

Condition 34**Environmental Permits Compliance**

If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works in consultation with the Planning Director shall:

- a) Submit a copy of all such permits to the Department of Public Works and Planning Department; OR
- b) Documentation that the regulatory agencies have determined that said permit is not required.

Evidence of compliance:Corps of Engineers

The LOWWP will not require fill in waters of the United States, as the project will hang wastewater and recycled water lines on the bridge over Los Osos Creek, and the drainages gullies that will be affected on the treatment plant site are not in Army Corps jurisdiction. Therefore, authorization from Corps of Engineers is not required (see April 12, 2010 letter).

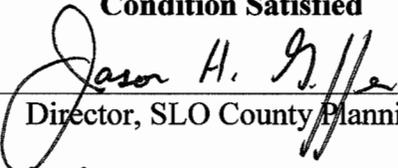
RWQCB

A Section 401 permit is required when a Section 404 (Army Corps of Engineers) authorization is needed. Please refer to the Corps of Engineers letter that states no such permit is required.

CDFG

A site visit was conducted on March 12, 2012 with Kate Ballantyne and CDFG biologist Robb Tibstra. Mr. Tibstra recommended the County submit a Notification of Lake or Streambed Alteration to CDFG for the pipeline crossing of Los Osos Creek (no other areas of the project require CDFG permits).

A copy of the CDFG permit application is attached. The permit will be issued approximately 60 days after receipt of the application by CDFG. The Department of Public Works will provide a copy of the executed permit to the Department of Planning & Building before any work occurs in Los Osos Creek (work most likely to occur in summer, 2013). The County will implement all conditions of the CDFG permit.

Condition Satisfied

Director, SLO County PlanningMAY 21 2012

Date



DEPARTMENT OF THE ARMY
VENTURA REGULATORY FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CA 93001

April 12, 2010

REPLY TO
ATTENTION OF

Regulatory Division

Paavo Ogren, Director
County of San Luis Obispo, Department of Public Works
County Government Center, Room 207
San Luis Obispo, California 93401

SUBJECT: Determination regarding requirement for Department of the Army Permit

Dear Mr. Ogren:

Reference is made to your request (Corps File No. SPL-2009-00159-BAH) for a determination whether a Department of the Army Permit is required for the Los Osos Wastewater Project located within the unincorporated town of Los Osos, San Luis Obispo County, California. The project entails construction of a mid-town collection site and conveyance by pipeline to facultative ponds, oxidation ditches, and storage facilities on the Cemetery, Giacomazzi, Branin and Tonini properties east of the town.

The Corps' evaluation process for determining whether or not a Department of the Army permit is needed involves two tests. A permit is required if both tests are met. The first test determines whether or not the proposed project is located in a water of the United States (i.e., it is within the Corps' geographic jurisdiction). The second test determines whether or not the proposed project is a regulated activity under Section 10 of the River and Harbor Act or Section 404 of the Clean Water Act. As part of our evaluation process, we have made the determination below.

I conducted a site visit to the Cemetery and Giacomazzi properties on 21 December 2009 with Eric Wier and Kate Ballantyne of your staff to determine the presence of and potential extent of jurisdictional waters of the United States on those two properties. The Giacomazzi property includes two incised drainages that eventually connect with Los Osos Creek off of the property. The drainages appeared to be the result of tilling practices that prevent establishment of a suitable cover crop to hold the soil in place, allowing it to be eroded with seasonal rainfall events. It is determined that these two drainages on the Giacomazzi property within the project boundaries do not constitute waters of the U.S. and as such, are not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act. Note that this determination applies only to the project boundaries as was understood on the date of the site visit. Jurisdiction may be present as the drainages approach the tributary to Los Osos Creek to the east and northeast of the facultative ponds anticipated for the Giacomazzi property. Furthermore, we examined an additional drainage that exited the northeastern corner of the Cemetery property. It was observed that this drainage did not exhibit an ordinary high water

mark indicative of the extent of Corps jurisdiction in many channels, nor did it appear to have the three factors necessary to determine the area is a wetland potentially under Corps jurisdiction. Therefore, it was determined that this drainage did not constitute a water of the U.S. and a Section 404 permit would not be necessary for construction of the proposed treatment and storage facilities associated with the Los Osos wastewater project, or the road necessary to access the project facilities in this area.

Also discussed was the pipeline over Los Osos Creek along Los Osos Valley Road. Mr. Wier informed me the expectation was to affix the new pipeline to or suspend it from the existing bridge structure. Because this method would not result in a discharge of fill material into Los Osos Creek, a near perennial creek directly tributary to Morro Bay and thence to the Pacific Ocean, a navigable water of the U.S. and otherwise subject to Corps jurisdiction, a Corps permit would not be required for the proposed work at this location.

Therefore, in closing and to reiterate the above, we have determined your proposed project is not subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit would not be required from our office if the activity is performed in the manner described.

If you have any questions, please contact me at 805-585-2145 or via e-mail at Bruce.A.Henderson@usace.army.mil. Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Bruce Henderson
Sr. Project Manager
North Coast Branch
Regulatory Division



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

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April 10, 2012

Ms. Julie Means
LSAA Program
California Department of Fish and Game
1234 E. Shaw Avenue
Fresno, CA 93710

Subject: Request for Lake or Streambed Alteration Agreement for San Luis Obispo County
Department of Public Works Los Osos Wastewater Project; 300448

Dear Ms. Means:

With financial assistance from the U.S. Department of Agriculture and State Water Resources Control Board, the County of San Luis Obispo Department of Public Works proposes to construct the Los Osos Wastewater Project. Impacts to California Department of Fish and Game (CDFG) jurisdictional area (attaching two pipelines to the existing Los Osos Valley Road Bridge over Los Osos Creek) will total approximately 500 sq. ft., all of which would be temporary impact. Approximately 100 feet of the project is within CDFG jurisdiction; the jurisdictional portion is addressed in this notification.

The project is located on Los Osos Valley Road, approximately 300 feet west of Lariat Drive, east of the community of Los Osos, San Luis Obispo County. The attached information package provides the necessary information to support our application for Lake or Streambed Alteration Agreement. Below is a summary of the status of our other environmental permits:

CEQA Compliance

The County of San Luis Obispo is the lead agency for CEQA compliance. An Environmental Impact Report was circulated for public review to the State Clearinghouse. The Final EIR was certified by the San Luis Obispo County Board of Supervisors on September 29, 2009. The Draft EIR and Final EIR are available on the County's website: http://www.slocounty.ca.gov/PW/LOWWP/DOCS/Environmental_Documents.htm.

ACOE

No fill will be placed within U.S. Army Corps of Engineers (Corps) jurisdiction, therefore authorization is not required.