CSD planned trenching for a pipeline several miles south for its wastewater. Reuse of LL2 appears to be an environmentally superior alternative for both projects. Under the terms of the proposed lease and the Applicant's agreement with Chevron, the Applicant will take full responsibility for the ultimate decommissioning of LL2.

Pig and flush activities (to remove or recover residual liquid that remains in a pipeline) for LL2 will be conducted by Chevron to verify its current condition prior to the transfer to CSD for the repurposing. LL2 was flushed in 1999 to reduce total petroleum hydrocarbon concentrations to less than 15 parts per million, but the additional pigging and flushing will ensure that any residual total petroleum hydrocarbons remain at or below such levels. LL2 currently terminates in a reducer that will be removed and replaced with a repair flange at the start of pigging and flushing activities. LL2 will be vacuum sealed at the terminus inside the EMT to prevent the water and oil inside the pipeline from escaping from the offshore end when the reducer is removed, and the repair flange and pig launcher are attached. Divers will install a metal seep tent over the offshore terminus of LL2 to recover all hydrocarbons that may escape the offshore terminus during the reducer removal and repair flange and pig launcher installation. Pigging and flushing is anticipated to take approximately 2 weeks to complete.

Once the pigging and flushing have been completed, the HDPE pipeline installation will begin with preparing the onshore LL2 pipeline termination and new strings of 12-inch pipeline inside the EMT facility. A dive support vessel with a mounted winch will be anchored to pull the HDPE pipeline offshore through LL2 using a synthetic hawser. Finally, the 200-foot-long diffuser will be assembled onshore and transported to the Project area via tugboat and then installed. The offshore construction is anticipated to begin in September 2019 and will take approximately 4 weeks to complete.

Overall, the Project is expected to be beneficial due to the higher level of treatment proposed. Discharges from the Project's WRRF (tertiary treatment) are anticipated to be of superior quality to existing discharges

STAFF REPORT NO. 45 (CONT'D)

at the City of Morro Bay / Cayucos Sanitary District Wastewater Treatment Plant, thereby resulting in a net benefit to marine water quality. Furthermore, the LL2 pipeline has existed in this location for many years and the Project will not substantially impede or impair Public Trust uses in the area. The Applicant does not propose any onshore or beach disturbance during construction activities.

Climate Change:

Climate change impacts, including sea-level rise, more frequent and intense storm events, increased flooding and erosion, and changes in sand deposition affect open coastal areas in California. The lease premises are located in Estero Bay in a shallow, low gradient zone that is a tidally influenced site vulnerable to flooding at current sea levels and at a higher risk of flood exposure given projected scenarios of sea-level rise. The lease premises consist of an existing 20-inch-diameter pipeline with a proposed 200-foot-long diffuser at the offshore terminus.

The California Ocean Protection Council updated the State of California Sea-Level Rise Guidance in 2018 to provide a synthesis of the best available science on sea-level rise projections and rates. Commission staff evaluated the “high emissions,” “low risk aversion” scenario to apply a conservative approach based on both current emission trajectories and the lease location and structures. The Port San Luis tide gauge was used for the projected sea-level rise scenario for the lease area as listed in Table 1.

Table 1. Projected Sea-Level Rise for Port San Luis¹

Year	Projection (feet)
2030	0.5
2040	0.7
2050	1.0
2100	3.1

Source: Table 19, State of California Sea-Level Rise Guidance: 2018 Update

Note: ¹ Projections are with respect to a 1991 to 2009 baseline.

As stated in *Safeguarding California Plan: 2018 Update* (California Natural Resources Agency 2018), climate change is projected to increase the frequency and severity of natural disasters related to flooding, drought, and storms (especially when coupled with sea-level rise). The combination of these conditions will likely result in increased wave run-up, storm surge, and flooding in coastal areas. In tidally influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Climate change and sea-level rise

STAFF REPORT NO. 45 (CONT'D)

will further influence coastal areas by changing erosion and sedimentation rates. Beaches and coastal landscapes will be exposed to increased wave force and run-up, potentially resulting in greater beach erosion than previously experienced.

The pipeline is buried 2 to 7 feet deep onshore and through the surf zone. Further offshore, the pipeline alternates between exposure and 3-foot burial in the seafloor up to the proposed diffuser location and pipeline terminus located in 51 feet of water. The current structures are buried or submerged and should not be vulnerable to climate change impacts if properly inspected and maintained. Conformance with lease provisions for periodic surveys, inspections, and maintenance of the pipelines and outfall diffuser as needed or required by law should avoid or minimize future climate change-related impacts.

Pursuant to the proposed lease, the Applicant acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to effects of climate change, including sea-level rise.

Conclusion:

For the reasons stated above, staff believes the issuance of the proposed lease will not result in significant changes in the use of, or impacts to, Public Trust resources; does not substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable term of the proposed lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. Upon expiration or prior termination of the lease, the lessee also has no right to a new lease or to renewal of any previous lease.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan, to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. An Environmental Impact Report, State Clearinghouse No. 2016041078 was prepared by the Cayucos Sanitary District and certified on April 20, 2017. A Subsequent Mitigated Negative Declaration (MND), State

STAFF REPORT NO. 45 (CONT'D)

Clearinghouse No. 2016041078 was prepared by the Cayucos Sanitary District and adopted on February 21, 2019, for this project. Staff has reviewed these documents.

A Mitigation Monitoring Program was adopted by the Cayucos Sanitary District for the MND.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the California Environmental Quality Act (CEQA) review and permitting process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

National Pollutant Discharge Elimination System (NPDES)
City of Morro Bay
County of San Luis Obispo

FURTHER APPROVALS REQUIRED:

U.S. Army Corp of Engineers
U.S. Fish and Wildlife Service
U.S. Coast Guard
NOAA Fisheries
California Coastal Commission
California Department of Fish and Wildlife
Central Coast Regional Water Quality Control Board

EXHIBITS:

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Subsequent Mitigated Negative Declaration, State Clearinghouse No. 2016041078, and a Mitigation Monitoring Program were prepared by the Cayucos Sanitary District and adopted on February 21, 2019, for this project and that the Commission has reviewed and considered the information contained therein; that in the Commission's

STAFF REPORT NO. 45 (CONT'D)

independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the State CEQA Guidelines section 15162 resulting in any new or substantially more severe significant impact has occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit C.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the issuance of the proposed lease will not substantially impair the public rights to navigation, fishing, or other Public Trust needs and values at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

1. Authorize issuance of a General Lease – Public Agency Use to the Cayucos Sanitary District beginning August 23, 2019, for a term of 25 years, for the installation, use, and maintenance of a 12-inch-diameter nominal high-density polyethylene (HDPE) pipeline within an existing 20-inch-diameter pipeline casing and installation of a 200-foot-long diffuser pipeline at the offshore end of the HDPE pipeline for a wastewater outfall; as described in Exhibit A, Land Description, and shown on Exhibit B, Site and Location Map (for reference purposes only) attached and by this reference made a part hereof; consideration being the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.
2. Authorize the Executive Officer or her designee to replace Exhibits in the lease upon submission, review, and approval of as-built plans detailing the final location of the new improvements following construction and installation.

EXHIBIT A

A 2103

LAND DESCRIPTION

Those parcels of tide and submerged land lying in the bed of the Pacific Ocean, Estero Bay, approximately 4 miles northerly of Morro Bay, San Luis Obispo County, California, and lying immediately adjacent to and west of Lot 31 of the Rancho Morro Y Cayucos as shown on that certain map entitled "Map of the Subdivision of the Rancho Morro Y Cayucos" and filed in the Office of the County Recorder of said county, in Map Book "A" at page 160, and more particularly described as follows:

PARCEL 1

A strip of tide and submerged land 20 feet wide, lying 10 feet on each side of the following described centerline:

COMMENCING at the corner common to Lots 30, 31 and 32 of said Rancho Morro Y Cayucos; thence S 45°14'30" W along the southeasterly boundary of Lot 31 2438.73 feet to an iron pipe; thence N 08°05' W 592.55 feet to an iron pipe, said iron pipe being on the base line control system for Standard Oil Company of California's Estero Marine Terminal; thence along said base line N 24°34' W 1812.74 feet to an existing 20" diameter outfall pipeline also being the POINT OF BEGINNING; thence along said the centerline of said pipeline the N 88°11'48" W 1843.28 feet to an angle point in said pipeline; thence continuing along said pipeline S 88°52'42" W 1682.75 feet a point hereinafter referred to as Point "A" and the end of herein described centerline

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

PARCEL 2

A strip of tide and submerged land 30 foot wide, lying 15 feet on each side of the following described centerline:

BEGINNING at the aforementioned Point "A" also being the at the intersection of an existing 20" diameter pipeline with the beginning of a proposed outfall diffuser; thence N 83°39' 52" W 250.00 feet along the centerline of said outfall diffuser and its prolongation to the end of herein described centerline.

EXCEPTING THEREFROM any portion lying within the above described PARCEL 1.

END OF DESCRIPTION

REVISED 7/17/19 BY THE
CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT.
ORIGINAL DESCRIPTION FOUND IN SECTION 3
OF LEASE FILE PRC 8100 AUTHORIZED 6/14/1999.



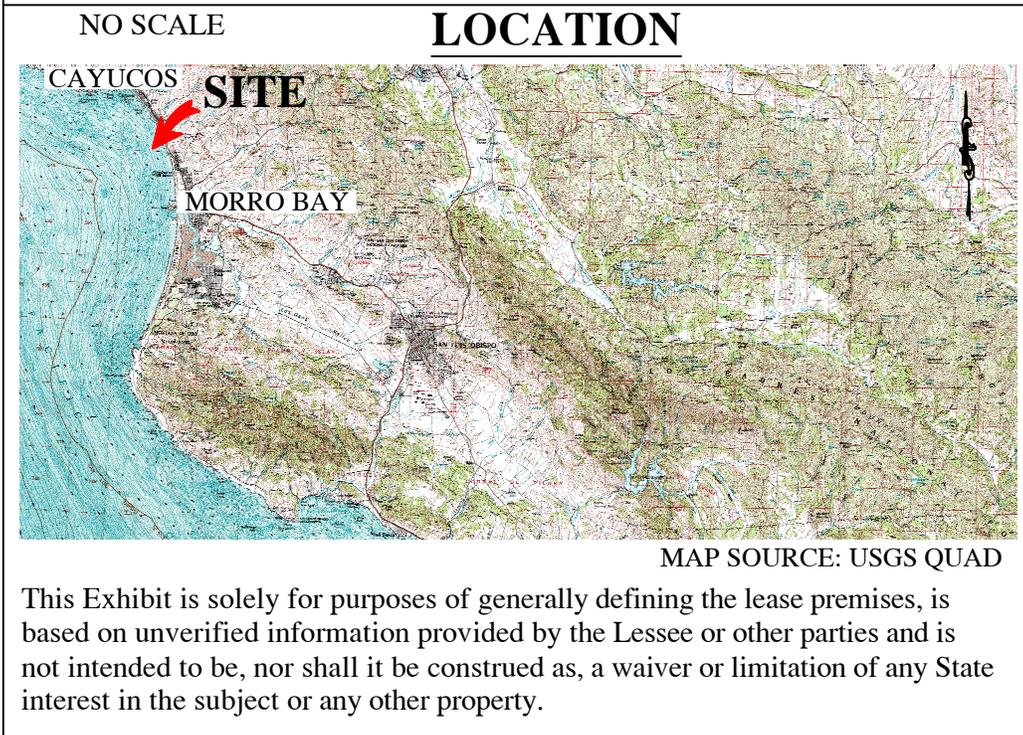
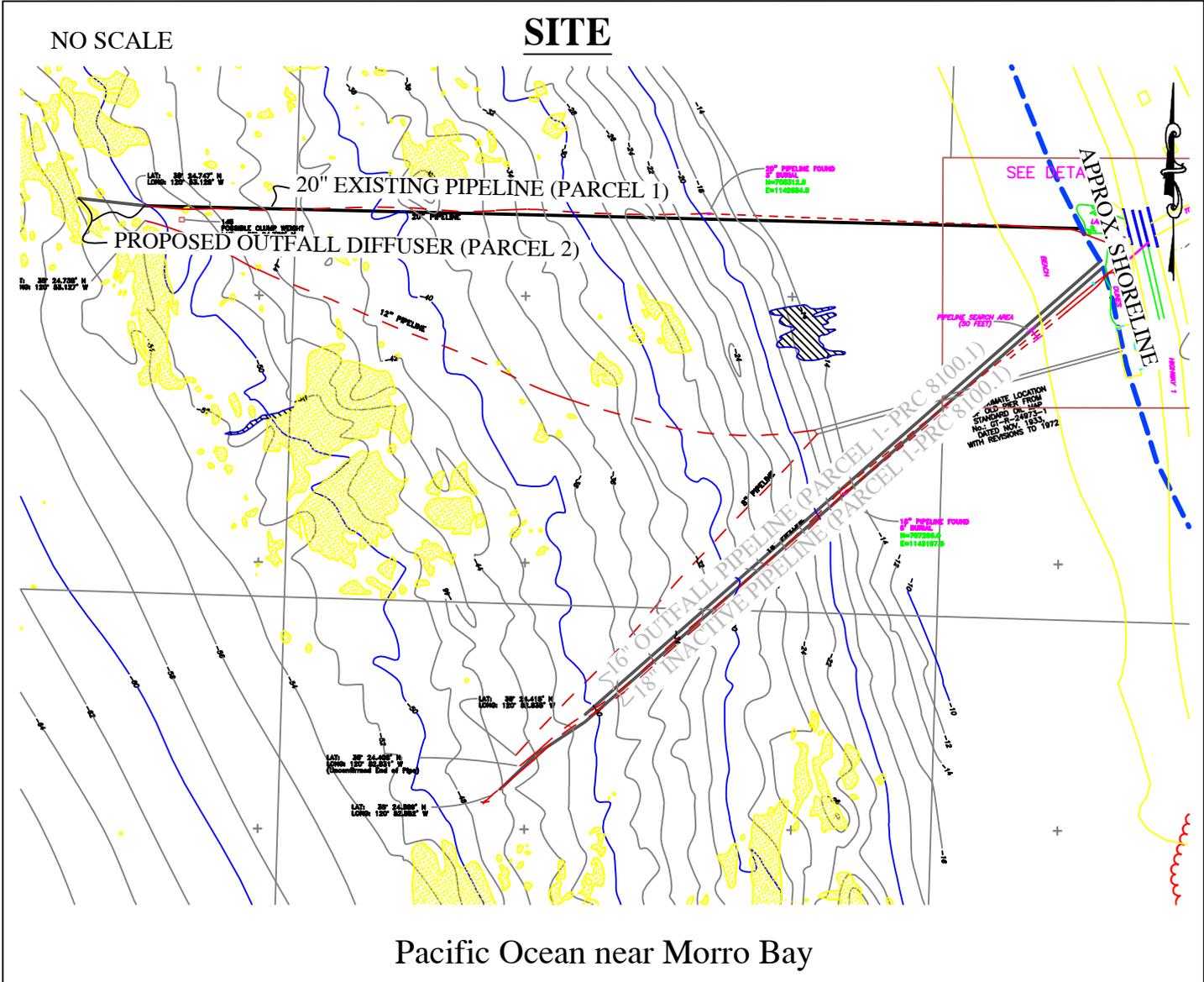


Exhibit B

A 2103
CAYUCOS SANITARY
DISTRICT
GENERAL LEASE -
PUBLIC AGENCY USE
SAN LUIS OBISPO COUNTY

SITE

MJF 7/17/19

EXHIBIT C
CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
CAYUCOS SUSTAINABLE WATER PROJECT – OCEAN OUTFALL
(A2103, State Clearinghouse No. 2016041078)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Cayucos Sustainable Water Project – Ocean Outfall (Project). The CEQA lead agency for the Project is Cayucos Sanitary District.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:¹

In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The lead agency adopted an MND, State Clearinghouse No. 2016041078, adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C. Any mitigation measures adopted by the Commission that differ substantially from those adopted by the lead agency are shown as follows:

- Additions to the text of the mitigation measure are underlined; and
- Deletions of the text of the mitigation measure are shown as ~~strikeout~~ or as otherwise noted.

¹ The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

Table C-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM) ²	Difference Between CSLC MMP and Lead Agency MMP
Impact BIO-3	Mitigation Measure BIO-3	None
Impact BIO-5	Mitigation Measure BIO-5	None
Impact to Offshore Traffic	Mitigation Measure TMR-1, TMR-2 ³	Yes

Mitigation Measure TMR-1: Cayucos Sanitary District or its contractor shall submit a Marine Safety and Anchoring Plan to California State Lands Commission staff for review and approval at least 30 days prior to commencement of offshore activities and shall implement the Plan during all offshore activities. The Marine Safety and Anchoring Plan shall include, at a minimum, the following elements:

- A list all of the vessels that will anchor during the Project and the number and size of anchors to be set
- Maps showing the anchoring sites identified during pre-construction surveys to ensure that all anchors shall avoid impacts to recreational and commercial boaters
- Descriptions of navigation equipment that would be used to ensure anchors are accurately set and of the anchor-handling procedures that would be followed to prevent or minimize anchor dragging

Mitigation Measure TMR-2: Cayucos Sanitary District shall ensure that its contractor submits to the USCG District 11 (as stated at <https://www.pacificarea.uscg.mil/Our-Organization/District-11/Prevention-Division/LnmRequest/>), a request to publish a Local Notice to Mariners, 14 days prior to operation, that includes the following information:

- Type of operation (i.e., dredging, diving operations, construction)
- Location of operation including Latitude and Longitude and geographical position if applicable
- Duration of operation including start and completion dates (if these dates change, the Coast Guard needs to be notified)
- Vessels involved in the operation
- VHF-FM Radio Frequencies monitored by vessels on scene
- Point of contact and 24-hour phone number
- Chart Number for the area of operation

² See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

³ The documents required for Mitigation Measures TMR-1 and TMR-2 are described on page 89 of the Final Subsequent MND, State Clearinghouse No. 2016041078, and are included as a California State Lands Commission enforceable condition.

ATTACHMENT C-1

Mitigation Monitoring Program Adopted by the

Cayucos Sanitary District

Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

Impact	Mitigation Measure	Compliance Verification		
		Method	Timing	Responsible Party
Air Quality				
<p>Although project emissions would not exceed SLOAPCD-recommended significance thresholds, the construction activities associated with the new ocean outfall would be subject to the mitigation measures incorporated into the CSWP Project during development of the CSWP EIR.</p>	<p>Mitigation Measure AQ-1: The following standard SLOAPCD dust control measures shall be implemented:</p> <ol style="list-style-type: none"> a. The amount of the disturbed area shall be minimized; b. Water trucks or sprinkler systems shall be used in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water or an APCD-approved dust suppressant should be used whenever possible; c. All dirt stock pile areas shall be sprayed daily and covered with tarps or other dust barriers as needed; d. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established; e. All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD; f. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; g. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site; h. All trucks hauling dirt, sand, soil, or other loose materials shall be covered or shall maintain at least 	<p>Construction Plan shall include this measure on the cover sheet. Monitor compliance in the field.</p>	<p>Prior to permitting and during construction</p>	<p>CSD</p>

Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

	<p>two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;</p> <p>i. Wheel washers and/or rumble strips shall be installed where vehicles enter and exit unpaved roads onto streets; and</p> <p>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 the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. The name and telephone number of such persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition.</p>			
<p>Impact AQ-2: construction of the new pipelines associated with the Proposed Project could disturb rock formations containing NOA. Impacts would be significant without mitigation.</p>	<p>Mitigation Measure AQ-2: Prior to starting any ground-disturbing construction activities for the new influent, effluent, or RW pipelines to CSA-10, the applicant shall conduct a geologic evaluation for NOA along the pipeline routes following the Guidelines for Geologic Investigations of Naturally Occurring Asbestos in California (California Geologic Survey [CGS] Special Publication 124, 2002) to determine whether the construction of the pipelines has the potential to disturb NOA, and if so, how many acres. If no NOA is expected to be disturbed, the applicant shall submit a request for an exemption from CARB's Asbestos ATCM, along with the geologic evaluation report. If NOA is expected to be disturbed, the SLOAPCD must be notified and preparation and approval of an Asbestos Dust Mitigation Plan and Asbestos Health and Safety Program may be required.</p>	<p>Conduct geologic evaluation for the presence of NOA and if deemed applicable, prepare Asbestos Dust Mitigation Program. Review and approval of Measures, and an Activities Management Plan, acceptable to San Luis Obispo County Air Pollution Control District.</p>	<p>Prior to issuance of grading permit.</p>	<p>County of San Luis Obispo, Planning and Building Department, coordinated with San Luis Obispo County Air Pollution Control District.</p>
<p>Impact BIO-1: Construction equipment and vehicle traffic, sedimentation, or spills, during construction may impact special status reptiles and amphibians, a potentially significant but mitigable</p>	<p>Mitigation Measure BIO-1: To mitigate adverse impacts to potentially present status reptiles and amphibians western pond turtle, foothill yellow-legged frog, coast range newt, and two-striped garter snake, in addition to Mitigation Measure BIO-3, the following shall be implemented:</p> <ul style="list-style-type: none"> • Construction Plans shall show how construction at stream 	<p>CSD retain County-approved Environmental Monitor to verify completion of Pre-construction surveys, project</p>	<p>Pre-construction, ongoing monitoring during construction and post construction implementation of revegetation plan.</p>	<p>CSD and County of SLO in coordination with County-Approved Environmental Monitor.</p>

Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

<p>impact.</p>	<p>crossings will utilize low-flow periods, incorporate sediment retention devices and minimize time and area of disturbance.</p> <ul style="list-style-type: none"> • A pre-construction survey would be conducted within 48 hours prior to starting work in or within 50 feet of habitats likely to support sensitive reptiles and amphibians such as seasonal drainages and riparian. The survey would be conducted by a qualified biologist approved to relocate sensitive species should they occur. If sensitive reptile or amphibian species are located during the pre-construction survey, a biologist would monitor ground-breaking work conducted within 50 feet of habitat. • Qualified biologists will brief all project personnel prior to participating in construction activities. At a minimum, the briefing will include a description of the project components and techniques, a description of the listed species occurring in the project area, and the general and specific measures and restrictions to protect the species during implementation of the project. • Post construction re-vegetation plans for work areas disturbed within 100 feet of ESHA at Toro Creek Bridge shall be submitted for County approval and implemented upon completion of pipeline work in that area. The re-vegetation plan shall use only native plant species pursuant to Coastal Policy 30. The species shall be selected to provide permanent erosion control and soil cover pursuant to Coastal Policy 21. 	<p>personnel briefings and preparation and implementation of revegetation plans as related to sensitive reptiles and amphibians.</p>		
Impact	Mitigation Measure	Compliance Verification		
		Method	Timing	Responsible Party
<p>Impact BIO-2: Construction equipment and vehicle traffic, sedimentation, or spills, during construction may impact California red-legged frog (CRLF), a potentially significant but mitigable impact.</p>	<p>Mitigation Measure BIO-2: To mitigate adverse impacts to potentially present California red-legged frog (CRLF), the following shall be implemented:</p> <p>Pre-construction Survey. Prior to commencement of grading activities, a USFWS-approved biologist will survey the project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these</p>	<p>CSD retain County-approved Environmental Monitor to verify completion of Pre-construction surveys, project personnel</p>	<p>Prior to construction Permit Issuance. Pre-construction surveys, ongoing awareness training and biological monitoring during construction.</p>	<p>CSD in coordination with USFWS-approved biologist and County-approved Environmental Monitor.</p>

Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

	<p>individuals are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work activities begin. The biologist will relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed project. The biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture.</p> <p>Pre-construction Training. Prior to commencement of grading activities, a USFWS-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF 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.</p> <p>Biologist Present during Construction. A USFWS-approved biologist will be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of construction activities), where the resident engineer will either resolve the situation by eliminating the effect immediately, or require that all actions which are causing these effects be halted. If work is stopped, the County/ USFWS will be notified as soon as is reasonably possible.</p>	<p>briefings and preparation and implementation of site protocols.</p>		
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Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

	<p>Trash Removal. During construction/ground disturbing activities, all trash that may attract CRLF predators will be properly contained, removed from the work site, and disposed of regularly. Prior to occupancy or final inspection, whichever occurs first, all trash and construction debris will be removed from work areas.</p> <p>Equipment Maintenance. During construction/ ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/construction activities, the monitor 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.</p> <p>Revegetation. Prior to final inspection for disturbed areas within the project boundaries, they shall be revegetated with an assemblage of native vegetation suitable for the area.</p>			
	<p>Invasive, exotic plants will be controlled to the maximum extent practical and not included in any revegetation efforts. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County.</p> <p>Work Scheduling. Prior to commencement of grading/construction activities, the applicant shall make all efforts to schedule work activities for times of the year when impacts to the CRLF would be minimal. As examples: a) work that would affect large pools that may support breeding would be avoided, to the maximum extent practical, during the breeding season (November through May); b) isolated pools that are important to maintain CRLF through the driest portions of the</p>			

Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

	<p>year (late summer, early fall) would be avoided to the maximum extent practical. When such conditions exist, the applicant will work with the biologist to coordinate the construction schedule to minimize impacts to the CRLF.</p>			
Impact	Mitigation Measure	Compliance Verification		
		Method	Timing	Responsible Party
	<p>MM Bio-2 con't Sedimentation and Erosion Control. Prior to issuance of construction permit(s), sedimentation and erosion control plans shall be submitted using Best Management Practices (BMPs) to minimize sediment from entering nearby water bodies or prominent drainage course.</p> <p>During or after construction/ ground disturbing activities, if these BMPs are ineffective, the applicant will work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event.</p> <p>Water impoundment. Unless approved by the USFWS, water will not be impounded in a manner that may attract CRLF.</p> <p>Completion Report. Prior to occupancy or final inspection, whichever occurs first, the applicant shall submit to the County and USFWS, a project completion report form, completed by the USFWS-approved biologist. The report form should identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation.</p>			
<p>Impact BIO-3: Steelhead and tidewater goby habitat may be affected by sedimentation due to pipeline construction activities within 100 feet Toro Creek (EHSA</p>	<p>Mitigation Measure BIO-3: To mitigate potential adverse effects to water quality and special status species habitat in project area creeks, in addition to measures on the required Erosion Control Plan including appropriate best management practices (BMPs) utilized within the construction areas to prevent excess sediment from entering Toro Creek the following additional measures are</p>	<p>CSD retain County-approved Environmental Monitor to verify completion of Pre-construction</p>	<p>Prior to construction Permit Issuance. Pre-construction surveys, ongoing awareness training and biological</p>	<p>CSD in coordination with USFWS-approved biologist and County-approved Environmental</p>

Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

<p>within the Coastal Zone). This is a significant but mitigable impact (Class II).</p>	<p>MM Bio-3 can't required:</p> <ul style="list-style-type: none"> • During construction near Toro Creek, no ground disturbing activities will take place within the riparian corridor or within the top of bank channel. • The edge of riparian vegetation / ESHA will be shown on construction plans and boundaries of the work area will be shown on construction plans. Limits of grading will be clearly delineated in the field prior to initiation of construction activities. <ul style="list-style-type: none"> • All hazardous materials required to operate and maintain equipment will be properly used in accordance with manufacturer's specifications. • The contractor shall follow an approved spill prevention plan, including procedures to ensure that all equipment is properly maintained and free of leaks and all necessary repairs incorporate proper spill containment. • Hazardous materials will be properly stored and managed in secured areas located outside riparian corridors. • Fueling of equipment will be conducted in pre-designated areas at least 300 ft from the top of bank drainages, or on existing paved road surfaces. Spill containment materials will be placed around the equipment before refueling. Standing equipment will be outfitted with drip pans and hydrocarbon absorbent pads. 	<p>surveys, project personnel briefings and preparation and implementation of site protocols.</p>	<p>monitoring during construction.</p>	<p>Monitor.</p>
<p>Impact BIO-4: Replacement of the bend in LL2 has the potential to trample vegetation in central foredune habitat and to disturb sandy beach habitat resulting in significant temporary impacts on these habitats. Deviation from approved access routes would also have the potential to disturb special</p>	<p>Mitigation Measure BIO-4: To mitigate potential adverse effects on central foredune habitat, sandy beach habitat, and sensitive plant species, the following additional measures are required during replacement of the bend in LL2:</p> <ul style="list-style-type: none"> • During staging, access, and construction of the replacement of the bend in LL2, a biological monitor shall be present at all times to ensure that equipment follow designated access routes 	<p>CSD retain County-approved Environmental Monitor to verify completion of Pre-construction surveys, project personnel briefings and</p>	<p>Prior to construction Permit Issuance. Pre-construction surveys, ongoing awareness training and biological monitoring during construction.</p>	<p>CSD and County of SLO in coordination with County-Approved Environmental Monitor.</p>

Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

<p>status plant species (red sand verbena and seablite) occurring near access routes. This is a significant but mitigable impact (Class II).</p>	<p>as directed by the biologist to minimize impacts on these habitats and to ensure that impacts on special status plant species are avoided. The biological monitor shall be present at all times during which equipment could be traveling to or from the excavation site.</p> <ul style="list-style-type: none"> • One access route to and from the excavation site with one hammerhead turnaround at the excavation site shall be designated. Construction fencing shall not be utilized to designate the access route, nor should flagging or pins be used. The biological monitor shall be present at each morning's daily tailgate safety meeting to instruct new workers on the designated access route, as well as to discuss daily procedures for handling deliveries to the excavation site if necessary. • All equipment shall be staged in paved areas at the EMT, old pier landing paved area, or immediately adjacent to the excavation site. • Sand shall be stockpiled immediately adjacent to the excavation site to minimize the footprint of disturbance associated with the excavation. The excavation, nor stockpiling of material, shall occur in wetted portions of Toro Creek. Stockpiled materials shall be as far outside of the active channel of Toro Creek as possible. • Following completion of the pipeline segment replacement, sand shall be re-spread to match pre-construction conditions to the maximum extent feasible along the access route(s) and at the excavation site. 	<p>preparation and implementation of site protocols</p>		
Impact	Mitigation Measure	Compliance Verification	Timing	Responsible Party
<p>Impact BIO-5: Marine mammals and sea turtles are likely to enter the work area, including transit to and from the project site and the</p>	<p>Mitigation Measure BIO-5: A marine biological monitor will be placed on site during the offshore construction to evaluate ongoing potential impacts to protected species. A 100-m protection zone will be designated around the project site to allow for siting of the protected species and time for an adequate</p>	<p>CSD retain County-approved Environmental Monitor.</p>	<p>During marine construction activities.</p>	<p>CSD in coordination with approved biologist and County-approved</p>

Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

<p>home port, where possible contact with protected species can occur. This includes ship strikes, accidental physical interaction with a protected species during construction, and unforeseen low level acoustic impacts.</p>	<p>response. Marine monitoring will be implemented as described in the Preliminary Marine Wildlife Contingency Plan (PEP Appendix E).</p>			<p>Environmental Monitor.</p>
Impact	Mitigation Measure	Compliance Verification		
		Method	Timing	Responsible Party
Cultural Resources				
<p>Impact CUL-1: The potential exists for inadvertent discovery of cultural resources during pipeline construction. This impact is potentially significant (Class II).</p>	<p>Mitigation Measure CUL-1: To minimize potential impacts due to inadvertent discovery of cultural resources in site and pipeline areas with no evidence of resources, and consistent with Land Use Ordinance sections 22.05.140 and 23.10.040, the applicant shall prepare and implement a pre-construction Worker Education Program to train workers to recognize cultural resources and understand the procedures for stopping work and reporting the discovery.</p> <p>A professional archaeologist and Chumash representative shall monitor all earth disturbances within CA-SLO-879's boundaries.</p> <p>In the event that intact cultural deposits are exposed during earth disturbing activities, the archaeological monitor shall have the authority to temporarily halt all work within a 50-meter radius of the find. The find shall be evaluated and mitigated as warranted. After the find has been appropriately mitigated, work in the area may resume.</p> <p>If human remains are found, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendant of the deceased Native American, who will then serve as consultant on how to proceed</p>	<p>CSD and County of SLO in coordination with County-Approved Archaeologist. CSD retain County approved Archaeologist to prepare Worker Education Program and implement training.</p>	<p>Prior to issuance of grading permit and ongoing during construction in resource areas.</p>	<p>CSD and County of SLO in coordination with County-Approved Archaeologist.</p>

Cayucos Sustainable Water Project Ocean Outfall Mitigation Monitoring Reporting

	with the remains (i.e. avoidance, reburial).			
Impact	Mitigation Measure	Compliance Verification	Timing	Responsible Party
Geology				
Impact GEO-1. The proposed pipeline connection will be within the tsunami inundation zone, a potentially significant impact.	Mitigation Measure GEO-1. Mitigation strategies for infrastructure located within tsunami inundation zones shall be implemented and include, as determined applicable, measures such as flexible connections, double lined pipes, strengthened pipes, automatic shutoff valves and similar measures to prevent the release of treated water to the environment.	Building Permit Review / Construction Permit Authorization.	Prior to issuance of construction permit.	CSD and County of SLO.
Visual				
Impact VIS 1: Impact VIS 2: The construction of the pipelines in approximately a 100 foot segment and access to the beach for pipe bend replacement in the Coastal Zone boundary will result in a disturbed ground surface that could be visually adverse (Class II).	Mitigation Measure VIS-1: To mitigate post-construction disturbed soil on the pipeline trenches in the Coastal Zone, the applicant shall prepare and implement an approved restoration plan that uses native seed species and is consistent with Coastal Plan policy 30.	CSD plans shall show implementation of seeding in prescribed areas.	Prior to Building Permit Issuance	CSD and County of San Luis Obispo Department of Planning and Building.