



**COUNTY OF SAN LUIS OBISPO**  
**Department of Public Works**  
John Diodati, *Interim Director*

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California Department of Fish and Wildlife  
Region 4 - Central Region  
1234 East Shaw Avenue  
Fresno, CA 93710  
Attn: Lake and Streambed Alteration Program Staff

December 22, 2023

**Subject: Request for Section 1602 Streambed Alteration Agreement for the San Luis Obispo County Department of Public Works Dover Canyon Road Bridge Replacement, 300514**

Dear Staff:

The San Luis Obispo County Public Works Department (County) is proposing to replace the existing bridge located on Dover Canyon Road (County Bridge No. 49C-0037) over Jack Creek in a rural area west of the city of Paso Robles, in northern San Luis Obispo County. Implementation of the project will improve access to the public and properties served by Dover Canyon Road and allow emergency vehicles, including fully loaded fire trucks, to safely cross the bridge.

The County is applying for a Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW) to authorize temporary impacts to a state jurisdictional waterway (and other associated jurisdictional areas) likely to occur during project implementation.

The project is receiving federal funding from the U.S. Federal Highway Administration (FHWA). Therefore, the California Department of Transportation (Caltrans) District 5 Office is acting as the lead federal agency for the required consultations. A summary of the status of the other regulatory permits and authorizations required for the project is provided below.

*National Environmental Policy Act (NEPA) Compliance* - Caltrans prepared a Categorical Exclusion for the project pursuant to NEPA on July 6, 2020.

*Section 106 of the National Historic Preservation Act* - Caltrans is the lead federal agency for the Section 106 consultation for the project and on May 30, 2018 determined that the requirements of 36 CFR 800 have been fulfilled, in accordance with the January 1, 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the CA State Historic Preservation Officer, and the CA Department of Transportation*. Caltrans, under the authority of the FHWA has made a finding of No Historic Properties Affected.

*Section 7 of the Federal Endangered Species Act* - Caltrans is the lead federal agency for the Section 7 consultation for the project. Caltrans received Biological Opinions (08EVEN00-2020-F-0063) from the U.S. Fish and Wildlife Service (USFWS) and (WCRO-2019-03479) from the National Marine Fisheries Service (NMFS) regarding potential impacts to federally listed species from the project.

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**County of San Luis Obispo Government Center**

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229  
pwd@co.slo.ca.gov | slocounty.ca.gov

*California Environmental Quality Act (CEQA) Compliance* - The County Board of Supervisors adopted the Mitigated Negative Declaration (MND) prepared for the project pursuant to CEQA on March 24, 2020.

*United States Army Corps of Engineers (USACE)* - An application has been submitted to the USACE for Section 404 Authorization for the project.

*Central Coast Regional Water Quality Control Board (RWQCB)* - An application has been concurrently submitted to the RWQCB for 401 Water Quality Certification for the project.

*California Department of Fish and Wildlife (CDFW)* - A notification has been submitted to the CDFW for a 1602 Streambed Alteration Agreement for the project.

Please consider the enclosed application and other supplemental materials provided for issuance of Stream bed Alteration Agreement for the project pursuant to Section 1602 of the California Fish and Game Code. If you have any questions or need any additional information, please contact Matthew Willis at [mwillis@co.slo.ca.us](mailto:mwillis@co.slo.ca.us) or (805) 781-1952.

Sincerely,

Keith Miller  
Environmental Programs Manager

Attachments:

Notification of Lake or Streambed Alteration Application Form  
Application Form Additional Pages  
Project Plans  
Diversion and Dewatering Plan  
NEPA Categorical Exclusion  
Natural Environment Study with Jurisdictional Waters Assessment  
Biological Assessment with Habitat Mitigation and Monitoring Plan  
Section 7: USFWS and NMFS Biological Opinions  
Section 106 Determination (HPSR)  
Hydraulics and Floodplain Forms  
CEQA Mitigated Negative Declaration and Notice of Determination  
USACE Section 404 Nationwide Permit Pre-Construction Notification Application  
RWQCB 401 Water Quality Certification Application



FOR DEPARTMENT USE ONLY				
Date Received	Amount Received	Amount Due	Date Complete	Notification No.
	\$	\$		
Assigned to:				

## NOTIFICATION OF LAKE OR STREAMBED ALTERATION

Complete EACH field, unless otherwise indicated, following the [instructions](#) and submit ALL required enclosures, attachments, and fee(s) to the [CDFW regional office](#) that serves the area where the project will occur. Attach additional pages to notification, if necessary.

### 1. APPLICANT PROPOSING PROJECT

Name	
Business/Agency	
Mailing Address	
City, State, Zip	
Phone Number	
Email	

### 2. CONTACT PERSON *(Complete only if different from applicant.)*

Name	
Business/Agency	
Mailing Address	
City, State, Zip	
Phone Number	
Email	

While an applicant is legally responsible for complying with Fish and Game Code section 1602 et seq., an applicant may designate and authorize an agent (e.g., lawyer, consultant, or other individual) to act as a Designated Representative. The Designated Representative is authorized to sign the notification and any agreement on behalf of the Applicant.

**Do you authorize the Contact Person above to represent you as your Authorized Designated Representative?**

Yes, I authorize.

No, I do not authorize.

### 3. PROPERTY OWNER *(Complete only if different from applicant)*

Name	
Mailing Address	
City, State, Zip	
Phone Number	
Email	



**4. PROJECT NAME AND AGREEMENT TERM**

A. Project Name				
B. Agreement Term Requested		<input type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term		Beginning (year)		Ending (year)
D. Seasonal Work Period				
Season(s)*	Start Date (month/day)	End Date (month/day)		E. Number of Work Days
1				
2				
3				
4				
5				

\* Continue on additional page(s) if necessary

**5. AGREEMENT TYPE**

Check the applicable box. If boxes B – F are checked, complete the <a href="#">specified attachment</a> .	
A.	Standard (Most construction projects, excluding the categories listed below) – <b>Effective September 1, 2020, notification for Standard Agreements shall be submitted through the <a href="#">EPIMS Permitting Portal</a>.</b>
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) <span style="float: right;">Mine I.D. Number: _____</span>
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) <span style="float: right;">THP Number: _____</span>
D.	Water Diversion/Extraction/Impoundment (Attachment C) – <b>Attachment no longer available. Notification shall be submitted through the <a href="#">EPIMS Permitting Portal</a>.</b>
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)
F.	Cannabis Cultivation (Attachment E) – <b>Attachment no longer available. Notification shall be submitted through the <a href="#">EPIMS Permitting Portal</a>.</b>
G.	<input type="checkbox"/> CDFW Grant Programs <span style="float: right;">Agreement Number: _____</span>
H.	<input type="checkbox"/> Master
I.	<input type="checkbox"/> Master Timber Operations



**6. FEES**

See the [current fee schedule](#) to determine the appropriate notification fee. Itemize each project’s estimated cost and corresponding fee. **Note: CDFW may not process this notification until the correct fee has been received.**

A. Project Name		B. Project Cost	C. Project Fee
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
		D. Base Fee (if applicable)	
		<b>E. TOTAL FEE*</b>	

\* Check, money order, and [Visa or MasterCard](#) (select Environmental Fees from Menu) payments are accepted.

**7. PRIOR NOTIFICATION AND ORDERS**

A. Has a notification previously been submitted to, or a Lake or Streambed Alteration Agreement previously been issued by, CDFW for the project described in this notification?

Yes (Provide the information below)       No

Applicant	Notification Number	Date

B. Is this notification being submitted in response to a court or administrative order or notice, or a notice of violation (NOV) issued by CDFW?

Yes     No (Enclose a copy of the order, notice, or NOV. If the applicant was directed to notify CDFW verbally rather than in writing, identify the person who directed the applicant to submit this notification, the agency he or she represents, and describe the circumstances relating to the order.)

Name of person who directed notification	Agency

Describe circumstances relating to order

Continued on additional page(s)



**8. PROJECT LOCATION**

A. Address or description of project location. <i>(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.)</i>				
<input type="checkbox"/> <i>Continued on additional page(s)</i>				
B. River, stream, or lake affected by the project.				
C. What water body is the river, stream, or lake tributary to?				
D. Is the river or stream segment affected by the project listed in the state or federal <a href="#">Wild and Scenic Rivers Acts</a> ?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
E. County				
F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
<input type="checkbox"/> <i>Continued on additional page(s)</i>				
K. Meridian (check one)	<input type="checkbox"/> Humboldt		<input type="checkbox"/> Mt. Diablo	
<input type="checkbox"/> San Bernardino				
L. Assessor's Parcel Number(s)				
<input type="checkbox"/> <i>Continued on additional page(s)</i>				
M. Geographic coordinates <i>(Provide the latitude and longitude coordinates for the property where the project(s) will take place. CDFW utilizes decimal degrees and WGS 84 datum. Access <a href="#">Google Maps Help</a> if you need assistance in finding your coordinates.)</i>				
Latitude/Longitude	Latitude: ###.#####		Longitude: -###.#####	
	Latitude: ###.#####		Longitude: -###.#####	
	Latitude: ###.#####		Longitude: -###.#####	
	Latitude: ###.#####		Longitude: -###.#####	
	Latitude: ###.#####		Longitude: -###.#####	



**9. PROJECT CATEGORY**

WORK TYPE	NEW CONSTRUCTION	REPLACE EXISTING STRUCTURE	REPAIR-MAINTAIN-OPERATE EXISTING STRUCTURE
Bank stabilization – bioengineering/recontouring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bank stabilization – rip-rap/retaining wall/gabion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat dock/pier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Boat ramp	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Channel clearing/vegetation management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Culvert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Debris basin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Filling of wetland, river, stream, or lake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Geotechnical survey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Habitat enhancement – revegetation/mitigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Levee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low water crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Road/trail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sediment removal: pond, stream, or marina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
flood control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Storm drain outfall structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Temporary stream crossing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utility crossing: horizontal directional drilling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
jack/bore	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
open trench	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion without facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water diversion with facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ( <i>specify</i> ):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**10. PROJECT DESCRIPTION**

- A. Describe the project in detail. Include photographs of the project location and immediate surrounding area.
- Written description of all project activities with detailed step-by-step description of project implementation.
  - Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
  - Specify volume, and dimensions of all materials and features (e.g., rip rap fields) that will be used or installed.
  - If water will be diverted or drafted, specify the purpose or use and include Attachment C.
  - Enclose diagrams, drawings, design plans, construction specifications, and maps that provide all of the following: site specific construction details; dimensions of each structure and/or extent of each activity in the bed, channel, bank or floodplain; overview of the entire project area (i.e., “bird’s-eye view”) showing the location of each structure and/or activity, significant area features, stockpile areas, areas of temporary disturbance, and where the equipment/machinery will access the project area.
    - A helpful resource to assist in the development of quality PDF maps in Google Earth. See [Using Google Earth to Map your Property \(PDF\)](#).

Continued on additional page(s)

B. Specify the equipment and machinery that will be used to complete the project.

Continued on additional page(s)

C. Will water be present during the proposed work period (specified in box 4.D) in the stream, river, or lake (specified in box 8.B).

Yes     No (Skip to box 11)

D. Will the project require work in the wetted portion of the channel?

Yes (Enclose a plan to divert water around work site)  
 No



**11. PROJECT IMPACTS**

A. Describe impacts to the bed, channel, and bank of the river, stream, or lake, and the associated riparian habitat. Specify the dimensions of the modifications in length (linear feet) and area (square feet or acres) and the type and volume of material (cubic yards) that will be moved, displaced, or otherwise disturbed, if applicable.

Continued on additional page(s)

B. Will the project affect any vegetation?  Yes (Complete the tables below)  No (Include aerial photo with date supporting this determination)

Vegetation Type	Temporary Impact	Permanent Impact
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____
	Linear feet: _____ Total area: _____	Linear feet: _____ Total area: _____

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)

Continued on additional page(s)

C. Are any special status animal or plant species, or habitat that could support such species, known to be present on or near the project site?

Yes (List each species and/or describe the habitat below)  No  Unknown

Continued on additional page(s)

D. Identify the source(s) of information that supports a “yes” or “no” answer above in Box 11.C.

Continued on additional page(s)

E. Has a biological study been completed for the project site?

Yes (Enclose the biological study)  No

Note: A biological assessment or study may be required to evaluate potential project impacts on biological resources.



F. Has one or more technical studies (e.g., engineering, hydrologic, geological, or geomorphological) been completed for the project or project site?

- Yes (*Enclose the study(ies)*)                       No

*Note: One or more technical studies may be required to evaluate potential project impacts to a lake or streambed.*

G. Have fish or wildlife resources or waters of the state been mapped or delineated on the project site?

- Yes (*Enclose the mapped results*)                       No

*Note: Check “yes” if fish and wildlife resources or waters of the state on the project site have been mapped or delineated. “Wildlife” means and includes all wild animals, birds, plants, fish, amphibians, reptiles and related ecological communities, including the habitat upon which the wildlife depends.” (Fish & G. Code, § 89.5.) If “yes” is checked, submit the mapping or delineation. If the mapping or delineation is in digital format (e.g., GIS shape files or KMZ), you must submit the information in this format for CDFW to deem your notification complete. If “no” is checked, or the resolution of the mapping or delineation is insufficient, CDFW may request mapping or delineation (in digital or non-digital format), or higher resolution mapping or delineation for CDFW to deem the notification complete.*

**12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES**

A. Describe the techniques that will be used to prevent sediment, hazardous, or other deleterious materials from entering watercourses during and after construction.

*Continued on additional page(s)*

B. Describe project avoidance and/or minimization measures to protect fish, wildlife, and plant resources.

*Continued on additional page(s)*

C. Describe any project mitigation and/or compensation measures to protect fish, wildlife, and plant resources.

*Continued on additional page(s)*



**13. PERMITS**

List any local, State, and federal permits required for the project and check the corresponding box(es). Enclose a copy of each permit that has been issued.

A. \_\_\_\_\_  Applied  Issued

B. \_\_\_\_\_  Applied  Issued

C. \_\_\_\_\_  Applied  Issued

D. Unknown whether  local,  State, or  federal permit is needed for the project. (*Check each box that applies*)

Continued on additional page(s)

**14. ENVIRONMENTAL REVIEW**

A. Has a <a href="#">CEQA</a> lead agency been determined?		<input type="checkbox"/> Yes ( <i>Complete boxes B, C, D, E, and F</i> ) <input type="checkbox"/> No ( <i>Skip to box 14.G</i> )	
B. CEQA Lead Agency			
C. Contact Person		D. Phone Number	
E. Has a draft or final document been prepared for the project pursuant to CEQA and/or NEPA?			
<input type="checkbox"/> Yes ( <i>Check the box below for each CEQA or NEPA document that has been prepared and enclose a copy of each.</i> )			
<input type="checkbox"/> No ( <i>Check the box below for each CEQA or NEPA document listed below that will be or is being prepared.</i> )			
<input type="checkbox"/> Notice of Exemption <input type="checkbox"/> Initial Study <input type="checkbox"/> Negative Declaration <input type="checkbox"/> THP/ NTMP	<input type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Notice of Determination ( <i>Enclose</i> ) <input type="checkbox"/> Mitigation, Monitoring, & Reporting Plan	<input type="checkbox"/> NEPA document ( <i>type</i> ): _____ _____	
F. <a href="#">State Clearinghouse Number</a> ( <i>if applicable</i> )			
G. If the project described in this notification is not the “whole project” or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14 § 15378).			
<input type="checkbox"/> Continued on additional page(s)			



H. Has a CEQA filing fee been paid pursuant to Fish and Game Code section 711.4?

- Yes (*Enclose proof of payment*)       No (*Briefly explain below the reason a CEQA filing fee has not been paid*)

Note: The [CEQA filing fee](#) is in addition to the notification fee. If a CEQA filing fee is required, the Lake or Streambed Alteration Agreement may not be finalized until paid.

**15. SITE INSPECTION**

Check one box only.

- In the event CDFW determines that a site inspection is necessary, I hereby authorize a CDFW representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant CDFW such entry.
- I request CDFW to first contact (*insert name*) \_\_\_\_\_ at (*insert phone number or email address*) \_\_\_\_\_ to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay CDFW’s determination as to whether a Lake or Streambed Alteration Agreement is required and/or CDFW’s issuance of a draft agreement pursuant to this notification.

**16. DIGITAL FORMAT**

Is any of the information included as part of the notification available in digital format (i.e., CD, DVD, etc.)?

- Yes (Please enclose the information via digital media with the completed notification form.)
- No

**17. SIGNATURE**

I hereby certify that to the best of my knowledge the information in this notification is true and correct and that I am authorized to sign this notification as, or on behalf of, the applicant. I understand that if any information in this notification is found to be untrue or incorrect, CDFW may suspend processing this notification or suspend or revoke any draft or final Lake or Streambed Alteration Agreement issued pursuant to this notification. I understand also that if any information in this notification is found to be untrue or incorrect and the project described in this notification has already begun, I and/or the applicant may be subject to civil or criminal prosecution. I understand that this notification applies only to the project(s) described herein and that I and/or the applicant may be subject to civil or criminal prosecution for undertaking any project not described herein unless CDFW has been separately notified of that project in accordance with Fish and Game Code section 1602 or 1611.

\_\_\_\_\_  
Signature of Applicant or Applicant’s Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

# DOVER CANYON ROAD BRIDGE OVER JACK CREEK REPLACEMENT PROJECT

## PROJECT DESCRIPTION

The existing Dover Canyon Road Bridge over Jack Creek is a single-span, simply supported steel Warren pony truss with steel floor beams and a timber deck. The existing structure is founded on concrete spread footing abutments and is 63 feet long by 16 feet wide, with a clear width of 15.75 feet between the bridge rails. The new bridge is proposed to be a single-span, pre-cast pre-stressed concrete slab unit bridge slightly longer than the existing bridge. The replacement structure will be approximately 79 feet long, allowing it to clear Jack Creek and align the abutments with the approximate existing top of bank. The structure will be approximately 26 feet wide to accommodate two 9-foot lanes, 2-foot shoulders, and barriers. The abutments will sit on spread footing foundations with cast-in-drilled-hole piles anchoring them to the bedrock. Rock slope protection (RSP) will be keyed into the scour resistant rock at a depth to be determined by the Geotechnical Engineer during construction due to varying geologic conditions. The removal of up to 28 native trees, including valley and coast live oak (*Quercus lobata* and *Q. agrifolia*, respectively) trees, and vegetation clearing will be required.

The project will require temporary construction easements (TCE) and that the County resurrect and enforce its existing right-of-way (ROW), and acquire any new additional ROW needed for the project. A TCE will be needed to construct a detour bridge over the creek while construction takes place. The detour bridge will be located approximately 12 feet north of the existing bridge. The detour road will veer off the existing roadway, free span the creek using a standard temporary railcar bridge (approximately 62 feet long and 9 feet wide), and then rejoin the roadway. The TCE will also be used for construction staging and it will occupy approximately 0.71 acre. This area is currently an unused, uncultivated, undeveloped field. South of the roadway a TCE with an area of approximately 0.25 acre will be used in construction. Access to local residences will be kept clear while construction takes place.

AT&T communication lines are within the project limits and will likely be relocated to the proposed structure. No other private or public utilities are expected to be encountered within the project limits. Utility relocation notifications and procedures will follow standard County procedure and Caltrans Local Assistance Procedures Manual (LAPM), Chapter 14: Utility Relocation (Caltrans 2019) procedures.

The project will result in temporary impacts to the creek channel during construction. Stream flow data suggests that daily flows in the proposed action area from June through October are expected to be less than 1 cubic foot per second (cfs). Due to the low volume of summer flow, a horizontal cofferdam and pipe diversion is not anticipated to be necessary and fish would have continual access to the low stream channel during construction. However, if surface flows are present within the work

area, water would be temporarily diverted away from the streambanks. Although exact materials, lengths, and locations used to construct the diversion system will depend on field conditions, the County may use a system of concrete k-rail, washed gravel-filled bags, potentially longitudinal culverts, and impermeable sheet plastic allowing flows to remain within the primary low-flow channel of the creek through the project site. The approximately 160-foot-long diversion structures will act as cofferdams to divert flow from the work areas (abutments). The diversion will remain in place until construction activities are complete. Upon completion of diversion activities, the County will remove equipment and infrastructure associated with the diversion in a manner that will not adversely impact water quality and its beneficial uses. Diversion locations will be restored to preexisting conditions. Exposed soils will be hydroseeded and stabilized to prevent erosion and sedimentation into the waterway.

The diversion will be designed to completely isolate the work area from the wetted channel. If surface flow is present within the work area after the diversion is installed or if groundwater is encountered during construction, the County will conduct dewatering activities. This will be accomplished by pumping the water from inside the diversion confines, which will likely be groundwater not surface water. Pumps will be fitted with appropriately sized protective screens (according to NMFS' *Pump Intake Screen Criteria for Drafting*) at intake ends to prevent fish and other aquatic species from entering the pumps. Water will be pumped to a temporary sediment basin or to adjacent uplands to capture waterborne sediment before being discharged at a location downstream of the dewatered area. Sediment trapped in the basin will be removed and either incorporated in the backfill material behind the abutment or removed from the site.

Construction will likely require the following equipment: air compressor, bobcat, bulldozer/loader, compactor, concrete truck and pump, crane, debris bin, drill rig, dump truck, flatbed truck, haul truck, holding tanks, mixing tanks, recirculating pumps, and water truck.

Construction is expected to take five months to complete and will be conducted during the dry season (typically June 1 to October 31) to take advantage of seasonally low flow levels and reduced chance of precipitation.

**11. PROJECT IMPACTS (continued)**

Tree Species	Number of Trees to be Removed	Trunk Diameter (range)
California bay ( <i>Umbellularia californica</i> )	1	8

## 12. MEASURES TO PROTECT FISH, WILDLIFE, AND PLANT RESOURCES

- AQ-1** Depending on removal method, an APCD permit may be required. Contact the APCD Engineering & Compliance Division at 805-781-5912 for more information. For additional information regarding lead abatement, contact the San Luis Obispo County Environmental Health Department at 805-781-5544 or Cal-OSHA at 818-901-5403. Additional information can also be found online at [www.epa.gov/lead](http://www.epa.gov/lead).
- AQ-2** Proposed demolition activities 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:
- Written notification to the APCD, within at least 10 business days of activities commencing;
  - Asbestos survey conducted by a Certified Asbestos Consultant; and
  - Applicable removal and disposal requirements of identified ACM.
- AQ-3** To manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and minimize nuisance impacts:
- Reduce the amount of the disturbed area where possible;
  - Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control;
  - All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
  - All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;
  - All fugitive dust mitigation measures shall be shown on grading and building plans; and
  - The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
- AQ-4** Portable construction equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. To minimize potential delays, prior to the start of the project, the APCD Engineering & Compliance Division should be contacted for specific information regarding permitting requirements.
- BIO-1** To avoid and minimize impacts to native trees, including valley and coast live oaks, the project impact area will be minimized to the extent feasible to preserve existing trees, in particular trees

greater than 36 inches. If possible, trimming of trees rather than complete removal is the preferred approach within temporary impact areas. Environmentally sensitive area (ESA) fencing will be placed along the edge of this habitat adjacent to the construction area to keep construction equipment, materials, and personnel out of adjacent areas supporting this vegetation. A qualified biologist will aid in the placement of the ESA fencing and will be on site to monitor tree removal.

- BIO-2** Prior to construction, the County of San Luis Obispo will prepare a comprehensive Habitat Mitigation and Monitoring Plan (HMMP) that provides for a 1:1 restoration ratio for temporary impacts and a 3:1 enhancement ratio for permanent impacts, unless otherwise directed by regulatory agencies. Replacement plantings will be detailed in the California Department of Transportation's Landscape Architecture Landscape Planting Plan and the final HMMP. The HMMP will be developed in coordination with a biologist and will include developed planting specifications and grading plans to ensure survival of planted vegetation and re-establishment of functions and values. The final HMMP will detail mitigation commitments and will be consistent with standards and mitigation requirements from the applicable regulatory agencies. The HMMP will be prepared when full construction plans are prepared and will be finalized through the permit review process with regulatory agencies. It is anticipated that restoration plantings will be onsite and in-kind and consist mainly of native trees and riparian species such as valley oak, coast live oak, arroyo willow, western sycamore, mulefat, California blackberry, and mugwort.
- BIO-3** To the extent feasible, mitigation activities will be implemented within the Biological Study Area and/or the Jack Creek riparian corridor and in areas in and adjacent to the Biological Study Area that support non-native or invasive plant species or have erosion. These areas provide the most optimal mitigation opportunities onsite. Any revegetation will be conducted using only native plant species. The HMMP will identify the specific mitigation sites and will be implemented immediately following project completion.
- BIO-4** Prior to construction, the County of San Luis Obispo will obtain a Section 404 Permit from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and a Section 1602 Streambed Alteration Agreement from the California Department of Fish and Wildlife for project-related impacts that will occur in areas under state and federal jurisdiction.
- BIO-5** Prior to construction, the County of San Luis Obispo Department of Public Works will retain a qualified biological monitor(s) to monitor construction and ensure compliance with the avoidance and minimization efforts outlined within all the project environmental documents. At a minimum, monitoring will occur during initial ground disturbance activities and vegetation removal within the Jack Creek corridor. Monitoring may be reduced to part time once initial disturbance and vegetation removal activities are complete. The duration of monitoring should be at least once per week throughout the remaining construction phases and may be conducted by qualified personnel, unless specified otherwise by permitting agencies.
- BIO-6** Prior to construction, all project personnel will participate in an environmental awareness training program conducted by a qualified biologist. The program shall include a description of the sensitive aquatic resources and federally designated critical habitat within the Biological Study Area and the boundaries within which the project may be accomplished. If appropriate, the biologist may train and designate a representative of the County of San Luis Obispo or other designee to provide training to subcontractors or personnel that will be onsite for short durations during the project.
- BIO-7** Construction activities within jurisdictional areas will be conducted during the dry season when stream flows will be at annual lows (generally June 15 through October 15) in any given year, or as otherwise directed by the regulatory agencies. Deviations from this work window can be made with permission from the relevant regulatory agencies.

- BIO-8** Prior to initiation of any construction activities, including vegetation clearing or grubbing, sturdy high-visibility fencing will be installed to protect the jurisdictional areas adjacent to the designated work areas. This fencing will be placed so that unnecessary adverse effects to the adjacent habitats are avoided. No construction work (including storage of materials) will occur outside of the specified project limits. The fencing will remain in place during the entire construction period, be monitored periodically by a qualified biologist, and be maintained as needed by the contractor.
- BIO-9** Prior to construction, a Storm Water Pollution Prevention Plan will be prepared for the project, if disturbance is greater than one acre. If less than one acre, a Water Pollution Prevention Plan will be prepared in accordance with County of San Luis Obispo requirements. Provisions of this plan will be implemented during and after construction as necessary to avoid and minimize erosion and stormwater pollution in and near the work area.
- BIO-10** Prior to construction, the contractor will prepare a Hazardous Materials Response Plan to allow for a prompt and effective response to any accidental spills. Workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
- BIO-11** During construction, erosion control measures (e.g., silt fencing, fiber rolls, and barriers) will remain available onsite and will be utilized as necessary to prevent erosion and sedimentation in jurisdictional areas. No synthetic plastic mesh products will be used for erosion control and use of these materials onsite is prohibited. Erosion control measures and other suitable Best Management Practices used will be checked to ensure that they are intact and functioning effectively and maintained on a daily basis throughout the duration of construction. The contractor will also apply adequate dust control techniques, such as site watering, during construction to protect water quality.
- BIO-12** During construction, the cleaning and refueling of equipment and vehicles will occur only within a designated staging area and at least 60-feet (20 meters) from wetlands or other aquatic areas. At a minimum, equipment and vehicles will be checked and maintained daily to ensure proper operation and avoid potential leaks or spills.
- BIO-13** During construction, trash will be contained, removed from the work site, and disposed of regularly. Following construction, trash and construction debris will be removed from the work areas. Vegetation removed from the construction site will be taken to a permitted landfill to prevent the spread of invasive species. If soil from weedy areas (such as areas with poison hemlock or other invasive exotic plant species) must be removed off-site, the top six inches (152 millimeters) containing the seed layer in areas with weedy species will be disposed of at a permitted landfill.
- BIO-14** During construction, no pets will be allowed on the construction site.
- BIO-15** During construction, the project will make all reasonable efforts to limit the use of imported soils for fill. Soils currently existing onsite should be used for fill material. If the use of imported fill material is necessary, the imported material must be obtained from a source that is known to be free of invasive plant species, or the material must consist of purchased clean material such as crushed aggregate, sorted rock, or similar. To avoid the spread of invasive species, the contractor shall:
- Stockpile topsoil and redeposit the stockpiled soil onsite at a sufficient depth to preclude germination or spread of those species after construction is complete; or,
  - Transport the topsoil to a permitted landfill for disposal.
- BIO-16** Prior to construction, project plans will clearly identify the type of species, location, and methodology of removal and disposal of invasive species found within the project site. Removal and disposal of invasive plants and wildlife must be in accordance with state law and/or project authorizations from resource agencies (e.g., U.S. Fish and Wildlife Service Programmatic

Biological Opinion). In particular, for those invasive plant species that are particularly difficult to remove, a combination of cutting and application of herbicide would likely be required, and thus require a request for an amendment to the standard conditions of the U.S. Fish and Wildlife Service Programmatic Biological Opinion if herbicides are used within 60-feet of open water. In addition, removal of bullfrog or crayfish must be conducted lawfully using methodologies outlined in the California Fish and Game Code.

- BIO-17** During construction, the biological monitor(s) will ensure that the spread or introduction of invasive plant and wildlife species is avoided to the maximum extent possible.
- BIO-18** All erosion control materials including straw bales, straw wattles, or mulch used onsite must be free of invasive species seed. Removal of invasive species may provide opportunities for planting native trees and shrubs to enhance the existing native plant communities, although these areas are limited within the BSA.
- BIO-19** Prior to construction, a botanist determined qualified by the California Department of Transportation and California Department of Fish and Wildlife shall survey the Biological Survey Area during the appropriate blooming time special status species are not present within areas scheduled for ground disturbance. If present, the location and number of individuals will be recorded and suitable mitigation will be incorporated into the project plans, such as seed collection and replanting of special-status species. Observations of these or other special-status species shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon project completion.
- BIO-20** Prior to initiation of stream diversion/dewatering, a qualified biologist shall conduct a worker environmental training program, including a description of steelhead, steelhead critical habitat, steelhead legal/protected status, proximity to the project site, avoidance/minimization measures to be implemented during the project, and the implications of violating Federal Endangered Species Act and permit conditions.
- BIO-21** In-stream work will take place in any given year (typically between June 15 and October 31) when the surface water within Jack Creek is likely to be at seasonal minimum. Deviations from this work window will only be made with permission from the relevant regulatory agencies. During in-stream work, a qualified biologist that is approved by the National Oceanic and Atmospheric Administration National Marine Fisheries Service and has experience in steelhead biology and ecology, aquatic habitats, biological monitoring (including diversion/dewatering), and capturing, handling, and relocating fish species will be retained. During in-stream work, the biological monitor(s) will continuously monitor placement and removal of any required stream diversions and will capture stranded steelhead and other native fish species and relocate them to suitable habitat, as appropriate. The approved biologist(s) will capture steelhead stranded as a result of diversion/dewatering and relocate steelhead to the nearest suitable in-stream habitat. The approved biologist(s) will note the number of steelhead observed in the affected area, the number of steelhead relocated, and the date and time of the collection and relocation.
- BIO-22** During in-stream work, if pumps are incorporated to assist in temporarily dewatering the site, intakes will be completely screened with no larger than 0.2-inch (five-millimeter) wire mesh to prevent steelhead and other sensitive aquatic species from entering the pump system. Pumps will release the diverted water so that suspended sediment will not re-enter the stream. The form and function of pumps used during the dewatering activities will be checked daily, at a minimum, by a qualified biological monitor to ensure a dry work environment and minimize adverse effects to aquatic species and habitats.
- BIO-23** Only U.S. Fish and Wildlife Service-approved biologists will participate in activities associated with the capture and handling of California red-legged frogs. Biologists authorized under the Programmatic Biological Opinion do not need to resubmit their qualifications for subsequent projects conducted pursuant to the Programmatic Biological Opinion, unless the U.S. Fish and

Wildlife Service has revoked their approval at any time during the life of the Programmatic Biological Opinion.

- BIO-24** Ground disturbance will not begin until written approval is received from the U.S. Fish and Wildlife Service that the biologist(s) is qualified to conduct the work. The California Department of Transportation will request approval of the biologist(s) from the U.S. Fish and Wildlife Service.
- BIO-25** A U.S. Fish and Wildlife Service-approved biologist will survey the project area no more than 48 hours before the onset of work activities. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The U.S. Fish and Wildlife Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the project. The relocation site should be in the same drainage to the extent practicable. The California Department of Transportation will coordinate with the U.S. Fish and Wildlife Service on the relocation site prior to the capture of any California red-legged frogs.
- BIO-26** Before any activities begin on a project, a U.S. Fish and Wildlife Service-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the specific measures that are being implemented to conserve the California red-legged frog for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
- BIO-27** A U.S. Fish and Wildlife Service-approved biologist will be present at the work site until California red-legged frogs have been relocated out of harm's way, workers have been instructed, and disturbance of the habitat has been completed. After this time, the County of San Luis Obispo will designate a person to monitor onsite compliance with minimization measures. The U.S. Fish and Wildlife Service-approved biologist will ensure that this monitor receives the training outlined in the previous measure, as well as training in the identification of California red-legged frogs. If the monitor or the U.S. Fish and Wildlife Service-approved biologist recommends that work be stopped because California red-legged frogs would be affected in a manner not anticipated by the California Department of Transportation, County of San Luis Obispo, and U.S. Fish and Wildlife Service during the review of the proposed action, they will notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident engineer will either resolve the situation by eliminating the adverse effect immediately or require that actions that are causing these effects to be halted. If work is stopped, the California Department of Transportation, County of San Luis Obispo, and U.S. Fish and Wildlife Service will be notified as soon as is reasonably possible.
- BIO-28** During project activities, trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, trash and construction debris will be removed from work areas.
- BIO-29** All refueling, maintenance, and staging of equipment and vehicles will occur at least 60-feet from riparian habitat or water bodies and in a location from where a spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water). The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the California Department of Transportation and County of San Luis Obispo will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

- BIO-30** Habitat contours will be returned to their original configuration to the greatest extent that is feasible at the end of project activities. This measure will be implemented in all areas disturbed by activities associated with the project, unless the U.S. Fish and Wildlife Service, California Department of Transportation, and County of San Luis Obispo determine that it is not feasible or modification or original contours would benefit the California red-legged frog.
- BIO-31** The number of access routes, size of staging areas, and the total area of activity will be limited to the minimum necessary to achieve the project. Environmentally Sensitive Areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.
- BIO-32** The County of San Luis Obispo and California Department of Transportation will attempt to schedule work for times of the year when impacts to the California red-legged frog would be minimal. For example, work that would affect large pools that may support breeding would be avoided, to the maximum degree practicable, during the breeding season (November through May). Isolated pools that are important to maintain California red-legged frogs through the driest portions of the year would be avoided, to the maximum degree practicable, during the late summer and early fall. Habitat assessments, surveys, and technical assistance between the California Department of Transportation and U.S. Fish and Wildlife Service during project planning will be used to assist in scheduling work activities to avoid sensitive habitats during key times of year.
- BIO-33** To control sedimentation during and after project implementation, the California Department of Transportation and County of San Luis Obispo will implement the Best Management Practices outlined in any authorizations or permits issued under the authorities of the Clean Water Act that it receives for the specific project. If Best Management Practices are ineffective, the California Department of Transportation will attempt to remedy the situation immediately, in coordination with the U.S. Fish and Wildlife Service.
- BIO-34** If a work site is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh not larger than 0.2 inch to prevent California red-legged frogs from entering the pump system. Water will be released downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the streambed will be minimized to the maximum extent possible; any imported material will be removed from the streambed upon completion of the project.
- BIO-35** Unless approved by the U.S. Fish and Wildlife Service, water will not be impounded in a manner that may attract California red-legged frogs.
- BIO-36** A U.S. Fish and Wildlife Service-approved biologist will permanently remove any individuals of invasive species, such as bullfrogs, crayfish, and centrarchid fishes from the project area, to the maximum extent. The U.S. Fish and Wildlife Service-approved biologist will be responsible for ensuring their activities are in compliance with the California Fish and Game Code.
- BIO-37** If the California Department of Transportation and County of San Luis Obispo demonstrate that disturbed areas have been restored to conditions that allow them to function as habitat for the California red-legged frog, these areas will not be included in the amount of total habitat permanently disturbed.
- BIO-38** To ensure that diseases are not conveyed between work sites by the U.S. Fish and Wildlife Service-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Task Force will be followed at all times.

**BIO-39** Project sites will be re-vegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area, using locally collected plant materials to the extent practicable. Invasive plants will be controlled to the maximum extent practicable. This measure will be implemented in all areas disturbed by activities with the project, unless the U.S. Fish and Wildlife Service, California Department of Transportation, and County of San Luis Obispo have determined that it is not feasible or practical.

**BIO-40** The County of San Luis Obispo and California Department of Transportation will not use herbicides as the primary method to control invasive plants. However, if the County of San Luis Obispo and California Department of Transportation determine the use of herbicides is the only feasible method for controlling invasive plants at a specific project site, it will implement the following additional measures to protect California red-legged frog:

- The County of San Luis Obispo and California Department of Transportation will not use herbicides during the breeding season for California red-legged frog;
- The County of San Luis Obispo and California Department of Transportation will conduct surveys for California red-legged frog immediately prior to the start of herbicide use. If found, California red-legged frog will be relocated to suitable habitat far enough from the project area that no direct contact with herbicide would occur;
- Black locust and other invasive plants will be cut and hauled out by hand and painted with glyphosate-based products, such as Aquamaster® or Rodeo®;
- Licensed and experienced California Department of Transportation staff or a licensed and experienced contractor will use a hand-held sprayer for foliar application of Aquamaster® or Rodeo® where large monoculture stands occur at an individual project site;
- All precautions will be taken to ensure that no herbicide is applied to native vegetation;
- Foliar applications of herbicide will not occur when wind speeds are in excess of three miles per hour;
- No herbicides will be applied within 24-hours of forecasted rain;
- Application of herbicides will be done by qualified California Department of Transportation staff, County of San Luis Obispo staff, or contractors to ensure that overspray is minimized, application is made in accordance with the label recommendations, and required and reasonable safety measures are implemented. A safe dye will be added to the mixture to visually denote treated sites. Application of herbicides will be consistent with the U.S. Environmental Protection Agency's Office of Pesticide Programs Endangered Species Protection Program county bulletins; and
- All herbicides, fuels, lubricants, and equipment will be stored, poured, or refilled at least 60-feet from riparian habitat or water bodies in a location where a spill would not drain directly toward aquatic habitat. The California Department of Transportation and County of San Luis Obispo will ensure that a plan is in place for a prompt and effective response to accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

**BIO-41** Upon completion of the project, the California Department of Transportation and County of San Luis Obispo will ensure that a Project Completion Report is completed and provided to the U.S. Fish and Wildlife Service Ventura Field Office. The California Department of Transportation and County of San Luis Obispo should include recommended modifications of the protective measures if alternative measures would facilitate compliance with the provisions of the consultation. In addition, the California Department of Transportation will reinitiate formal consultation in the event any of the following thresholds are reached as a result of the projects

conducted under the provisions of the consultation associated with the Programmatic Biological Opinion:

- Ten California red-legged frog adults or juveniles have been killed or injured in any given year (for this and all other standards, an egg mass is considered to be a California red-legged frog.);
- Fifty California red-legged frogs have been killed or injured in total;
- Twenty acres of critical habitat for the California red-legged frog that include the primary constituent elements of aquatic breeding and non-breeding aquatic habitat and upland and dispersal habitat have been permanently lost in any given year;
- One hundred acres of critical habitat for the California red-legged frog that include the primary constituent elements of aquatic breeding and non-breeding aquatic habitat and upland and dispersal habitat have been permanently lost in total;
- One hundred acres of critical habitat for the California red-legged frog that include the primary constituent elements of aquatic breeding and non-breeding aquatic habitat and upland and dispersal habitat have been temporarily disturbed in any given year; or
- Five hundred acres of critical habitat for the California red-legged frog that include the primary constituent elements of aquatic breeding and non-breeding aquatic habitat and upland and dispersal habitat have been temporarily disturbed in total.

**BIO-42** Prior to construction, a qualified biologist shall survey the Biological Survey Area and, if present, capture and relocate any Coast Range newts, lesser slender salamander, and western pond turtles to adjacent suitable habitat upstream of the Biological Survey Area. Observations of these or other special-status species shall be documented on California Natural Diversity Database forms and submitted to the California Department of Fish and Wildlife upon project completion. If any of the aforementioned species or other aquatic species of special concern are observed during construction, they will likewise be relocated to suitable upstream habitat by a qualified biologist.

**BIO-43** Prior to construction, when feasible, tree removal will be scheduled to occur from September 2 through January 31, outside of the typical nesting bird season, to avoid potential impacts to nesting birds.

**BIO-44** If construction activities are proposed during the typical nesting season (February 1 to September 1), a nesting bird survey will be conducted by qualified biologists no more than two weeks prior to the start of construction to determine presence/absence of nesting least Bell's vireo within the BSA and immediate vicinity. The California Department of Transportation will be notified if federally listed nesting bird species are observed during the surveys and will facilitate coordination with the U.S. Fish and Wildlife Service, if necessary, to determine an appropriate avoidance strategy. Likewise, coordination with the California Department of Fish and Wildlife will be facilitated by the County of San Luis Obispo, if necessary, to devise a suitable avoidance plan for state listed nesting bird species.

**BIO-45** If raptor nests are observed within the Biological Study Area during the pre-construction nesting bird surveys, the nest(s) shall be designated an Environmental Sensitive Area and protected by an avoidance buffer of up to 500-feet until the breeding season ends or until a qualified biologist determines that all young have fledged and are no longer reliant upon the nest or parental care for survival. Similarly, if active passerine nests are observed within the Biological Study Area during the pre-construction nesting bird surveys, the nest(s) shall be designated an Environmentally Sensitive Area and protected by an avoidance buffer of up to 250 feet until the breeding season ends or until a qualified biologist determines that all young have fledged and are no longer reliant upon the nest or parental care for survival. Resource agencies may consider proposed variances from these buffers if there is a compelling biological or ecological reason to

do so, such as protection of a nest via concealment due to site topography. Buffer areas may also be reduced provided there is an onsite biological monitor present during all construction activities who confirms the nesting birds and young are not being disturbed.

- BIO-46** Prior to construction, a visual survey will be conducted by a qualified biologist, at dawn and at dusk, to identify potential roosting bat activity. This survey shall be conducted between two to four weeks prior to bridge and/or tree removal activities that are proposed to occur. If roosting bat activity is identified during the pre-construction survey process, the County of San Luis Obispo will coordinate with the California Department of Fish and Wildlife regarding the biological significance of the bat population and appropriate measures that could be used to exclude bats from roosting under the bridge. Measures may include, but are not limited to, the installation of exclusionary devices by a qualified individual.
- CR-1** If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find.
- CR-2** The discovery of human remains is always a possibility during ground disturbance; State of California Health and Safety Code Section 7050.5 covers these findings. This code section states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the County Coroner will notify the NAHC, which will designate and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.
- HAZ-1** Demolition of structures coated with lead-based paint may result in potentially significant impacts to air quality if not performed properly. Improper demolition could result in the release of lead-containing particles from the site. Sandblasting or removal of paint by heating with a heat gun can also result in significant emissions of lead. Proper abatement of lead before demolition of these structures must be performed to prevent the release of lead from the site. Depending on removal method, an APCD permit may be required.
- HAZ-2** It is possible that soil excavated from the project site might contain mercury at a concentration that exceeds the TTLC; additional testing of waste soil excavated at the site will be required to properly classify the waste soil for transportation and off-site disposal.
- HAZ-3** The County shall ensure the proposed project complies with Section 13-4.03B Spill Prevention and Control of the Caltrans 2015 Standard Specifications to minimize the potential for, and effects of, spills of hazardous or toxic substances during construction of the project.
- HAZ-4** Prior to initiation of any site preparation and/or construction activities, all project personnel shall be informed of the importance of preventing spills and shall be instructed of the appropriate actions to take should an accidental spill occur. Specific measures to prevent contamination and a plan for prompt and effective response to any accidental spills shall be developed and listed in the Hazardous Material Spill Prevention, Control and Countermeasure Plan prepared for the project.
- HAZ-5** All staging, and equipment/vehicle parking areas shall be free of combustible vegetation and work crews shall have shovels and a fire extinguisher on-site during all construction activities.
- HAZ-6** If signs of transite piping are observed during construction activity, sampling and analysis shall be conducted. Transite piping shall be disposed of properly.
- NOI-1** The following measures shall be shown on applicable plans and implemented during construction:

- Construction activities involving heavy equipment or heavy-duty truck traffic shall be limited from 7:00 a.m. to 9:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays;
- No work shall occur on Sundays;
- No construction shall occur on state holidays (e.g., Thanksgiving, Labor Day);
- Construction equipment maintenance shall be limited to the same hours; and
- Construction activities that do not generate substantial noise levels are not subject to these restrictions.

**HYDRO-1** In the unlikely event that significant amounts of groundwater be encountered during construction/ excavation activities and more extensive dewatering methods become necessary, regulatory compliance and permitting consistent with the Regional Water Quality Control Board (RWQCB) and National Pollutant Discharge Elimination System (NPDES) requirements shall be adhered to, and groundwater sampling shall be conducted, as applicable.

**TCR-1** If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find.

**TCR-2** The discovery of human remains is always a possibility during ground disturbance; State of California Health and Safety Code Section 7050.5 covers these inadvertent findings. This code section states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the County Coroner will notify the NAHC, which will designate and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

#### Additional Measures from NMFS

- a. The County of San Luis Obispo will retain a NMFS approved biologists with expertise in anadromous salmonid biology, including handling, collecting, and relocating salmonids; salmonid/habitat relationships; and biological monitoring of salmonids. To ensure that all biologists working on the project are qualified to conduct fish collections in a manner which minimizes all potential risks to steelhead, Caltrans and/or the County of San Luis Obispo will submit the resumes of candidate biologists to NMFS (Yvette Redler-Medina at [yvette.redler-medina@noaa.gov](mailto:yvette.redler-medina@noaa.gov)) for review and approval prior to conducting the work. Electrofishing, if used, will be performed by a qualified biologist and conducted according to the NMFS Guidelines for Electrofishing Waters Containing Salmonids Listed under the Endangered Species Act, June 2000. See: <http://www.nwr.noaa.gov/ESA-Salmon-Regulations-Permits/4d-Rules/upload/electro2000.pdf>.
- b. The biologists will monitor the construction site during placement and removal of channel diversions to ensure that any adverse effects to salmonids are minimized. The biologists will be on site during all dewatering events to capture, handle, and safely relocate steelhead. Caltrans or the biologist will notify NMFS biologist Yvette Redler- Medina at [yvette.redler-medina@noaa.gov](mailto:yvette.redler-medina@noaa.gov), one week prior to capture activities in order to provide an opportunity for NMFS staff to observe the activities.

- c. Steelhead will be handled with extreme care and kept in water to the maximum extent possible during rescue activities. All captured fish will be kept in cool, shaded, aerated water protected from excessive noise, jostling, or overcrowding any time they are not in the stream, and fish will not be removed from this water except when released. To avoid predation, the biologists will have at least two containers and segregate young-of-year fish from larger age-classes and other potential aquatic predators. Captured steelhead will be relocated, as soon as possible, to a suitable instream location in which suitable habitat conditions are present to allow for adequate survival of transported fish and fish already present.
- d. If any salmonids are found dead or injured, the biological monitor will contact NMFS biologist, Yvette Redler-Medina, by phone (text) immediately at (916) 317- 1149 or the NMFS Central Coast Office (Santa Cruz, California) at 831 460-7564. The purpose of the contact is to review the activities resulting in take, determine if additional protective measures are required, and to ensure appropriate collection and transfer of salmonid mortalities and tissue samples. All salmonid mortalities will be retained. Tissue samples are to be acquired from each salmonid mortality per the methods identified in the NMFS Southwest Fisheries Science Center Genetic Repository protocols (contact the above NMFS staff for directions) and sent to: NOAA Coastal California Genetic Repository; Southwest Fisheries Science Center; 110 McAllister Way; Santa Cruz CA 95060.
- e. Caltrans and the County of San Luis Obispo will allow any NMFS employee(s) or any other person(s) designated by NMFS, to accompany field personnel to visit the project site during activities described in this opinion.
- f. Fill material for cofferdams/in-stream diversions will be fully confined with the use of plastic sheeting, sandbags, or with other non-porous containment methods, such that sediment does not come in contact with stream flow or in direct contact with the natural streambed. All loose fill material for cofferdams or access ramps will be completely removed from the channel by October 31.
- g. Any pumps used to divert live stream flow, outside the dewatered work area, will be screened and maintained throughout the construction period to comply with NMFS' Fish Screening Criteria for Anadromous Salmonids. See: <http://swr.nmfs.noaa.gov/hcd/fishscrn.pdf>.
- h. Treated wood may not be used in any temporary platforms or scaffolds in the creek channel. Lumber used for temporary construction operations must be unfinished and untreated wood. All materials used for temporary platforms or scaffolds must be completely removed from the channel no later than October 31.
- i. In areas where concrete is used, a dry work area must be maintained to prevent conveyance of runoff from curing concrete to the surface waters of the adjacent stream until it has fully cured 30 days after it has been poured; otherwise, concrete sealants will be applied and allowed to fully cure before coming into contact with water. Water that inadvertently contacts uncured concrete must not be discharged into surface waters.

- j. Equipment will be fueled and maintained at least 60 feet from the river and away from any storm water or drainage courses and equipment will be checked for leaks prior to in-channel work each day. If leaks occur during work in the channel (top of bank to top of bank), Caltrans or their contractor will contain the spill and remove the affected soils.
- k. Once construction is completed, all project-introduced material (pipe, gravel, cofferdam, etc.) must be removed, leaving the creek as it was before construction. Excess materials will be disposed of at an appropriate disposal site.
- l. Caltrans or the County of San Luis Obispo must provide a written report to NMFS by January 15 of the year following construction of the project. The report must be submitted to:  
NMFS Central Coast Branch Chief  
USGS Pacific Coast & Marine Science Center 2885 Mission Street  
Santa Cruz, California, 95060

The report must contain, at a minimum, the following information:

- i. Project Construction and Fish Relocation Report -- The report(s) must include the dates construction began and was completed; a discussion of design compliance including: vegetation installation, and post-construction longitudinal profile and cross sections; a discussion of any unanticipated effects or unanticipated levels of effects on salmonids, including a description of any and all measures taken to minimize those unanticipated effects and a statement as to whether or not the unanticipated effects had any effect on ESA-listed fish; the number of salmonids killed or injured during the project action; and photographs taken before, during, and after the activity from photo reference points.
- ii. Fish Relocation -- The report must include a description of the location from which fish were removed and the release site including photographs; the date and time of the relocation effort; a description of the equipment and methods used to collect, hold, and transport salmonids; if an electrofisher was used for fish collection, a copy of the logbook must be included; the number of fish relocated by species; the number of fish injured or killed by species and a brief narrative of the circumstances surrounding ESA-listed fish injuries or mortalities; and a description of any problems which may have arisen during the relocation activities and a statement as to whether or not the activities had any unforeseen effects.
- iii. Post-Construction Vegetation Monitoring and Reporting -- Caltrans must develop and submit for NMFS' review a plan to assess the success of revegetation of the site. A draft of the revegetation monitoring plan must be submitted to NMFS (address specified in 3a above) for review and approval prior to the beginning of the 2021 in-stream work season (June 15, 2021). Reports documenting post-project conditions of vegetation installed at the site will be prepared and submitted annually for the first five years following project completion, unless the site is documented to be performing poorly, then monitoring requirements will be extended. Reports will document vegetation health and survivorship and percent cover, natural recruitment of native

vegetation (if any), and any maintenance or replanting needs. Photographs must be included. If poor establishment is documented, the report must include recommendations to address the source of the performance problems.

## PHOTOGRAPHS



Photograph 1 – Dover Canyon Road Bridge, facing west.



Photograph 2 - Habitat surrounding Dover Canyon Road, facing north. Equipment and materials will likely be staged here.



Photograph 3 - Dover Canyon Road bridge over Jack Creek, facing north.



Photograph 4 – Dover Canyon Road bridge over Jack Creek, facing south.



Photograph 5 – Channel of Jack Creek under Dover Canyon Road bridge, facing west.

Figure 1: Project Vicinity Map

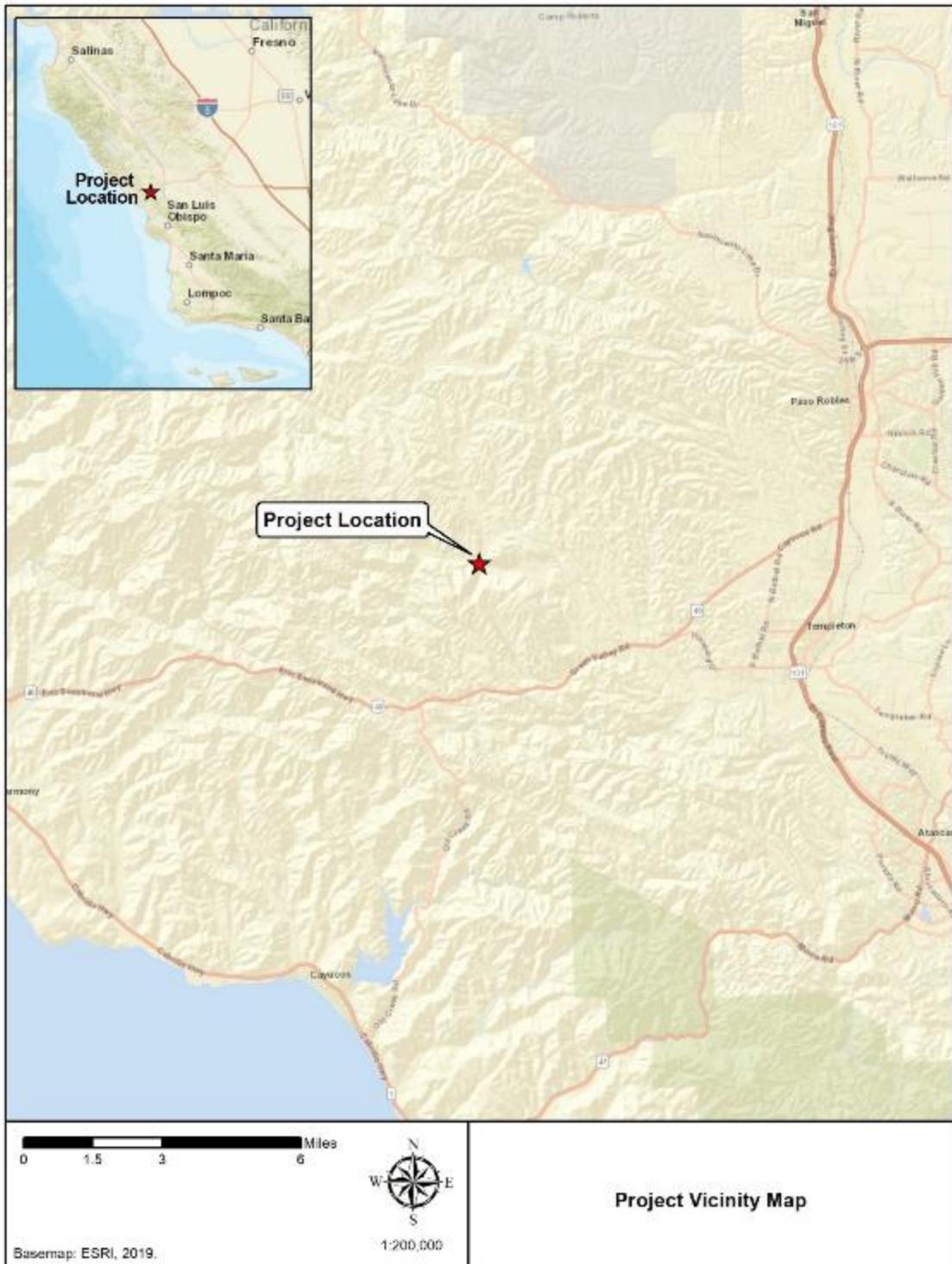


Figure 5: Jurisdictional Waters Impact Map

