SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
County Government Center, Room 207 • San Luis Obispo, CA 93408 • (805)781-5252

Fax (805) 781-1229 *email address: pwd@co.slo.ca.us*

DATE: June 5, 2009

TO: Interested Parties

FROM: County of San Luis Obispo Department of Public Works

SUBJECT: **NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT**

PROJECT TITLE: **Arroyo Grande Creek Channel Waterway Management Program**

PROJECT APPLICANT: **San Luis Obispo County Flood Control and Water Conservation District (District)**

RESPONSES DUE BY: **July 10, 2009**

The County of San Luis Obispo is the lead agency for the full development of the Waterway Management Program (WMP) projects and will prepare an Environmental Impact Report (EIR) for the project described in the attached project description. We would like to know your views as to the scope and content of the environmental information proposed for the WMP and EIR.

PLEASE provide us the following information at your earliest convenience, but not later than the 30-day comment period which will begin with your agency's receipt of the NOP.

1. **NAME OF CONTACT PERSON**. (Address and telephone number)

2. **PERMIT(S) or APPROVAL(S) AUTHORITY**. Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.

3. **ENVIRONMENTAL INFORMATION**. What environmental information must be addressed in the EIR to enable your agency to use this documentation as a basis for your permit issuance or approval?

4. **ALTERNATIVES**. What alternatives does your agency recommend be analyzed in equivalent level of detail with those listed below?

5. **RELEVANT INFORMATION**. Please provide references for any available, appropriate documentation you believe may be useful to the county in preparing the EIR.

6. **FURTHER COMMENTS**. Please provide any further comments or information that will help the county to scope the document and determine the appropriate level of environmental assessment.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than **30 days** after receipt of this notice.

The project description, location, and the probable environmental effects are contained in the attached materials and are available online at SLOCountyWater.org.

Please send your response to the attention of Mr. John Farhar, Project Manager, at the following address:

John Farhar
County of San Luis Obispo
Department of Public Works
c/o Mary B. Reents
Morro Group/SWCA
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401-2954

We will need the name of a contact person in your agency. If you have any questions regarding the NOP or the proposed project, please contact Ms. Mary Reents at (805) 543-7095, extension 103.

In addition, an EIR scoping meeting will be held on June 25, 2009 at 6:00 pm at the Oceano Community Services District Meeting Room, located at 1655 Front Street, Oceano, San Luis Obispo County, California. The EIR scoping meeting will be open to all interested parties and provide an opportunity for input relating to the scope and content of the EIR.

Reviewed by:

Signature Ellen Carroll

Ellen Carroll
County of San Luis Obispo
Environmental Coordinator

Reference: California Administrative Code, Title 14, Section 15082

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE ARROYO GRANDE CREEK CHANNEL WATERWAY MANAGEMENT PROGRAM

PROJECT DESCRIPTION AND LOCATION

Refer to Attachment A, Project Description.

SCOPE OF THE EIR

The following discussion outlines the issues that will be addressed in the EIR, based on the probable environmental effects associated with the proposed project, as identified by the District. **Please indicate any additions or corrections to the proposed scope of work as part of your response to this Notice of Preparation**. The EIR will address the following project components:

1. *Summary*. The summary section will include a summary of the project alternatives, as well as a summary of impacts and mitigation measures in tabular form.
2. *Project Description*. The project description will include a description of the project site location and a legal description; a detailed description of the actions comprising the long-term vegetation and sediment maintenance proposed; the project objectives and project phasing; and a recent history of flood management within the District.
3. *Environmental Setting*. This will include a discussion of the general setting; a detailed description of flood management facilities; and an analysis of the consistency of the project with applicable County plans and policies that pertain to the project site.
4. *Environmental Impacts and Mitigation Measures.* This will include a discussion of the anticipated significant and potential effects of the proposed project. Mitigation measures will be recommended to reduce potential impacts. This section will also include a description of any impacts that cannot be avoided or reduced to a level of insignificance. The environmental impact topics to be included will be an inclusive list (refer to Attachment B, Initial Study Checklist), as follows:

   - Agricultural Resources
   - Air Quality
   - Biological Resources
   - Cultural Resources
   - Geology and Soils
   - Hazards / Hazardous Materials
   - Flooding / Hydrology / Water Quality
   - Transportation and Traffic

5. *Cumulative Impacts*. This will include the cumulative impacts associated with the proposed project when viewed in connection with the effects of past, current, and probable future projects.
6. *Project Alternatives*. The alternatives section of the EIR will be prepared in accordance Section 15126(d) of the CEQA Guidelines, and will include as required the "No-Project" alternative. The discussion will include reasonable alternatives capable of eliminating or

reducing significant adverse environmental effects. The environmentally superior alternative will be identified, and if it is identified as the "No-Project" alternative then a preferred or environmentally superior alternative among the other alternatives will be included. Secondary impacts of the alternatives will be discussed, but in less detail than the significant effects of the project as per CEQA section 15126(d)(4).

7. *Significant Irreversible Environmental Changes*. This will include irreversible changes associated with the projects.
8. *Growth-inducing Impacts*. This section will analyze the proposed project in terms of its potential to substantially induce growth in the surrounding area.
9. *Impacts Not Found to be Significant*. Impacts that are determined in the analysis not to have significant impacts will be identified and discussed. Based on preliminary review of the proposed projects (refer to Attachment B, Initial Study Checklist), the following resource areas are expected to have less than significant impacts and will not be addressed in individual sections:

- Land Use / Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Visual Resources

ATTACHMENT A

- **Project Description**

ATTACHMENT A
PROJECT DESCRIPTION

PROJECT SUMMARY

The Arroyo Grande Creek Channel Waterway Management Program (WMP, proposed project) is being developed through a cooperative effort between the community, the Coastal San Luis Resource Conservation District (RCD) and the San Luis Obispo County Flood Control and Water Conservation District (District). The project is located along the lower reaches of Arroyo Grande Creek, from near the intersection of Los Berros Creek to the Arroyo Grande lagoon, and along Los Berros Creek from Century Lane to the confluence with Arroyo Grande Creek. This area is within Flood Control District "Zones 1 and 1A" (Zone 1/1A).

The County of San Luis Obispo Public Works Department (County) is developing the WMP and preparing California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documentation, including an Environmental Impact Report (EIR), to obtain the necessary federal and state permits for implementation. The WMP includes the following components:

1. Manage riparian vegetation annually to maintain a composite roughness of 0.040 within the flood control reach, fill existing gaps in the riparian corridor vegetation and encourage species diversity by planting riparian tree species;

2. Remove sediment to create secondary channels that could be self-maintaining, and monitor annually to evaluate future sediment deposition and the need for annual maintenance of accumulated sediments;

3. Raise levees throughout the flood control channel to achieve channel capacity for up to 10-year flood flows; and

4. Raise levees throughout the flood control channel to achieve channel capacity for up to 20-year flood flows.

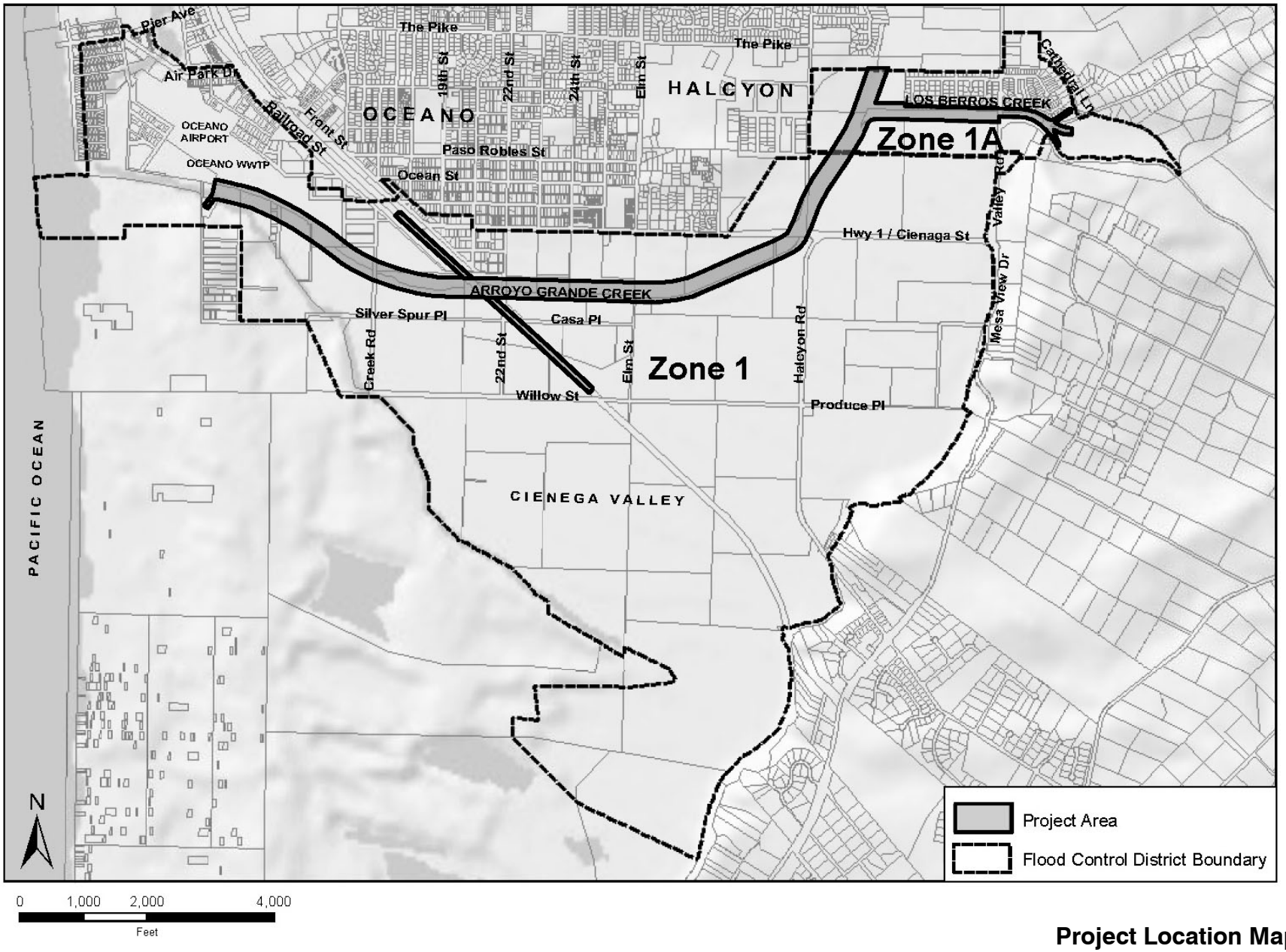
PROJECT LOCATION

The proposed project is located within San Luis Obispo County, California, near the City of Arroyo Grande and the community of Oceano (refer to Figure 1). The project area is located entirely within the unincorporated areas of San Luis Obispo County. The project area is a linear corridor with two segments: (1) beginning on Arroyo Grande Creek 0.14 mile upstream of the confluence of Los Berros Creek and continuing downstream to the upper edge of the Arroyo Grande lagoon at the Pacific Ocean, and (2) beginning at the Century Lane Bridge on Los Berros Creek and continuing downstream to the confluence with Arroyo Grande Creek (refer to Figure 2). This area is within Zone 1/1A. The total length of the flood control channels addressed in the WMP is approximately 3.5 miles.

Source: ESRI Resources Center.

NORTH
Not to Scale

Project Vicinity Map
FIGURE 1



Source: ESRI Resource Center

Project Location Map
FIGURE 2

PROJECT BACKGROUND

The lower Arroyo Grande Valley has a long history of flooding and severe damage to agricultural and residential lands. Levees were built along lower Arroyo Grande Creek, and the lower portion of Los Berros Creek was diverted in 1961 to provide flood control for the adjacent Cienega Valley. Lopez Lake is a water supply reservoir that also provides the added benefit of some flood storage for the uppermost portion of Arroyo Grande Creek.

In February 2005, the Department of Water Resources (DWR) issued a Statement of Necessary Work with the goal of initiating maintenance work on the channel in July 2005. As mandated by State Water Code, the intended Work Plan was the existing plan developed as part of the 1955 Arroyo Grande Creek Flood Control Project which requires maintaining the channel by restoring it to its original 1958 design. Without Water Code provisions to study or implement alternative flood control designs, DWR was faced with a difficult and expensive regulatory permitting process which would likely result in costly mitigation requirements related to habitat loss for federally-listed species. These costs would have been paid locally through a Zone 1/1A property assessment process.

In response to impending assessments estimated by DWR, the Zone 1/1A Advisory Committee comprised of agriculturalists and other local residents and various stakeholders, actively lobbied the County Board of Supervisors to restore funding for a study of flood control alternatives, which had been dropped with the decision to relinquish responsibility to DWR in 2003. In June 2004, the District approved release of funding to Coastal San Luis RCD to conduct the "Arroyo Grande Creek Erosion, Sedimentation and Flooding Alternatives Study" (Alternatives Study). It was prepared in 2006 by Swanson Hydrology + Geomorphology. The Alternatives Study focuses in-depth on erosion sources, sedimentation, and hydrology as they relate to recurring flooding in the lower reaches of the creek.

Following completion of the Alternatives Study the Zone 1/1A Advisory Committee selected a preliminary preferred project alternative which was considered feasible within anticipated funding limits. The selected approach was to pursue vegetation and sediment management within the channel, and a phased implementation of Alternative 3a, at a minimum, as funding within the local flood control district became available. Alternative 3a would provide flood protection up to the 10-year return period and would most likely be implemented in several phases. Alternative 3c would also be pursued as funding allows. Alternative 3c includes all elements of Alternative 3a, and additionally raises the levees and Union Pacific Railroad (UPRR) Bridge to provide flood protection up to the 20-year return period.

PROJECT OBJECTIVE

The primary objective of the WMP is to develop a comprehensive set of actions designed to restore the capacity of the leveed lower three miles of Arroyo Grande Creek Channel and the Los Berros Creek Diversion Channel to provide flood protection from up to a 20-year storm event while simultaneously enhancing water quality and sensitive species habitat within the managed channel.

PROPOSED PROJECT

The WMP is currently being prepared, and the information below reflects the most recent information available at the time this Notice of Preparation (NOP) was published. The project description may be refined somewhat for use in the CEQA and NEPA analyses; however, no significant changes are anticipated. Implementation of the WMP would include three distinctive components:

1. Vegetation Management
2. Sediment Management
3. Levee Raising (Alternatives 3a and 3c)

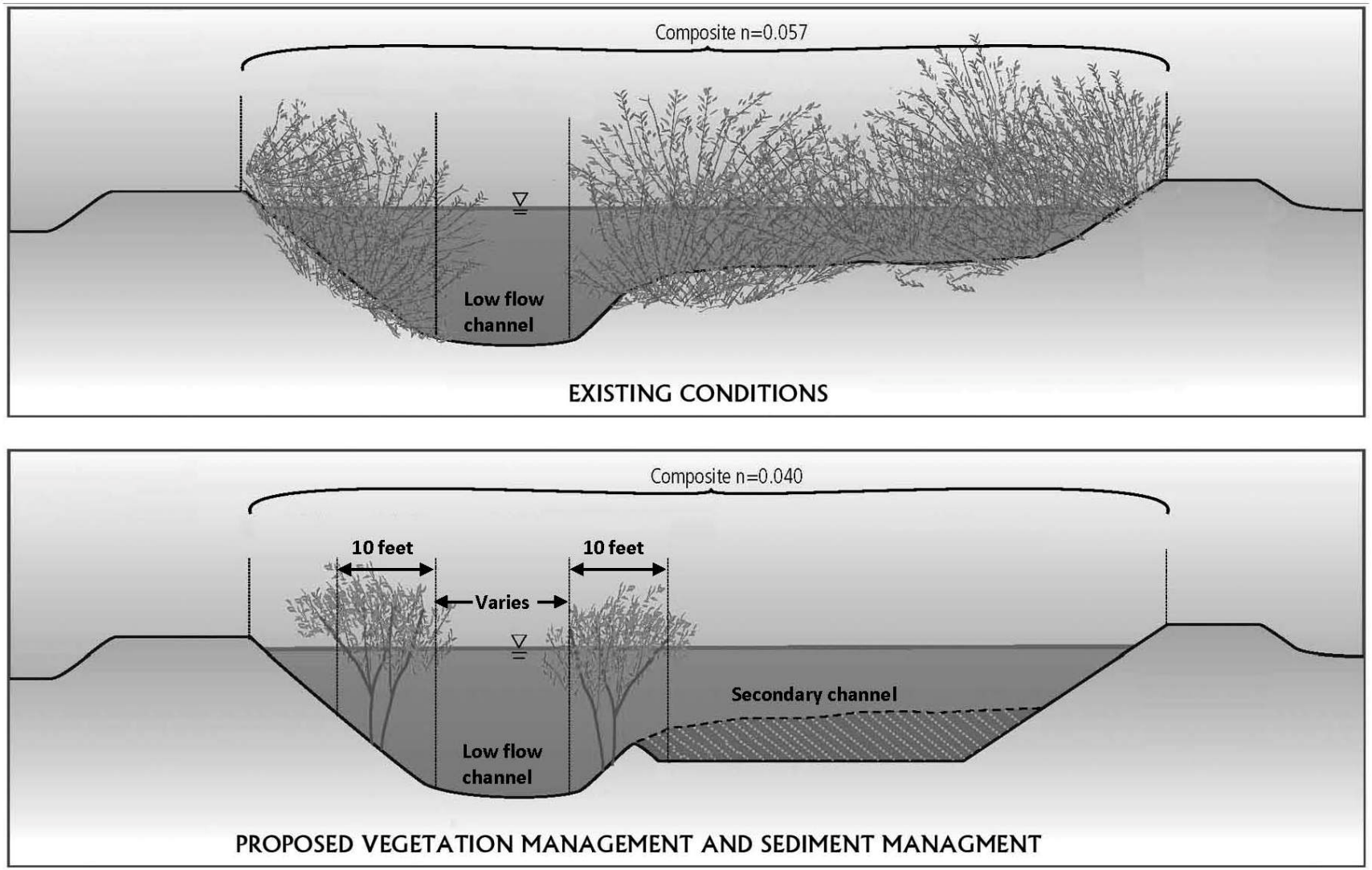
In addition there are a number of known secondary components resulting from implementation of the levee raising components of the project. These include raising of the railroad bridge, raising and/or relocating a portion of Halcyon Road, making improvements to the 22nd Street Bridge, and potentially the relocation of structures located within the Arroyo Grande Channel maintenance easement that encroach on proposed improvements.

A. VEGETATION MANAGEMENT

The vegetation management program would consist of maintaining a 10-foot riparian buffer on both sides of the low-flow channel to provide riparian habitat and streamside cover to protect aquatic habitat. The management would result in an approximate 40-foot riparian corridor, not including canopy width, although this width could vary depending upon the width of the channel and the location of the low-flow channel in relation to the levees. The corridor would also act to maintain a bankfull channel that has developed over the last several years by providing root strength along the low flow channel margins. All vegetation outside of the buffer would be removed completely to allow for high flows to access secondary channels and provide for increased conveyance and flood capacity (refer to Figure 3).

Willows present within the buffer would be limbed up to reduce cross-sectional roughness but still provide adequate stream shading and riparian habitat. Root balls within the riparian buffer would be left intact to encourage spring/summer growth along the bankfull channel edge. Gaps in the riparian buffer would be revegetated with native riparian species including cottonwood, sycamore, and willow. Cottonwood and sycamore would be planted at random along the length of the flood control channel within the buffer to encourage long-term diversity in the riparian canopy.

Vegetation management would be conducted as often as necessary to maintain a roughness coefficient of 0.04 (current roughness is approximately 0.057 on average) through an adaptive management approach that would include reconnaissance surveys and site visits with regulatory agency staff. Based on past experience, vegetation management would be repeated approximately every one to three years, depending on the amount of regrowth. Vegetation management would occur as late as possible in the summer and fall of each year to maximize stream shading during the warmer summer months while avoiding impacts to steelhead. Regrowth of willow is expected in late winter and spring providing low, overhanging vegetation during critical months for steelhead rearing.



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Proposed Vegetation & Sediment Management
FIGURE 3

B. SEDIMENT MANAGEMENT

1. Short Term Removal

The Arroyo Grande Creek flood control channel currently lacks the secondary channels that are found in more natural, low gradient stream environments. Therefore secondary, or overflow channels, would be excavated into areas in the channel that have accumulated excess sediment in bars and terraces resulting in reduced flood capacity (refer to Figure 3). At strategic locations, the excavated secondary channels would be connected with the primary channels to allow for complex flow conditions that would encourage scour and sediment transport, and reduce the need for future sediment removal. No sediment in the primary channel would be excavated.

Large wood structures would be placed at the confluence of each active and secondary channel connection to enhance aquatic habitat. Approximately 35 large wood structures are proposed for the project, to promote pool scour, encourage sediment sorting, and provide deep pools and cover habitat for steelhead and red-legged frog. It is currently estimated that this project component would require the removal of approximately 21,000 cubic yards of sediment from the Arroyo Grande Creek and Los Berros channels. Sediment would be hauled by truck to an approved disposal site. The site had not been identified at the time the NOP was published. Heavy machinery would need to operate in the channel during initial sediment removal and during construction of the log structures.

2. Long-term Sediment Removal

Some maintenance (sediment removal) of the secondary channels would be required over the long-term because of the likelihood that significant quantities of fine material would be deposited in the channels. Annual cross-section monitoring would assess the performance of the channel in moving supplied sediment. Cross-sections would be prepared each year following the rainy season. The hydraulic model would also be rerun annually with updated cross-sections and roughness information to assess channel capacity.

The volume of sediment to be removed would vary from year to year, would be considerably less than the initial removal, and in some years may not be required at all. Maintenance of the secondary channel would consist of removal of excess sediment by an excavator located on the top of the levee, and a long-reach bucket would be used to scoop up sediment from designated areas and deposit it in a dump truck to take the sediment off-site to a County approved disposal area. Heavy machinery would most likely not need to access the channel during the annual sediment removal.

C. LEVEE RAISING

The originally constructed flood control channel was believed to provide flood protection from a 50-year storm, but due to challenges in maintaining the channel, such as inadequate funding and regulatory requirements, and changes in the hydrology of the watershed associated with significant changes in land use, the level of flood protection has been reduced. It is estimated that the channels can currently provide flood protection from only a 4.6 year storm. This means that the channel has the probability to overtop once every 4.6 years.

The proposed project includes raising the levees in two stages along portions of the Los Berros Creek Diversion Channel and along Arroyo Grande Creek Channel from the Los Berros confluence to the lagoon. Levee raising would most likely be conducted in phases as funding is available. The levees would ultimately be raised up to 2.5 feet above the 20-year storm flows (i.e., "freeboard"). Although overtopping of the levees is not desired at all, it is more desirable to overtop to the south where flood waters would inundate agricultural fields, rather than housing, the airport and a wastewater treatment plant, and reduce the risk of loss of life. To that end, the north levee is currently approximately 4-6 inches higher than the south levee, and would remain so as a result of the proposed project.

In general, levee slopes would be constructed at a ratio of 2:1 (horizontal:vertical) on the channel side of the levees and 1.5:1 on the outside of the levees due to the limited levee easement area and number of existing structures encroaching on the levees. Retaining walls may also be necessary in some places to minimize the levee footprint due to the proximity of existing structures to the base of the levee. Retaining walls would not be located within the channel. The levees would maintain a minimum top width of 15 feet. Refer to Figures 4a and 4b for the approximate area of disturbance associated with the proposed project.

1. Short-term Levee Raise (Alternative 3a)

The first phase of the levee raising (Alternative 3a) would raise the levees to an elevation that would, along with the vegetation and sediment management discussed above, provide up to 10-year flood protection with freeboard. This raise would focus on "low spots" along the existing levee. The levees would need to be raised in various locations from approximately six inches to as much as two feet. This component would require approximately 14,350 cubic yards of fill material and would be implemented over a period of one or more years, depending on available funding.

2. Longer-term Levee Raise (Alternative 3c)

The longer term levee raise (Alternative 3c) would achieve 20-year flood protection with up to 2.5-feet of freeboard for those parcels included within the special maintenance assessment district. The average levee raise required to implement this component would be approximately 2.8 feet from existing grade, with a maximum raise necessary in some places of approximately 5 feet. These heights would be reduced accordingly if Alternative 3a is implemented first. It is currently estimated that this component would require a total of approximately 67,000 cubic yards of fill, less if Alternative 3a is implemented first. Refer to Figures 4a and 4b for more information regarding the approximate location and extent of the proposed levee improvements.

3. Secondary Components

In some cases, achieving the goals of levee raise Alternatives 3a (10 year protection) and 3c (20 year protection) would require improvements other than vegetation management, sedimentation management, and the levee raise. These are discussed below.

a. Union Pacific Railroad Bridge Replacement

The existing railroad bridge, located downstream of the 22nd Street bridge, hangs low in elevation in the Creek and creates a hydraulic constriction in levee raise Alternative 3c. The bridge would need to be raised or replaced at a higher elevation (approximately 5 feet) to relieve the constriction. Raising the bridge also necessitates raising the railroad tracks approaching the bridge. The raise of the approaching railroad bed would have to begin approximately 1,700 feet north and 2,400 feet south of the bridge, according to conceptual plans prepared by UPRR in 2006 (refer to Figure 4a). The area of disturbance would be approximately three acres (4,100 feet by 30 feet). So that railroad service is not disrupted, a parallel but temporary track would need to be installed. This track is known as a "shoefly" and would allow for uninterrupted railroad service during the bridge raising. The area of disturbance for the shoefly may be approximately the same as that necessary for the bridge raising and immediately west of the current tracks. It would occur mostly within the existing railroad right-of-way. This component of the project may result in earthwork totaling approximately 135,000 cubic yards (90,000 to construct and remove the shoefly, and 45,000 to construct the permanent raise). These construction improvements may require work within the creek channel.

b. Halcyon Road

Halcyon Road was built at an elevation roughly equal to the top of the bank of Arroyo Grande Creek. North of Highway 1, the northwest levee visually disappears becoming part of Halcyon Road. The levee raise for alternative 3c would encroach into a portion of Halcyon Road north of Highway 1 for approximately 600 feet (refer to Figure 4b). Either the road would need to be shifted to the west, or the ground would need to be elevated to achieve the flood protection goal under levee raise alternative 3c. The road would need to be raised along this length approximately 5.5 feet or flood walls could be installed in the channel to an equivalent height.

The Department of Public Works is currently working on plans to improve the Halcyon Road/Highway 1 intersection, and it is expected that the improvements would be coordinated with the implementation of the WMP to minimize the work required and disturbance of the flood control channel. The Halcyon Road project may result in shifting Halcyon Road to the west, and if this project occurs first, it will provide space for the levee improvements to occur.

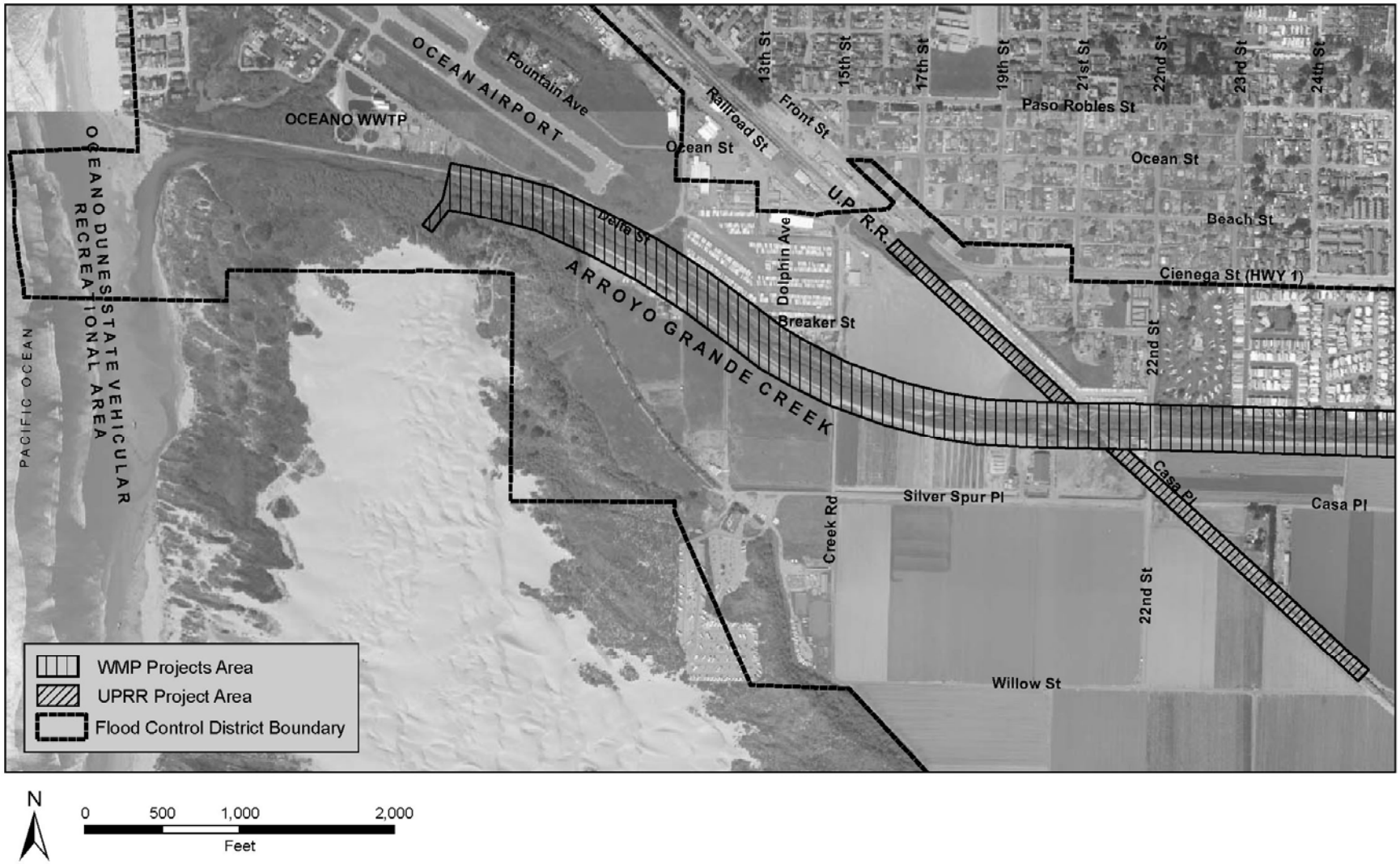
c. Structure Encroachment

There are a number of locations along Arroyo Grande Creek Channel where structures have been constructed within the right-of-way. Many of these structures would be impacted by the construction of Levee Raise Alternative 3a and/or 3c. These structures include water tanks, stalls, a barn, propane tanks, and a mobile home, among others. The degree to which they encroach varies. Some would only be affected by work on alternative 3c, for example. The actual encroachment issues will not be known until the construction plans have been further

refined. It may be possible to design around these structures through the use of retaining walls or other alternate design techniques.

d. 22nd Street Bridge Modification

The 22nd Street Bridge is considered a "perched" bridge. This means that if water is allowed to flow over the bridge it will not continue to flow perpendicular to the bridge deck but would turn and flow parallel, potentially creating flooding to adjacent properties. Alternative 3a would only require the installation of a short length of concrete floodwall along the north side of the upstream levee. As part of alternative 3c, the project would include replacing the open bridge railing with a solid concrete barrier on the upstream side of the bridge. It would also require construction of concrete floodwalls on both the north and south levees, to keep floodwaters in the channel. It should be noted that the 22nd bridge, unlike the railroad bridge does not create a hydraulic constriction.



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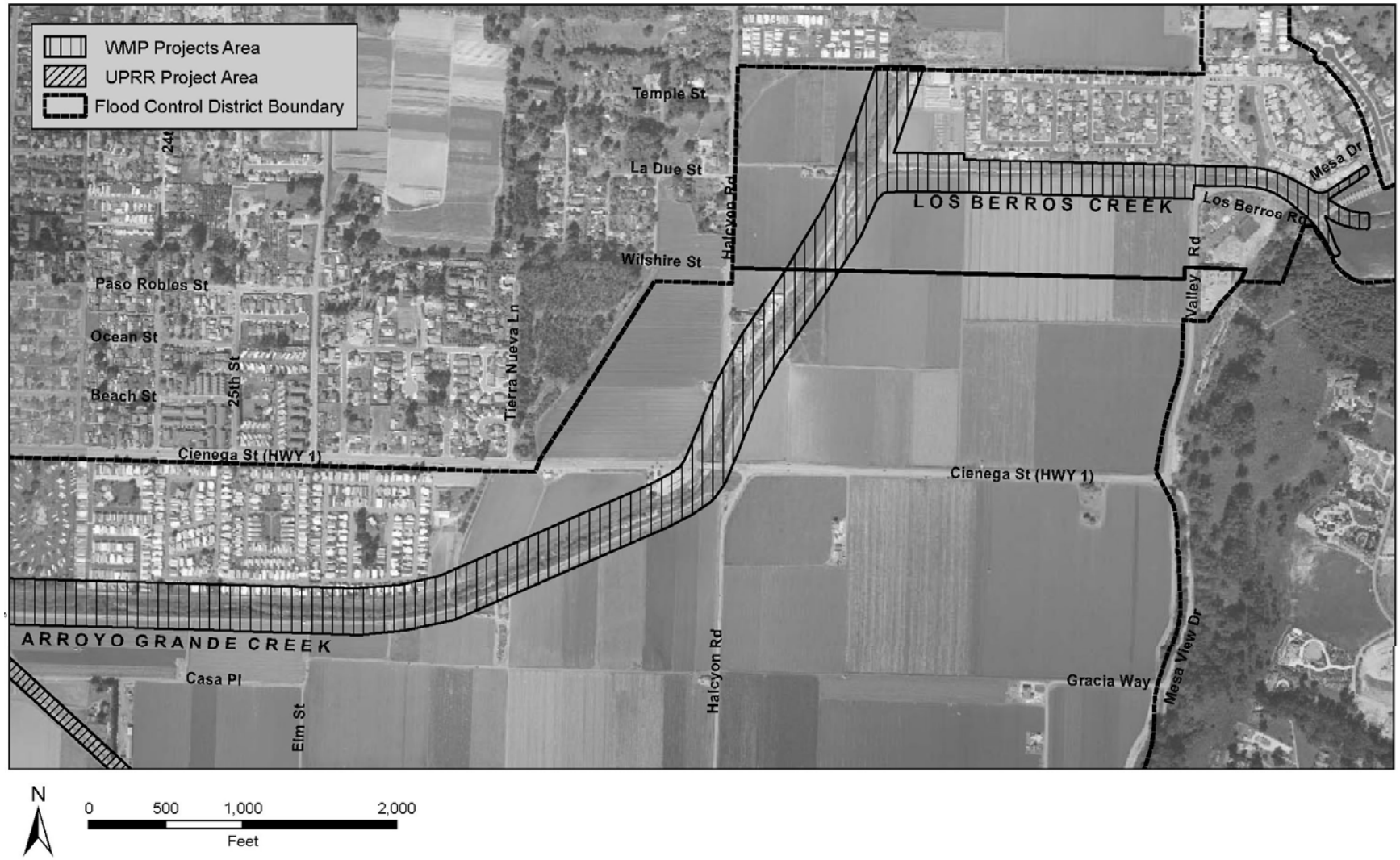
0 500 1,000 2,000

Feet

Project Area
FIGURE 4a



Project Area
FIGURE 4b

ATTACHMENT B

- **Initial Study Checklist**

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST
(ver 2.1)

Project Title & No. Arroyo Grande Creek Channel Waterway Management Program ED 07-243

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.

☐ Aesthetics	☒ Geology and Soils	☐ Recreation
☒ Agricultural Resources	☒ Hazards/Hazardous Materials	☒ Transportation/Circulation
☒ Air Quality	☐ Noise	☐ Wastewater
☒ Biological Resources	☐ Population/Housing	☒ Water
☒ Cultural Resources	☐ Public Services/Utilities	☒ 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.

Keith Miller, Morro Group/SWCA — May 26, 2009

Prepared by (Print) — Signature — Date

Ellen Carroll,
Environmental Coordinator

Reviewed by (Print) — Signature — (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 Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

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

A. PROJECT

DESCRIPTION: See attached.

ASSESSOR PARCEL NUMBER(S): multiple SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Coastal), South County (Inland)

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): Flood Hazard , Streams Riparian Vegetation , Coastal Appealable Zone

EXISTING USES: Leveed flood control channel

TOPOGRAPHY: Nearly level

VEGETATION: Riparian , ruderal

PARCEL SIZE: Not applicable

SURROUNDING LAND USE CATEGORIES AND USES:

North: Residential Single Family; various residential uses Public Facilities; WWTP, Oceano airport	*East:* Agriculture; intensive agriculture, row crops single family residences
South: Agriculture; intensive agriculture, row crops	*West:* Recreation; Oceano Dunes SRVA

C. ENVIRONMENTAL ANALYSIS

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

COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST

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

Setting. The project would be visible from Halcyon Road, Los Berros Road, Valley Road, Highway 1 and 22nd Street, among others. Much of the routine vegetation and sediment management maintenance work would occur within the levees and only periodically. Levee construction would be visible from public roads. The proposed improvements would result in a maximum levee raise of approximately 5 feet in some places, although this would not be necessary along the entire levee. The railroad bridge would be raised approximately 5 feet as well.

The proposed project would not result in glare or night lighting, change the visual character of an area, or block any ridgelines or scenic views. The levee raising would occur over an extended period of time and result in levees that are a maximum of approximately five feet higher than they are currently. The raised levees would not be tall enough to block any scenic views or unique visual features. The project is not in the vicinity of unique geologic features.

Impact. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Convert prime agricultural land to non-agricultural use?	☒	☐	☐	☐
b) Impair agricultural use of other property or result in conversion to other uses?	☐	☒	☐	☐
c) Conflict with existing zoning or Williamson Act program?	☐	☒	☐	☐
d) Other: _____	☐	☐	☐	☐

Setting. The proposed project is located within the Cienega Valley, a productive agricultural region. Row crops are common in the area, and a wide variety of crops are grown. Significant agricultural improvements have been made as well, including irrigation systems, barns, stalls, and other agricultural accessory structures. In some cases, landowners utilize access points along the levee, facilitating movement of machinery while avoiding public roads. Based on a preliminary evaluation, four large parcels located adjacent to the levee may be under an agricultural land conservation contract.

Impact. Proposed levee improvements, particularly Alternative 3c the long term levee raise, would require disturbance beyond the existing levee footprint. Temporary and permanent easements may be required to accommodate proposed improvements. Construction staging areas may also temporarily reduce the amount of land available for agricultural production. Agricultural structures currently encroach on the levee easement, and in some cases those structures may need to be relocated to facilitate construction of the levee raises.

The proposed project may result in prime soils being converted to a non-agricultural use. Improvements could impair or conflict with the use of existing agricultural improvements. Construction and maintenance activities could conflict with agricultural activities. The proposed project would reduce flooding frequency and intensity, potentially improving agricultural productivity.

Mitigation/Conclusion. The County of San Luis Obispo has not developed any standard mitigation for the permanent loss of prime soils. However, it should be noted that the loss of the soils may result from a project that improves the agricultural viability of the area by decreasing flood risk. This issue would be evaluated in the EIR. Mitigation measures may include minimizing the size of staging and construction areas, preservation/relocation of topsoil, and inclusion of a WMP component that addresses conflicts between construction and maintenance activities, and agricultural activities. It does not appear that the proposed project would conflict with existing Williamson Act contracts, but this issue would be evaluated in the EIR.

3. AIR QUALITY - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?	☐	☒	☐	☐
b) Expose any sensitive receptor to substantial air pollutant concentrations?	☐	☐	☒	☐
c) Create or subject individuals to objectionable odors?	☐	☐	☒	☐
d) Be inconsistent with the District's Clean Air Plan?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting. The Air Pollution Control District (APCD) has developed the 2003 CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance along much of approximately 3.5 miles of the existing levee system. The initial sediment removal from the channel would occur in one year and require the "cut" of approximately 22,000 cubic yards of material. Levee improvements 3a and 3c, which would be constructed over multiple years, require approximately 14,350 and 67,000 cubic yards of fill, respectively. These construction activities would result in the creation of construction dust, as well as short- term vehicle construction emissions. Raising the railroad bridge would require approximately 90,000 yards of cut and fill (shoefly construction and removal) and 45,000 cubic yards of fill for the permanent raise of the bridge.

Mitigation/Conclusion. The URBEMIS air emissions modeling program would be used to estimate specific emission production in the EIR. That program would model emissions, including carbon dioxide, a greenhouse gas that may result from construction of the project. Mitigation measures would be developed subsequently and in accordance with the SLOAPCD CEQA Handbook.

4. BIOLOGICAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a loss of unique or special status species or their habitats?	☐	☒	☐	☐
b) Reduce the extent, diversity or quality of native or other important vegetation?	☐	☒	☐	☐

4. BIOLOGICAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) Impact wetland or riparian habitat?	☐	☒	☐	☐
d) Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?	☐	☒	☐	☐
e) Other: _____	☐	☐	☐	☐

Setting. As part of the Analysis prepared for the Alternatives Study prepared by Swanson G+H, a Biotic Assessment was conducted. This assessment habitat mapping within the channel reach identified impacts to sensitive habitats and species. It was used by the CDFG to issue a Streambed Alteration Agreement which expires in 2009. According to a preliminary search of the California Natural Diversity Database (CNDDB, January 2008), a review of the Biotic Assessment, and familiarity with the project area, federally-listed plant and animal species protected under the Federal Endangered Species Act (FESA) have the potential for occurrence in or near the project site and could be affected by the proposed project. These include marsh sandwort (Arenaria paludicola), Gambel's water cress (Nasturtium gambelii), tidewater goby (Eucyclogobius newberryi), south-central California coast steelhead evolutionarily significant unit (ESU) (Oncorhynchus mykiss irideus), and California red-legged frog (Rana aurora draytonii). Several other sensitive species protected under the California Endangered Species Act (CESA) and/or CEQA may also have the potential for occurrence. The proposed project area also includes riparian habitat and wetlands. The mouth of Arroyo Grande Creek includes a lagoon.

The WMP would include measures intended to preserve and improve habitat within the levees. These measures include constructing channels such that they provide shade and pools for fish, providing habitat in the form of log structures, reducing willow growth, and replacing willows with more permanent species such as sycamore and cottonwoods.

Impact. The project site supports significant sensitive native vegetation, significant wildlife habitats, and special status species. Construction of the secondary channel, log structures, and 22nd Street Bridge floodwalls would involve heavy machinery working directly in the channel. Annual sediment management and levee improvements would involve heavy machinery operated from the top of the levee. Vegetation management would be performed by hand, similar to existing practices. Other activities may include temporary diversion and/or dewatering of the creek in some locations to facilitate construction. Impacts to sensitive species and habitats could occur during construction activities.

Mitigation/Conclusion. The WMP is expected to be "self-mitigating". In other words, policies and procedures would be incorporated into the program to mitigate potential significant impacts identified in the EIR to a less than significant level. As such, it would include policies addressing sensitive species, such as performing pre-construction red-legged frog surveys, nesting bird surveys, minimizing activities during the rainy season, and maintaining a 10-foot riparian buffer on either side of the active channel. The WMP would also promote adaptive management of the channel to address changes due to flows, channel morphology, vegetation growth, and agency requirements.

5. CULTURAL RESOURCES - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Disturb pre-historic resources?	☐	☒	☐	☐
b) Disturb historic resources?	☐	☒	☐	☐
c) Disturb paleontological resources?	☐	☐	☒	☐
d) Other:_____	☐	☐	☐	☐

Setting. The project is located in an area historically occupied by the Obispeno Chumash. Historic structures associated with the community of Halcyon are known to exist in the vicinity of the proposed project. Other structures, including the levee and the railroad bridge may also qualify as historic. The proposed project would modify the levees, and in some cases expand their footprint. The channel and adjacent areas are largely previously disturbed due to original levee construction and existing agricultural activities. No paleontological resources are known to exist in the area.

Impact. The project is an area that would be considered culturally sensitive due to its proximity to Arroyo Grande Creek, the Pacific Ocean, and known resources. Construction would occur almost entirely within previously disturbed areas, and therefore impacts may be avoidable.

Mitigation/Conclusion. A cultural resources surface survey and an assessment of potentially historic architectural resources are currently being prepared for the project and their conclusions would be incorporated into the EIR. Mitigation measures would vary considerably depending on the resources discovered. Typical mitigation measures may include pre-construction documentation of historic structures, and monitoring during excavation of native soils. The measures would focus on avoidance of the resources to the extent feasible.

6. GEOLOGY AND SOILS - *Will the project:*	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?	☐	☒	☐	☐
b) Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?	☐	☐	☐	☒
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?	☐	☒	☐	☐

6. GEOLOGY AND SOILS - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) ***Change rates of soil absorption, or amount or direction of surface runoff?***	☐	☒	☐	☐
e) ***Include structures located on expansive soils?***	☐	☒	☐	☐
f) ***Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?***	☐	☒	☐	☐
g) ***Involve activities within the 100-year flood zone?***	☐	☒	☐	☐
h) ***Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?***	☐	☒	☐	☐
i) ***Preclude the future extraction of valuable mineral resources?***	☐	☐	☐	☒
j) ***Other:*** _____	☐	☐	☐	☐

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. A geotechnical evaluation has been prepared by Fugro West for the proposed project. The evaluation considers existing levee stability and the feasibility of the proposed project. It identifies hazards, such as expansive soils and the saturated soils associated with the channel. The evaluation recommends slopes that would remain stable and provided specific measures that should be taken during construction to ensure the long-term competence of the levees. The landslide risk potential is considered negligible. The liquefaction potential during a ground-shaking event is considered high. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE – The flood control channel is at the downstream, lower gradient terminus of the Arroyo Grande Creek Watershed and has already received the majority of the runoff from the watershed. Its capacity to accommodate the flows has decreased over time. Drainage patterns beyond the levee would only change in that flooding severity and frequency would be reduced in the Cienaga Valley.

SEDIMENTATION AND EROSION – When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre, such of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. As proposed, the project will result in the disturbance of portions of the north and south levees and the channel, within the lower 3.5 miles of Arroyo Grande Creek Channel and the Los Berros Creek Diversion channel. The proposed project is expected to reduce flooding frequency and

severity for properties in Flood Control Zone 1/1A by providing increased capacity within the flood control facility. Construction activities associated with the levee improvements have the potential to result in temporary erosion and sedimentation of the flood control channel. The project would result in a northern levee that is higher than the southern levee. As discussed in the Project Description, the northern levee is currently maintained at a higher elevation so that initially floodwaters would overtop the southern levee prior to the northern one, reducing the potential for floodwaters to impact public facilities and residential structures. This design feature would remain with the proposed project. This built-in preference to overtop the southern levee first may result in greater flood-related disturbance of the southern levee.

Mitigation/Conclusion. A preliminary geotechnical evaluation of the proposed project has been prepared. Based on that report, it appears that the proposed project is feasible and standard engineering and construction methods would be adequate to construct and maintain the levee improvements. There is no evidence that measures above what is identified in the report and those that are already required by ordinance or codes are needed. The conclusions of that report and associated local, state and federal requirements will be summarized in the EIR.

7. HAZARDS & HAZARDOUS MATERIALS - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	☐	☒	☐	☐
b) Interfere with an emergency response or evacuation plan?	☐	☒	☐	☐
c) Expose people to safety risk associated with airport flight pattern?	☐	☐	☒	☐
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	☐	☐	☒	☐
e) Create any other health hazard or potential hazard?	☐	☒	☐	☐
f) Other: _____	☐	☐	☐	☐

Setting. The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is within the Airport Review area for the Oceano Airport. A Phase I Environmental Site Assessment (ESA) is currently being prepared for the proposed project. This assessment would identify potentially hazardous materials that may be located in the projects area of disturbance.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan. The project would require disturbance of the existing railroad grade. Railroad right-of-ways may have elevated levels of heavy metals and/ or other contaminates, which could become airborne during

construction.

The proposed project would reduce flooding frequency and severity, and as a result would also reduce the possibility that flood waters could transport hazardous substances which could affect residents or property. Due to the southern levee being 4 to 6 inches lower than the northern one, areas south of the channel are currently more likely to flood than areas to the north. This situation would remain under the proposed project. This is discussed in the Geology and Soils section.

Mitigation/Conclusion. Mitigation to address possible railroad contamination would require site specific testing prior to construction. Depending on the level of contamination, specific handling of the soil may be required. The EIR will summarize the results of the ESA.

8. NOISE - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Expose people to noise levels that exceed the County Noise Element thresholds?	☐	☐	☒	☐
b) Generate increases in the ambient noise levels for adjoining areas?	☐	☐	☒	☐
c) Expose people to severe noise or vibration?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. The project is not within close proximity of loud noise sources. Based on the Noise Element's projected future noise generation from known stationary and vehicle-generated noise sources, the project is within an acceptable threshold area. The levee improvements may require construction in close proximity to residences. The preliminary sediment removal would require significant truck activity in proximity to residences.

Impact. The project is not expected to generate loud noises for extended periods. Construction would be limited to daytime hours, as required by local ordinance.

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

9. POPULATION/HOUSING - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐

9. POPULATION/HOUSING - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Create the need for substantial new housing in the area?	☐	☐	☒	☐
d) Use substantial amount of fuel or energy?	☐	☐	☒	☐
e) Other: _____	☐	☐	☐	☐

Setting. The proposed project include construction of levee improvements, sedimentation and vegetation management.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

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

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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?	☐	☐	☒	☐
b) Police protection (e.g., Sheriff, CHP)?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Roads?	☐	☐	☒	☐
e) Solid Wastes?	☐	☐	☒	☐
f) Other public facilities?	☐	☐	☒	☐
g) Other: _____	☐	☐	☐	☐

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders.

Impact. No significant project-specific impacts to utilities or public services were identified.

Mitigation/Conclusion. No impacts would result and no mitigation measures are required.

11. RECREATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	☐	☐	☒	☐
b) Affect the access to trails, parks or other recreation opportunities?	☐	☐	☒	☐
c) Other _____	☐	☐	☐	☐

Setting. The County Trails Plan does not show that a potential trail goes through the proposed project. The levees are located on private property and are not considered a recreational facility, but they are used by some residents for horseback riding and walking as they provide an off-road connection between the Cienega Valley and the Pacific Ocean.

Impact. The existing recreational use, while not encouraged or allowed by the County of San Luis Obispo, would most likely remain due to the infeasibility of monitoring use of the levee by local residents.

The proposed project will not create a significant need for additional park or recreational resources.

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

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase vehicle trips to local or areawide circulation system?	☐	☒	☐	☐
b) Reduce existing "Levels of Service" on public roadway(s)?	☐	☐	☒	☐
c) Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?	☐	☒	☐	☐
d) Provide for adequate emergency access?	☐	☐	☒	☐
e) Result in inadequate parking capacity?	☐	☐	☒	☐
f) Result in inadequate internal traffic circulation?	☐	☐	☒	☐

12. TRANSPORTATION/ CIRCULATION - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?	☐	☐	☒	☐
h) Result in a change in air traffic patterns that may result in substantial safety risks?	☐	☐	☒	☐
i) Other: _____	☐	☐	☐	☐

Setting. Future development will access onto the following public road(s): Highway 1, Halcyon Road, Los Berros Road, 22nd Street, and Valley Road. The identified roadways are operating at acceptable levels. The proposed project would occur in the same location as the proposed Halcyon Road improvements.

Impact. The proposed project would generate significant construction-related traffic during the initial sediment removal and during levee improvements. Specific daily truck trips which may be generated by the project are unknown at this time. Large trucks pulling out onto public roads could affect local traffic safety. The levee improvements would require moving Halcyon Road. This may conflict with other plans to improve the Halcyon Road and Highway 1 intersection.

Mitigation/Conclusion. It appears that a construction traffic management plan may be necessary to address construction traffic during high activity periods. The EIR will evaluate the potential of the proposed project to conflict with the proposed Halcyon Road/Highway1 intersection improvements

13. WASTEWATER - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?	☐	☐	☒	☐
b) Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?	☐	☐	☒	☐
c) Adversely affect community wastewater service provider?	☐	☐	☒	☐
d) Other: _____	☐	☐	☐	☐

Setting. The proposed project would not generate wastewater.

Impact. No impacts would result of the project.

Mitigation/Conclusion. No mitigation measures are necessary.

14. WATER - ***Will the project:***	**Potentially Significant**	**Impact can & will be mitigated**	**Insignificant Impact**	**Not Applicable**
a) Violate any water quality standards?	☐	☒	☐	☐
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	☐	☒	☐	☐
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	☐	☐	☒	☐
d) Change the quantity or movement of available surface or ground water?	☐	☐	☒	☐
e) Adversely affect community water service provider?	☐	☐	☒	☐
f) Other: _____	☐	☐	☐	☐

Setting. The proposed project would only require water for dust control during construction activities. This would be trucked in or potentially come from neighboring wells.

Projects involving more than one acre of disturbance are subject to preparation of a Storm Water Pollution Prevention Plan (SWPPP) to minimize on-site sedimentation and erosion.

Impact. Regarding surface water quality, as proposed, the project will result in the disturbance of large sections of the Arroyo Grande Creek Channel and Los Berros Creek Diversion Channel levee system. These activities have the potential to introduce additional sediment to the channel. Construction may also require channel dewatering or diversion in some cases. Implementation of the full WMP would result in a channel and levee system capable of accommodating up to a 20-year flood. It would reduce the frequency and intensity of flooding events in the Cienega valley. It is unclear at this time how this may affect local groundwater conditions.

Mitigation/Conclusion. The WMP would include BMPs to address stormwater quality during construction. The project would require a SWPPP. The Biological Resources section and Geology and Soils section would also include measures intended to reduce water quality impacts as they relate to construction and biological resources. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - *Will the project:*	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) ***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?***	☐	☒	☐	☐
b) ***Be potentially inconsistent with any habitat or community conservation plan?***	☐	☐	☒	☐
c) ***Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?***	☐	☐	☒	☐
d) ***Be potentially incompatible with surrounding land uses?***	☐	☐	☒	☐
e) ***Other:*** _____	☐	☐	☐	☐

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project will be 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.). The NOP will be sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.).

Mitigation/Conclusion. Land use inconsistencies would be discussed in the applicable section of the EIR, and/or in the Environmental Setting section.

16. MANDATORY FINDINGS OF SIGNIFICANCE - *Will the project:*	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

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

Exhibit A - Initial Study References and Agency Contacts

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

Contacted	Agency	Response
☐	County Public Works Department	**Project proponent**
☒	County Environmental Health Division	**Will receive NOP**
☒	County Agricultural Commissioner's Office	**Will receive NOP**
☒	County Airport Manager	**Will receive NOP**
☒	Airport Land Use Commission	**Will receive NOP**
☒	Air Pollution Control District	**Will receive NOP**
☒	County Sheriff's Department	**Will receive NOP**
☒	Regional Water Quality Control Board	**Will receive NOP - has expressed concerns over alternatives in the past**
☒	CA Coastal Commission	**Will receive NOP**
☒	CA Department of Fish and Game	**Will receive NOP**
☒	CA Department of Forestry	**Will receive NOP**
☒	CA Department of Transportation	**Will receive NOP**
☒	OceanoCommunity Service District	**Will receive NOP**
☒	Other Army Corp of Engineers	**Will receive NOP**
☒	Other USFWS	**Will receive NOP**

*** "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.

☐ Project File for the Subject Application

County documents

☐ Airport Land Use Plans
☐ Annual Resource Summary Report
☒ Building and Construction Ordinance
☐ Coastal Policies
☒ Framework for Planning (Coastal & Inland)
☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture & Open Space Element
  - ☐ Energy Element
  - ☐ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ☐ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element
  - ☒ Safety Element
☒ Land Use Ordinance
☐ Real Property Division Ordinance
☐ Trails Plan

Other documents

☐ Archaeological Resources Map
☐ Area of Critical Concerns Map
☒ Areas of Special Biological Importance Map
☒ California Natural Species Diversity Database
☒ Clean Air Plan
☒ Fire Hazard Severity Map
☒ Flood Hazard Maps
☒ Natural Resources Conservation Service Soil Survey for SLO County
☐ Regional Transportation Plan
☐ Uniform Fire Code
☒ Water Quality Control Plan (Central Coast Basin – Region 3)
☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)

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

Fugro West, Inc. *Preliminary Geotechnical Report Arroyo Grande Creek*, April 22, 2009.

Morro Group, *Halcyon Road Master Environmental Impact Report*, 2007.

Swanson H+G, *Arroyo Grande Creek Erosion, Sedimentation, and Flooding Alternatives Study*, 2006.

Swanson H+G, *Tech Memos prepared for the Department of Public Works (various)*, 2007-2009

United States Department of the Interior

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

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IN REPLY REFER TO:
81440-2009-FA-0100

JUL 2 2009

July 1, 2009

John Farhar
Department of Public Works
County of San Luis Obispo
c/o Mary B. Reents
Morro Group/SWCA
1422 Monterey Street, Suite C200
San Luis Obispo, California 93401-2954

Subject: Comments on the Draft Environmental Impact Report for the Proposed Arroyo Grande Creek Channel Waterway Management Program, Arroyo Grande, San Luis Obispo County, California

Dear Mr. Farhar,

We are responding to your request, dated June 5, 2009, and received in our office on June 8, 2009, for comments on the draft environmental impact report (DEIR) for the subject project. The proposed project is a cooperative effort between the community of Arroyo Grande, the Coastal San Luis Resource Conservation District (RCD), and the San Luis Obispo County Flood Control and Water Conservation District (District). The proposed project is located within city of Arroyo Grande, San Luis Obispo County, along the lower reaches of Arroyo Grande Creek, near the intersection of Los Berros Creek to the Arroyo Grande Lagoon, and along Los Berros Creek from Century Lane to the confluence with Arroyo Grande Creek. This area is within the District zones 1 and 1A. The proposed Arroyo Grande Creek Channel Waterway Management Program (WMP) includes management of the riparian vegetation annually to maintain a composite roughness (determined from the values of the factors that affect the roughness of channels and flood plains; in densely vegetated flood plains, the major roughness is caused by trees, vines, and brush) of 0.040 within the flood control reach; filling existing gaps in the riparian corridor vegetation; encouraging species diversity by planting riparian tree species; removing sediment to create secondary channels that could be self-maintaining; monitoring the area annually to evaluate future sediment deposition and the need for annual maintenance of accumulated sediments; raising the levees throughout the flood control channel to achieve channel capacity for up to 10-year flow events; and eventually raising the levees throughout the flood control channel to achieve channel capacity for up to 20-year flow events. Additionally, there are some secondary components of the proposed project that would be required in order to accomplish raising the levees to the 10- and 20-year flow events, including replacing the Union Pacific Railroad Bridge, elevation of or relocation of Halcyon Road for 600 feet of the road, which adjoins Arroyo Grande Creek, potential movement of several small structures located in

the right-of-way along the Arroyo Grande Creek Channel, and the modification of the 22nd Street Bridge. The total length of the flood control channels addressed in the WMP is approximately 3.5 miles.

Specifically, the vegetation management program would consist of maintaining a 10-foot riparian buffer on either side of the low-flow channel. All vegetation directly outside of the buffer area would be removed completely. Willows (*Salix* spp.) present within the buffer zone would be limbed to reduce the cross-sectional roughness and gaps within the buffer zone would be revegetated with native vegetation including cottonwood (*Populus* spp.), sycamore (*Platanus racemosa* spp.), and willow. The sediment management consists of excavating some secondary channels along the Arroyo Grande Creek, to provide an area for overflow. No sediment in the primary channel would be excavated. Approximately 21,000 cubic yards of sediment would be removed from the Arroyo Grande Creek and Los Berros channels initially and there would be smaller-scale sediment removal and maintenance that would occur annually. Thirty-five large wooden structures would be placed at the confluence of the connections between the active and secondary channels to enhance the available aquatic habitat for federally threatened steelhead (*Oncorhynchus mykiss*) and California red-legged frog (*Rana aurora draytonii*). The levee raising portion of the proposed project, consisting of a short-term levee raise to the 10-year storm level, would require raising the banks of the creek anywhere from 6 inches to 2 feet and placement of 14,350 cubic yards of fill over several years. The longer-term levee raise to the 20-year storm level would require raising the banks of the channel approximately 2.8 to 5 feet from existing grade and placement of approximately 67,000 cubic yards of fill (including the 14,350 cubic yards of fill from the short-term levee raise). The first component required for completion of the levee raising for the proposed project is the replacement of the Union Pacific Railroad Bridge. This bridge would have to be raised approximately 5 feet, by creating a gentle slope that starts 1,700 feet north and 2,400 feet south of the bridge and requiring the movement of approximately 135,000 cubic yards of dirt. The second component necessary to accomplish the proposed levee raising is shifting the 600 feet of Halcyon Road that adjoins the creek channel to the west or elevating that portion of the road approximately 5.5 feet. Additionally, some of the small structures that are within the creek channel right-of-way would need to be either relocated or designed around. Lastly, the proposed levee-raising would include replacing the open bridge railing of the 22nd Street Bridge with a solid concrete barrier on the upstream side of the bridge, in addition to the construction of concrete floodwalls on the levees on both the north and south side of the bridge.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly

disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7, or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

We are concerned about the potential adverse impacts of the proposed project on the federally endangered least Bell's vireo (*Vireo bellii pusillas*), southwestern willow flycatcher (*Empidonax traillii extimus*), marsh sandwort (*Arenaria paludicola*), Gambel's watercress (*Nasturtium gambelii*), and tidewater goby (*Eucyclogobius newberryi*), and threatened California red-legged frog. The DEIR indicates that the sources of information used in developing the biological resources section included a search of rare, sensitive, threatened, and endangered species in the California Natural Diversity Database in 2008; a review of the biotic assessment for the proposed project; and the consultant's personal knowledge of the area. We have not been provided with a copy of the biological assessment that was conducted for the proposed project.

There are historic records of marsh sandwort, Gambel's watercress, and tidewater goby, and California red-legged frog occurrence within the vicinity of the subject project; however, we are unaware of whether recent pre-construction or protocol level surveys have been conducted for these species in the area. We recommend that pre-construction surveys are conducted for the marsh sandwort, Gambel's watercress, and California red-legged frog to determine whether these species occur within the subject project area. There is suitable California red-legged frog dispersal and breeding habitat on-site within the subject project area and it is reasonable to expect that individual California red-legged frogs make overland excursions between the drainages in this region and therefore may be adversely impacted by the subject project activities, as proposed in the Initial Study. Additionally, we recommend that the appropriate level of surveys are conducted for the tidewater goby, according to the guidelines in Appendix F of the recovery plan for the tidewater goby (Service 2005). If tidewater gobies occur within or downstream of the proposed project area, they could be adversely impacted by the proposed alteration of the existing creek channel, as well as stormwater runoff, erosion, or actions directly related to the construction activities within the proposed project site. Fine sediment could degrade tidewater goby habitat and smother tidewater goby eggs; therefore, best management practices and erosion control measures should be implemented on-site to reduce impacts to the tidewater goby. We recommend that you conduct surveys according Service protocol for the least Bell's vireo and southwestern willow flycatcher prior to commencement of the proposed activities in habitat suitable for these species.

We are also concerned about the project's potential impacts to migratory birds. The Service has conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act of 1918, as amended (MBTA) (16 U.S.C. 703 et. seq.). Any land clearing or other surface disturbance associated with proposed actions should be timed to avoid potential destruction of bird nests or young of birds that breed in the area, as such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not

be damaged, nor may migratory birds be killed. If this seasonal restriction is not possible, we recommend that a qualified biologist survey the area for nests or evidence of nesting (e.g., mated pairs, territorial defense, carrying of nesting material, transporting food) prior to the commencement of land clearing activities. If nests or other evidence of nesting are observed, a protective buffer should be delineated and the entire area should be avoided to prevent destruction or disturbance to nests until they are no longer active.

Based on our review of the proposed project and its associated supplemental information, we are unable to determine the extent of impacts of the proposed project on the California red-legged frog and other federally listed species that may occur in the project vicinity. To make a determination on the potential impacts of the proposed project on federally listed species, we would require the following information:

1. Specific information regarding the timeframe for implementing the proposed project.

2. Detailed information regarding the results from the proposed surveys that will be performed and any previous surveys that have been conducted for California red-legged frogs in the project area.

3. Detailed results from the biological assessment that was performed for the proposed project and from any other focused surveys that have been or will be performed for the following federally listed species that have the potential to occur within the project area: marsh sandwort, Gambel's watercress, tidewater goby, least Bell's vireo, and southwestern willow flycatcher. The DEIR does not indicate whether biological reconnaissance surveys were performed for all of these species.

4. More detailed information regarding the specific minimization measures for the proposed project that will reduce impacts to federally listed species within the proposed project area.

Only listed species receive protection under the Act. However, sensitive species should be considered in the planning process in the event they become listed or proposed for listing prior to project completion. We recommend that you review information in the California Department of Fish and Game's Natural Diversity Data Base. You can contact the California Department of Fish and Game at (916) 324-3812 for information on other sensitive species that may occur in this area.

This letter does not reflect a comprehensive review of the DEIR document on our part; however, we are concerned that the subject project, as proposed, could result in take of and/or adverse impacts to the least Bell's vireo, southwestern willow flycatcher, marsh sandwort, Gambel's watercress, tidewater goby, and California red-legged frog. Therefore, we recommend that you address these potential effects in the final EIR and if any federally listed species are found within the proposed project area during the surveys, we recommend that you initiate formal consultation with the Service through either Section 7 or Section 10 of the Act prior to the onset of any proposed project activities. Please note that despite the incorporation of any mitigation measures

developed pursuant to the California Environmental Quality Act, any take of listed species that could result from the proposed project would require exemption pursuant to section 7 or authorization pursuant to section 10 of the Act.

We appreciate the opportunity to provide comments on the proposed project and look forward to working with the County in the future. If you have any questions regarding these comments, please contact Heather Abbey of my staff at (805) 644-1766, extension 290.

Sincerely,

Chris Dellith
Senior Biologist

cc:
Anthony Spina, National Marine Fisheries Service
Bob Stafford, California Department of Fish and Game

REFERENCES

Bulger, J.B., N.J. Scott, and R.B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs (*Rana aurora draytonii*) in coastal forests and grasslands. Biological Conservation 110(2003):85-95.

Hayes, M.P. and M.R. Jennings. 1985. Pre-1900 over harvest of California red-legged frogs (*Rana aurora draytonii*): the inducement for bullfrog (*Rana catesbeiana*) introduction. Herpetologica 31:94-103.

Hayes, M.P. and M.R. Jennings. 1988. Habitat correlates of distribution of the California red-legged frog (*Rana aurora draytonii*) and the foothill yellow-legged frog (*Rana boylii*): implications for management. Pages 144-158. In Proceedings of the symposium on the management of amphibians, reptiles, and small mammals in North America. R. Sarzo, K.E. Severson, and D.R. Patton (technical coordinators). U.S.D.A. Forest Service General Technical Report RM-166.

U.S. Fish and Wildlife Service. 2002. Recovery plan for the California red-legged frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Portland, Oregon. viii + 173 pp.

U.S. Fish and Wildlife Service. 2005. Recovery plan for the tidewater goby (*Eucyclogobius newberryi*). U.S. Fish and Wildlife Service, Portland, Oregon. vi + 199 pp.

Mary Reents

From: James Kilmer [james_kilmer@dot.ca.gov]
Sent: Sunday, July 26, 2009 10:23 PM
To: Mary Reents
Cc: Gary Ruggerone; Jim Mills
Subject: RE: Arroyo Grande Creek Channel Watreway Managment Program NOP

Hi Mary,
I received responses back from District 5 Hydraulics and Non-Capital Environmental - they don't have any comments. HQ structures hasn't sent any comments so we'll take that as a No Comment from them. It appears that Caltrans doesn't have any issues with your project.

Thanks Mary.

-James

James Kilmer
Associate Transportation Planner
District 5
Development Review

Phone # (805) 549-3683
Fax # (805) 549-3077

"Mary Reents" <mreents@swca.com> 07/10/2009 09:33 AM

To "James Kilmer" <james_kilmer@dot.ca.gov>
cc "Keith Miller" <klmiller@swca.com>, <jfarhar@co.slo.ca.us>
Subject RE: Arroyo Grande Creek Channel Watreway Managment Program NOP

Hi James- Yes, you can have a time extension. We need your comments!
Please get them in as soon as you can.

Mary B. Reents
Senior Consultant
SWCA Environmental Consultants
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401
*805) 543-7095X103
(805) 543-2367 (FAX)
mreents@SWCA.com
www.swca.com

-----Original Message-----
From: James Kilmer [mailto:james_kilmer@dot.ca.gov]

Sent: Thursday, July 09, 2009 3:00 PM
To: mreents@morrogroup.com
Subject: Arroyo Grande Creek Channel Watreway Managment Program NOP

Hi Mary,
The comments for the NOP are due tomorrow the10th. Is it possible to get a time extension on those comments?
-James

James Kilmer
Associate Transportation Planner
District 5
Development Review

Phone # (805) 549-3683
Fax # (805) 549-3077

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

In reply refer to:
SWR/2009/03881:MRM

AUG 19 2009

John Farhar
County of San Luis Obispo
Department of Public Works
c/o Mary B. Reents
Morro Group/SWCA
1422 Monterey Street, Suite C200
San Luis Obispo, California 93401

Dear Mr. Farhar:

NOAA's National Marine Fisheries Service (NMFS) reviewed the June 5, 2009, Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Arroyo Grande Creek Channel Waterway Management Program (Program) near Arroyo Grande, California. As requested in the NOP, NMFS provides the following information to assist the County of San Luis Obispo (County) in formulating the EIR.

The Program is of concern because threatened steelhead (*Oncorhynchus mykiss*) and critical habitat for this species are present within the action area of Arroyo Grande Creek. Accordingly, the EIR should clearly identify and describe the Program including interrelated and interdependent actions to the extent that NMFS may develop an understanding of the potential effects (offsite, onsite, direct, indirect, temporary, permanent) of the Program on steelhead and critical habitat. The EIR should include a list of measures for avoiding and minimizing potential negative effects of the Program on steelhead and their habitat. Unavoidable effects should be fully described according to life stage (i.e., spawning, rearing and migration) and features of this species' habitat. The manner in which the preferred alternative would be implemented (e.g., construction schedule, level of manpower, equipment types, access roads) should be clearly described. The potential benefits of the Program for steelhead, including any compensatory mitigation measures, should be described. Engineered design drawings and results of topographic surveys and creek-hydraulic analyses should be included in the EIR.

Because the County included a brief project description with the June 5, 2009 NOP, NMFS provides the following additional specific comments on the Program. These comments are related to the general comments above and should be addressed in the EIR.

- Evidence provided in the ecological literature indicates that floodplains can impart an elevated level of biotic diversity, fish and invertebrate production, and habitat area and diversity. The Program specifies an increase in the elevation of the existing levees which is expected to continue to confine the creek within an artificially defined corridor and perpetuate the existing disconnect between the

creek and the historical floodplain, particularly those historical floodplain areas that are not developed with hard structures. Precluding Arroyo Grande Creek from entering the available historical floodplain during the wet season is expected to be unfavorable for the aquatic environment in general and the local population of steelhead in particular. The County should provide an analysis in the EIR on the effects to steelhead and critical habitat that will occur as a result of continuing to confine the creek within an artificially defined corridor rather than a more natural approach to promote stream connectivity with the historical floodplain.

- The EIR should provide an analysis to determine the degree that development of secondary overflow channels are expected to increase the potential that steelhead will become trapped or stranded in residual wetted areas outside the active creek channel as streamflow declines.

- Any channel modification to improve flood conveyance will likely result in a reduction in the complexity of instream and riparian habitat, which is expected to translate into a decreased ability to conserve threatened steelhead. The EIR should provide an analysis of the likelihood and extent of potential impacts that the Program will have as a result of reducing habitat complexity.

- The basis for the proposed width of the vegetated buffer (10ft) as part of the vegetation removal should be provided in the EIR. Currently, whether the proposed width is ecologically meaningful, is unknown. In addition, the terminology "limbed up" is not defined, but is presumed to imply that most tree limbs will be removed. Removing limbs from trees is not expected to favor over-summering juvenile steelhead, and may appreciably reduce the function and value of streamside vegetation as an essential feature of critical habitat for the species.

- The EIR should provide an analysis of the potential effects of long term and short term sediment removal activities on steelhead and critical habitat.

- Finally, the EIR should describe the relationship of the Program to Section 7 of the U. S. Endangered Species Act (ESA). In this regard, the EIR should disclose whether consultation with NMFS is necessary prior to undertaking the project, in accordance with Section 7 of the ESA.

NMFS appreciates the opportunity to provide information that would assist the County to develop the EIR for the subject Program. Matt McGoogan is NMFS' representative for this specific project. Please call him at (562) 980-4026 if you have any questions concerning this letter or if you require additional information.

Sincerely,

for Rodney R. McInnis
Regional Administrator

cc: Margaret Roper, CDFG, San Luis Obispo, California
Roger Root, USFWS, Ventura, California
Copy to Administrative File: 151422SWR2009PR00360

STATE OF CALIFORNIA Arnold Schwarzenegger, *Governor*

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax

JUN 16 2009

June 12, 2009

John Farhar
San Luis Obispo County Department of Public Works
C/O Mary B. Reents
Morro Group/SWCA, Suite C200
1422 Monterey St.
San Luis Obispo, CA 93401-2954

RE: SCH#2009061030 Arroyo Grande Creek Channel Waterway Management Program; San Luis Obispo County.

Dear Mr. Farhar:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. **USGS 7.5 minute quadrangle name, township, range and section required.**
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached.**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez

Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

Native American Contact
San Luis Obispo County
June 10, 2009

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks , CA 91362
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com

Chumash
Tataviam
Fe†rnandeño

Judith Bomar Grindstaff
63161 Argyle Road
King City , CA 93930
(831) 385-3759-home

Salinan

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez , CA 93460
varmenta@santaynezchumash.org
(805) 688-7997
(805) 686-9578 Fax

Chumash

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach , CA 93433
cheifmvigil@fix.net
(805) 481-2461
(805) 474-4729 - Fax

Chumash

Julie Lynn Tumamait
365 North Poli Ave
Ojai , CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

Chumash

Diane Napoleone and Associates
Diane Napoleone
1433 Camino Trillado
Carpinteria , CA 93013
805-684-4213

Chumash

Lei Lynn Odom
1339 24th Street
Oceano , CA 93445
(805) 489-5390

Chumash

Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties
John W. Burch, Traditional Chairperson
8315 Morro Rd, #202
Atascadero , CA 93422
salinantribe@aol.com
805-460-9202
805 235-2730 Cell
805-460-9204

Salinan

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009061030 Arroyo Grande Creek Channel Waterway Management Program: San Luis Obispo County.

Native American Contact
San Luis Obispo County
June 10, 2009

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chair Woman
P.O. Box 365
Santa Ynez , CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Chumash

Salinan Nation Cultural Preservation Association
Robert Duckworth, Environmental Coordinator
Drawer 2447
Greenfield , CA 93927
dirobduck@thegrid.net
831-578-1852

Salinan

Randy Guzman - Folkes
4577 Alamo Street, Unit C
Simi Valley , CA 93063
ndnrandy@hotmail.com
(805) 905-1675 - cell

Chumash
Fernandeño
Tataviam
Shoshone Paiute
Yaqui

Salinan Nation Cultural Preservation Association
Jose Freeman, President
15200 County Road, 96B
Woodland , CA 95695
josefree@ccio1.com
(530) 662-5316

Salinan

Xolon Salinan Tribe
Donna Haro
110 Jefferson Street
Bay Point , CA 94565

Salinan

Coastal Band of the Chumash Nation
Janet Garcia,Chairperson
P.O. Box 4464
Santa Barbara , CA 93140
805-964-3447

Chumash

Salinan Nation Cultural Preservation Association
Doug Alger, Cultural Resources Coordinator
PO Box 56
Lockwood , CA 93932
fabbq2000@earthlink.net
(831) 262-9829 - cell
(831) 385-3450

Salinan

Mona Olivas Tucker
660 Camino Del Rey
Arroyo Grande , CA 93420
(805) 489-1052 Home
(805) 748-2121 Cell

Chumash

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Native American Contact
San Luis Obispo County
June 10, 2009

Matthew Darian Goldman
495 Mentone
Grover Beach , CA 93433
805-748-6913

Chumash

Northern Chumash Tribal Council
Fred Collins, Spokesperson
67 South Street
San Luis Obispo , CA 93401
(805) 801-0347 (Cell)

Chumash

Santa Ynez Band of Mission Indians
Sam Cohen, Tribal Administrator
P.O. Box 517
Santa Ynez , CA 93460
(805) 688-7997
(805) 686-9578 Fax

Chumash

Frank Arredondo
PO Box 161
Santa Barbara , Ca 93102
805-617-6884
ksen_sku_mu@yahoo.com

Chumash

Salinan Nation Cultural Preservation Association
Gregg Castro, Administrator
5225 Roeder Road
San Jose , CA 95111
glcastro@pacbell.net
(408) 864-4115

Salinan

Salinan-Chumash Nation
Xielolixii
3901 Q Street, Suite 31B
Bakersfield , CA 93301
xielolixii@yahoo.com

408-966-8807 - cell

Salinan
Chumash

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009061030 Arroyo Grande Creek Channel Waterway Management Program: San Luis Obispo County.

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
(805) 781-5910
ROBERT F. LILLEY
AGRICULTURAL COMMISIONER/SEALER
FAX (805) 781-1035
www.slocounty.ca.gov/agcomm
AgCommSLO@co.slo.ca.us

JUL 2009
RECEIVED

DATE: **June 26, 2009**

TO: **John Farhar, County of San Luis Obispo Department of Public Works c/o Mary B. Reents, Morro Group, Inc**

FROM: **Michael Isensee, Agriculture Department** MIsl

SUBJECT: **Arroyo Grande Creek Waterway Management Program Notice of Preparation (Ag #1445)**

Thank you for requesting the County Agriculture Department's input into the preparation of a Draft Environmental Impact Report (DEIR) for flood control enhancement along the lower portion of Arroyo Grande and Los Berros Creek. The proposed project appears to have the potential for direct and indirect, temporary and permanent impacts to agricultural resources. The proposed project also appears to include secondary components which may also have impacts to agricultural resources and operations.

JUL - 6 2009

Answers to basic scoping questions follow:

Contact Person:
Michael Isensee
Agricultural Resource Specialist
San Luis Obispo County Agriculture Department
2156 Sierra Way, Suite A
San Luis Obispo, CA 93401
805-781-5753

Approval Authority:
None. Advisory on issues relating to CEQA and agricultural resource impacts

Environmental Information:
-Amount of agricultural soils permanently and temporarily impacted by the project and secondary components of the project
-Options that reduce the amount of impact to agricultural resources and operations

Permit Stipulations
-Measures that reduce construction impacts to growers
-Measures that avoid or reduce impacts to productive soils
-Measures that avoid impacts to adjoining agricultural operations

Alternatives
-Alternatives that avoid temporary impacts to the maximum extent feasible and that minimize permanent loss of farmland associated with levee improvements

Relevant Information & Further Comments

The Agriculture Department recommends the DEIR:

- details the quantities of agricultural land that may be impacted by the project and specifies which project component the impact relates to. Information about secondary project components should be incorporated if necessary to achieve the goals of the proposed project. The conversion of agricultural soils in the Cienega Valley contributes to the irreversible loss of a very limited resource: productive soils with sufficient groundwater resources located in a mild coastal climate allowing for the year-round utilization of these soils for the production of food crops.
- addresses construction related impacts such as dust.
- analyzes the ultimate disposal of spoils generated by the project.
- addresses potential impacts to agricultural infrastructure including power lines, wells/pumps, access roads, and irrigation water lines.
- details farm field access routes, any possible disruption to field access, and ensures the incorporation of measures which ensure growers' timely and ongoing access necessary for row crop production.
- addresses potential impacts to properties encumbered with Williamson Act contracts that abut the creek or secondary project components.
- considers alternatives which locate temporary construction areas, stockpiles, and other project components off of capable agricultural land.
- evaluates mitigation options. Mitigation should focus on avoiding impacts including temporary impacts whenever possible. While the county does not have specific implementation procedures for mitigating farmland soil conversion, several current projects include farmland conversion mitigation recommendations. The County's draft Conservation Element soils chapter includes policy language regarding such mitigation for the loss of productive agricultural soils.

These comments and recommendations are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

July 10, 2009

JUL 14 2009

John Farhar, Project Manager
County of San Luis Obispo
Department of Public Works
c/o Mary B. Reents
Morro Group/SWCA
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401-2954

SUBJECT: APCD Comments on the Notice of Preparation (NOP) for the Arroyo Grande Creek Channel Waterway Management Program (ED 07-243)

Dear Mr. Farhar and Ms. Reents,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed Arroyo Grande Creek Channel Waterway Management Program (WMP) that would implement a comprehensive set of actions designed to restore the capacity of the leveed lower three miles of the Arroyo Grande Creek Channel and the Los Berros Creek Diversion Channel. This would provide flood protection from up to a 20-year storm event while simultaneously enhancing water quality and sensitive species habitat within the managed channel. The WMP would include vegetative management, 2) sediment management, including the dredging/excavation of approximately 21,000 cubic yards of material that would be trucked to an approved disposal site, and 3) potential levee raising that would also result in raising sections of road and rail road and some structure relocations. Annually; thereafter, a long-term sediment management program would occur with assessment of sediment loading, removal of excess sediment with excavation, and trucking of the material to an approved disposal site.

The following are APCD comments that are pertinent to this project.

1. Contact Person:

   Andy Mutziger
   Air Pollution Control District
   3433 Roberto Court
   San Luis Obispo, CA 93401
   (805) 781-5912

2. Permit(s) or Approval(s) Authority:

   Hydrocarbon Contaminated Soil
   Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition,

the following measures shall be implemented immediately after contaminated soil is discovered:

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH –non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
- Clean soil must be segregated from contaminated soil.

The notification and permitting determination requirements shall be directed to the APCD Compliance Division at 781-5912.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities will 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 page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- IC engines;
- Unconfined abrasive blasting operations;
- Concrete batch plants;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Demolition Activities

The project referral indicated that there are existing structures on the proposed site that will be demolished, moved, or renovated. These activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification

requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Compliance Division at 781-5912 for further information.

3. Environmental Information:

The potential air quality impacts from construction and operational phases of the project should be assessed in the EIR. The project under development has the potential for significant impacts to local air emissions, ambient air quality, sensitive receptors, and the implementation of the Clean Air Plan (CAP). A complete air quality analysis should be included in the DEIR to adequately evaluate the overall air quality impacts associated with implementation of the proposed project. This analysis should address both short-term (construction) and long-term (operational) emissions impacts (including traditional air pollutants and greenhouse gas emissions). The following is an outline of items that should be included in the analysis:

a) A description of existing air quality and emissions in the impact area, including the attainment status of the APCD relative to State and Federal air quality standards and any existing regulatory restrictions to development. The most recent CAP should be consulted for applicable information and the APCD should be consulted to determine if there is more up to date information available.

b) A detailed quantitative air emissions analysis at the project scale needs to be estimated as part of the DEIR.

c) A qualitative analysis of the air quality impacts should be conducted. A consistency analysis with the CAP will determine if the emissions resulting from development under the project will be consistent with the emissions projected in the CAP, as described in item 6 of this letter. The qualitative analysis should be based upon criteria such as prevention of urban sprawl and reduced dependence on automobiles. A finding of Class I impacts could be determined qualitatively. The DEIR author should contact the APCD if additional information and guidance is required. All assumptions used should be fully documented in an appendix to the DEIR.

4. Alternatives:

The DEIR should include a range of alternatives that could effectively minimize air quality impacts. A consistency analysis should be performed for each of the proposed alternatives identified, as described above. A qualitative analysis of the air quality impacts should be generated for each of the proposed alternatives. Examples include but are not limited to:

- Flexible zoning to promote mixed use and design standards that protect mixed use.
- Increase the amount of neighborhood scale mixed use.
- Additional density beyond proposed zoning allowances.

- Design standards that require narrow streets and minimum front setbacks on structures.
- Limiting the size of each arterial through the development. This reduces the need for noise barriers such as cinder block walls along roadways, decreases roadway widths, and slows the speed of traffic, creating an atmosphere that encourages walking and bicycling.

d) Mitigation measures to reduce air quality impacts from construction and operational phases to a level of insignificance should be specified. Any alternatives described in the DEIR should involve the same level of air quality analysis as described in bullet items 3.c and 3.d listed above.

If you would like to receive a copy of an example of a recommended format for the qualitative analysis section on air emissions impacts, contact the APCD Planning Division at 781-5912.

5. Relevant Information:

It is recommended that you refer to the "CEQA Air Quality Handbook" (the Handbook). If you do not have a copy, it can be accessed on the APCD web page (www.slocleanair.org) in the Business Assistance section, listed under Regulations, or a hardcopy can be requested by contacting the APCD. The Handbook provides information on mitigating emissions from development (Section 5) which should be referenced in the DEIR.

6. Further Comments:

The following are additional air quality issues that the EIR shall need to address:

Naturally Occurring Asbestos
The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at *http://www.slocleanair.org/business/asbestos.asp* for more information or contact the APCD Enforcement Division at 781-5912.

Developmental Burning
Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD

approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. Any project with a grading area greater than 4.0 acres exceeds the APCD's PM10 quarterly threshold. **This project has areas that are near potentially sensitive receptors and shall be conditioned to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:**

a. Reduce the amount of the disturbed area where possible,
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
c. All dirt stock pile areas should be sprayed daily as needed,
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established,
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used,
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site,
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114,
j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in

progress. **The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.**

Truck Routing
Where feasible, proposed truck routes need to be evaluated to identify routing patterns with the least impact to residential communities and sensitive receptors, such as schools, daycare facilities, hospitals, and senior centers.

Material Removal
The APCD will need the EIR to evaluate the construction and operational phase emissions associated with the equipment needed to excavate materials from these waterways and determine whether emissions thresholds (daily and quarterly for the construction phase and daily for the operational phase) may be exceeded. Mitigation needs to be proposed to address any potential threshold exceedences and to ensure that impacts, particularly diesel impacts, to sensitive receptors are minimized. Staging areas shall not be placed within 1,000 feet of sensitive receptors. Sensitive receptors include: Schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential communities. The EIR should identify the sensitive receptors that may be impacted by the work on this project. In addition, work within 1,000 feet of sensitive receptors should be minimized as practically as possible and measures to minimize diesel emissions identified for implementation during all project phases.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,

Andy Mutziger
Air Quality Specialist

AJM/AAG/lmg

cc: John Farhar, SLO County Public Works
Karen Brooks, Enforcement Division, APCD
Tim Fuhs, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

Attachment: Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

h:\plan\ceqa\project_review\3000\3500\3544-1\3544-1.doc

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

3433 Roberto Court, San Luis Obispo, CA 93401
805-781-5912 – FAX: 805-781-1002

Naturally Occurring Asbestos Construction and Grading Project Form

Applicant Information/Property Owner		**Project Name**	
Address		**Project Address and/or Assessors Parcel Number**	
City, State, Zip		**City, State, Zip**	
Email		**Email**	
Phone Number	**Date Submitted**	**Agent**	**Phone Number**

Check Applicable	DESCRIPTION (attach applicable required information)	APCD REQUIREMENT 1	APCD REQUIREMENT 2
	Project is subject to NOA requirements but NOT disturbing NOA	Geological Evaluation	Exemption Request Form
	Project is subject to NOA requirements and project is disturbing NOA – more than one acre	Geological Evaluation	Dust Control Measure Plan
	Project is subject to NOA requirements and project is disturbing NOA – one acre or less	Geological Evaluation	Mini Dust Control Measure Plan

Please note that the applicant will be invoiced for any associated fees

REQUIRED APPLICANT SIGNATURE:

Legal Declaration/Authorized Signature

Date

APCD OFFICE USE ONLY				
Geological Evaluation	**Exemption Request Form**	**Dust Control Measure Plan**		**Monitoring, Health and Safety Plan**
Approved Yes ☐ No ☐	Approved: Yes ☐ No ☐	Approved: Yes ☐ No ☐		Approved: Yes ☐ No ☐
Comments:	Comments:	Comments:		
APCD Staff:	Intake Date:	Date Reviewed	OIS Site #	OIS Proj #
Invoice No.	Basic Fee	Additional Fees	Billable Hrs	Total Fees

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

3433 Roberto Court, San Luis Obispo, CA 93401
805-781-5912 – FAX: 805-781-1002

Naturally Occurring Asbestos Construction & Grading Project Exemption Request Form

Applicant Information/ Property Owner		Project Name	
Address		Project Address and /or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Email Address		Email Address	
Phone Number	Date Submitted	Agent	Phone Number

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout **"ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements."**

NOTE: A basic exemption evaluation fee of $150.00 will be charged.

APPLICANT MUST SIGN BELOW:

I request the San Luis Obispo County Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.

Legal Declaration/Authorized Signature

Date:

OFFICE USE ONLY - APCD Required Element – Geological Evaluation			
Intake Date:	APCD Staff:	OIS Site #:	OIS Project #:
Date Reviewed:	APCD Staff:	Approved	Not Approved
Comments:			

Central Coast Salmon Enhancement, Inc.
229 Stanley Ave.
Arroyo Grande, CA 93420
805/473-8221 Office * 805/473-8167 Fax

FAX

To: Mary Reents **Fax:** 543-2367

From: Steph Wald **Date:** July 7, 2009

Re: Comments on AG WMP **Pages:** 2 including cover

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes:

CENTRAL COAST SALMON ENHANCEMENT, INC.

Fish for Everyone

July 7, 2009

John Farhar
c/o Mary Reents
Morro Group/SWCA
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401

RE: Comments on NOP-IS for AGWMP

Hello:

Please accept the following comments for the Arroyo Grande Creek Waterways Management Plan Notice of Preparation and Initial Study.

For the Biological Resources section, I would suggest that taking beaver management into consideration would strengthen the management program. As was discussed at the NOP meeting on June 25th, the ability to manage beaver will influence the success of revegetating the area with canopy trees. Perhaps the EIR could take a close look at how other management programs deal with beaver and what the best strategies are to manage for steelhead and RLF habitat where beaver are not removed. This might involve looking at the following issues:

1. Do beaver dams pose a migration barrier threat for Steelhead/rainbow trout (SHT)?
2. Do beaver dams create pools that attract SHT allowing them to remain in the levee area?
3. Do the artificial pools increase liability for SHT fish kills when pumping occurs in drought years and in unseasonably warm temperatures in the flood control channel as occurred in June 2008?
4. Might beaver exclusion fencing be part of mitigation or management program to protect planted canopy trees?

While these issues are indirect impacts of the proposed project, I believe addressing them within the context of the EIR process may be prudent in the long run. Thank you for your consideration.

Sincerely,

Stephnie Wald

Stephnie Wald
Watershed Projects Manager

PO Box 277, Avila Beach, CA 93424

Phone: 805-473-8221 Fax: 805-473-8167 www.centralcoastsalmon.com

Cienaga Seabreeze Park Inc.
2300 Cienaga
Oceano, CA. 93445

JUN 16 2009

June 15, 2009

Mr John Farhar
County of San Luis Obispo
Department of Public Works
c/o Mary B. Reents
Morro Group/SWCA
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401-2954

Dear Mr Farhar,

Thank you very much for your "NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT" and in response we are happy to submitt The Information you have requested.

The primary person to contact at the Cienaga Seabreeze Senior Mobil Home Park is:

Mr Bill Edmonson
8273 E. Church
Sanger, CA 93657
Phone; 559-907-3777

The secondary person to contact would be the following person:

Thomas H. Bowman
2300 Cienage SP-51
Oceano, CA 93445-8925
Phone; 805-481-9757

We have no information at this time for your questions number 2, 3, 4, and 5. If we can be of further help please let us know.

Sincerely,

Thomas H. Bowman
Cienage Seabreeze Senior Mobil Home Park

817 Valley Rd.
Arroyo Grande, CA
July 10, 2009

JUL 14 2009

Dept. of Public Works -
Mrs. Mary Reatte.

I was unable to attend the meeting in Oceano because of eye surgery so please consider my comments.

Project A. Vegetation management.

Gaps in the riparian buffer should not be reinegitated in the channel - especial the willows. Cottonwood would be a bad choice because of the fuzz from the blossome - bad for pollen alergies & messy on house screens, etc.

The channel should be clean and clear of all weeds and vegitation that drops seeds.

I don't think its is a good plan to construct large wood structures in the flood control channel to provide

habitat for steelhead or red legged frogs. The channel is dry most of the year except during a heavy rain. The resulting water is usually very fast flowing (roaring) during heavy rains. It destroys any habitat.

Since I am paying the assessment charge annually - $420, ~~besides~~ in addition to the $7.00 Los Burros assessment for 1-1A, I cannot afford more taxes or assessments for any further work done on the Los Burros channel.

Thank you -

Marjorie Gilliam

Charlie Lackie
2828 Biddle Ranch Road
San Luis Obispo, CA 93401

July 8, 2009

Attn: John Farhar
County of San Luis Obispo
Department of Public Works
c/o Mary B. Reents
Morro Group/SWCA
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401-2954

Dear John Farhar;

I am responding to your June 5, 2000 letter regarding the preparation of a draft environmental impact report pertaining to the Arroyo Grande Creek Channel. My concerns are: 1) the quality of the dirt brought in to use as fill for any project related to the levee, 2) maintaining the integrity of my existing well as it relates to any levee project, 3) the protection of my parcel's agricultural viability.

1) My concerns regarding any fill materials are related to how soil born diseases could deleteriously affect my existing organic avocado orchard and future agricultural projects intended for my parcel. Avocados are particularly sensitive to a number of soil born diseases. My existing avocado orchard is immediately adjacent to the area of the levee. I do not want to have any diseases introduced to my property and would like the environmental impact report to consider this issue.

2) I would like for your report to address the location of my existing well and how to best protect it during any levee improvement/maintenance projects.

3) My parcel consists of 4.37 acres, small by agricultural standards. It is my hope your report will consider that any reduction of my agricultural land will jeopardize its agricultural use.

It is my hope that your report will seriously consider how any reduction of my agricultural land would negatively impact the viability of continuing agricultural use.

I greatly appreciate your consideration of my concerns.

Yours truly,

Charlie Lackie

Charlie Lackie
(805) 235-8695

JUN 22 2009

6. **FURTHER COMMENTS.** Please provide any further comments or information that will help the county to scope the document and determine the appropriate level of environmental assessment.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than **30 days** after receipt of this notice.

The project description, location, and the probable environmental effects are contained in the attached materials and are available online at SLOCountyWater.org.

Please send your response to the attention of Mr. John Farhar, Project Manager, at the following address:

John Farhar
County of San Luis Obispo
Department of Public Works
c/o Mary B. Reents
Morro Group/SWCA
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401-2954

We will need the name of a contact person in your agency. If you have any questions regarding the NOP or the proposed project, please contact Ms. Mary Reents at (805) 543-7095, extension 103.

In addition, an EIR scoping meeting will be held on June 25, 2009 at 6:00 pm at the Oceano Community Services District Meeting Room, located at 1655 Front Street, Oceano, San Luis Obispo County, California. The EIR scoping meeting will be open to all interested parties and provide an opportunity for input relating to the scope and content of the EIR.

Reviewed by:

Signature Ellen Carroll

Ellen Carroll
County of San Luis Obispo
Environmental Coordinator

THE CONTACT PERSON FOR THE FOLLOWING PARCELS IS: SOREN STEJER
528 WATER ST
W. SACRAMENTO CA 95605

075.011.020
052.011

Reference: *California Administrative Code, Title 14, Section 15082*