



CAMBRIA COMMUNITY SERVICES DISTRICT

I, Amanda Rice, President of the Cambria Community Services District Board of Directors, hereby call a Special Meeting of the Board of Directors pursuant to California Government Code Section 54956. The Special Meeting will be held: **Wednesday, June 14, 2017, 2:00 PM, 1000 Main St. Cambria CA 93428**. The purpose of the Special Meeting is to discuss or transact the following business:

AGENDA

SPECIAL MEETING OF THE CAMBRIA COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS

**Wednesday, June 14, 2017, 2:00 PM
1000 Main St. Cambria CA 93428**

Copies of the staff reports or other documentation relating to each item of business referred to on the agenda are on file in the Office of the District Clerk, available for public inspection during District business hours. The agenda and agenda packets are also available on the CCSD website at www.cambriacsd.org. The District Office hours are Monday - Thursday, and every other Friday from 9:00 a.m. through 4:00 p.m. Please call 805-927-6223 if you need any assistance. If requested, the agenda and supporting documents shall be made available in alternative formats to persons with a disability. The District Clerk will answer any questions regarding the agenda.

1. OPENING

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Establishment of Quorum**

2. REGULAR BUSINESS (Estimated time: 15 Minutes per item)

Members of the public wishing to address the Board on any item described in this Notice may do so when recognized by the Board President prior to Board consideration of each agenda item. Public Comment items on this agenda will be limited to three (3) minutes per person

- A. DISCUSSION AND CONSIDERATION OF ADOPTION OF RESOLUTION 23-2017 CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE CAMBRIA SUSTAINABLE WATER FACILITY**

3. ADJOURN TO CLOSED SESSION at 1316 Tamsen St., Suite 201 Cambria CA 93428

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2)
(One potential case)

UnLOC v. CCSD

- B.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8
Property APN: 022-251-019
Agency Negotiators: Jerry Gruber, General Manager and Timothy Carmel, District Counsel
Negotiating Party: The County of San Luis Obispo
Under Negotiation: Price and Terms of Payment
- C.** CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Government Code Section 54956.9(d)(1)
Name of Case: SWRCB v. CCSD; NOV's related to WDR Order Nos. R3-2014-0047 and R3-2014-0050.

4. RECONVENE TO OPEN SESSION

- A.** **Report from Closed Session (a report, if any, will be made both immediately after the closed session at 1316 Tamsen Street and at the beginning of the Regular meeting on June 22, 2017)**

5. ADJOURN

CAMBRIA COMMUNITY SERVICES DISTRICT

TO: Board of Directors

AGENDA NO. 2.A.

FROM: Jerry Gruber, General Manager
Bob Gresens, District Engineer

Meeting Date: June 14, 2017 Subject: DISCUSSION AND CONSIDERATION OF
ADOPTION OF RESOLUTION 23-2017
CERTIFYING THE FINAL SUBSEQUENT
ENVIRONMENTAL IMPACT REPORT FOR
THE CAMBRIA SUSTAINABLE WATER
FACILITY

RECOMMENDATIONS:

Staff recommends that the Board of Directors consider adopting Resolution 23-2017 certifying the final Subsequent Environmental Impact Report (SEIR) for the Cambria Sustainable Water Facility (SWF).

FISCAL IMPACT:

No fiscal impact has been identified.

DISCUSSION:

The Cambria Community Service District (CCSD) is the Lead Agency under the California Environmental Quality Act (CEQA) and is responsible for preparing the SEIR for the SWF. The SEIR was prepared by CCSD’s consultant, Michael Baker International. The purpose of the SEIR is to identify the SWF’s significant effects on the environment, indicate how those significant environmental effects shall be mitigated or avoided, and identify alternatives that would avoid or reduce those impacts.

Before a project analyzed in an EIR can be considered for approval, the lead agency must certify the final EIR. Under the State CEQA Guidelines, certification consists of three separate steps. First, the lead agency's decision making body must conclude that the document has been completed in compliance with CEQA. Second, that the decision making body has reviewed and considered the information within the EIR prior to approving the project or, in this case, before the County of San Luis Obispo can consider approving the project. Third, that the final EIR reflects the lead agency's independent judgment and analysis (CEQA Guidelines section 15090(a)). The attached Resolution contains the requisite findings needed to certify the final EIR.

Attachments:

- Resolution 23-2017 Certifying the Final Subsequent Environmental Impact Report for the Sustainable Water Facility
- Exhibit A to Resolution 23-2017 CEQA Findings
- Exhibit B to Resolution 23-2017 MMRP

BOARD ACTION: Date _____ Approved: _____ Denied: _____

UNANIMOUS:___ RICE___ SANDERS___ THOMPSON___BAHRINGER ___FARMER

**RESOLUTION NO. 23-2017
JUNE 14, 2017**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CAMBRIA COMMUNITY SERVICES DISTRICT
CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
(SEIR) FOR THE SUSTAINABLE WATER FACILITY**

WHEREAS, the Cambria Community Services District (the “CCSD”) is a community services district duly organized and existing under and pursuant to the laws of the State of California and is the Lead Agency under the California Environmental Quality Act (CEQA), and is responsible for preparing the Subsequent Environmental Impact Report (SEIR) for the Sustainable Water Facility (SWF or project) in accordance with the requirements of CEQA (Public Resources Code 21000 et seq.) and the State CEQA Guidelines (14 California Code Regulations, 15000); and

WHEREAS, in August 2008 the CCSD Board of Directors adopted a Water Master Plan (WMP) that consisted of a Recycled Water Distribution System Plan, Potable Water System Distribution Analysis and Assessment of Long-Term Water Supply Alternatives to provide a framework for their long-term water supply strategy; and

WHEREAS, the WMP components were analyzed together as part of CCSD's WMP Program Environmental Impact Report; and

WHEREAS, pursuant to CEQA Guidelines Sections 15152 and 15385, the CCSD has prepared a Subsequent Environmental Impact Report to consider the environmental impacts of the SWF, tiering off the WMP Program Environmental Impact Report where appropriate; and

WHEREAS, the purpose of the SEIR is to identify the project’s significant effects on the environment, to indicate the manner in which such significant effects shall be mitigated or avoided, and to identify alternatives to the project that avoid or reduce these impacts; and

WHEREAS, the SEIR is intended to serve as an informational document for use by the CCSD, the County of San Luis Obispo and other responsible agencies, the general public, and decision-makers in their consideration and evaluation of the environmental consequences associated with the implementation of the project; and

WHEREAS, pursuant to Section 15082 of the State CEQA Guidelines, the CCSD circulated a Notice of Preparation (NOP) to public agencies and members of the public for a 30-day period, commencing March 6, 2015 and ending April 6, 2015. The purpose of the NOP was to formally announce that the CCSD is preparing a Draft SEIR for the

SWF and that, as Lead Agency, was soliciting input regarding the scope and content of the environmental information to be included in the SEIR; and

WHEREAS, during the NOP circulation period, the CCSD advertised a public scoping meeting on March 26, 2015 that was held at the Veterans Hall, 1000 Main Street, Cambria, CA to obtain public input. The meeting was held with the specific intent of allowing interested individuals/groups and public agencies an opportunity to orally present information and comment directly to the Lead Agency in an effort to assist in further refining the intended scope and focus of the SEIR as described in the NOP; and

WHEREAS, the Draft SEIR was circulated for review and comment to the public, agencies, and organizations. The Draft SEIR was also circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research. A Notice of Availability was placed in The Tribune (newspaper). The public review period ran from August 31, 2016 to October 26, 2016. Comments received during the public review period have been incorporated into the Final SEIR; and

WHEREAS, The Final SEIR allows the public, agencies, organizations and Lead Agency an opportunity to review revisions to the Draft SEIR, the responses to comments, and other components of the SEIR, such as the proposed Mitigation Monitoring and Reporting Program, prior to responsible agencies considering approval of the project. The Final SEIR serves as the environmental document to support a decision on the project; and

WHEREAS, Pursuant to CEQA Guidelines Section 15090(a), the Lead Agency must make the following three certifications, after completing the Final SEIR and before the project can be considered for approval:

- ◆ *That the Final SEIR has been completed in compliance with CEQA;*
- ◆ *That the Final SEIR was presented to the decision-making body of the Lead Agency, and that the decision-making body reviewed and considered the information in the Final SEIR prior to project approval; and*
- ◆ *That the Final SEIR reflects the Lead Agency's independent judgment and analysis.*

WHEREAS, Public Resources Code Section 21081.6 requires the Lead Agency, when making findings required by Public Resources Code Section 21081(1)(a), to adopt a monitoring and reporting program for the changes to the project, in order to ensure compliance during project implementation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cambria Community Services District as follows:

1. The Board of Directors does hereby certify that it has reviewed and considered the Sustainable Water Facility Final Subsequent Environmental Impact Report and finds that it has been completed in compliance with the California Environmental Quality Act;
2. The Sustainable Water Facility Subsequent Final Environmental Impact Report, and all related public comments and responses to the public comments have been presented to the Board of Directors, and the Board of Directors has reviewed and considered the information contained in the Final Subsequent Environmental Impact Report and testimony presented at the public hearings;
3. The Sustainable Water Facility Final Subsequent Environmental Impact Report reflects the independent judgment and analysis of the Board of Directors;
4. The Board of Directors does hereby find that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Sustainable Water Facility Final SEIR. In accordance with the requirements of Section 15091 of the State CEQA Guidelines, the Board hereby adopts the Statement of Findings for the Sustainable Water Facility, attached hereto as Exhibit A and made a part hereof;
5. The Board of Directors does hereby adopt the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B, which includes all of the mitigation measures identified in the Final SEIR and adopted and incorporated into the project, and has been designed to ensure project compliance;
6. The Board of Directors does hereby find that all significant environmental effects identified in the Final SEIR have been reduced to an acceptable level in that all significant environmental effects that can feasibly be avoided have been eliminated or substantially reduced; and
7. The CCSD as Lead Agency hereby specifies that the Cambria Community Services District Clerk is the custodian of the documents and other material, which constitute the record of proceedings upon which this decision is based. These materials are located at the CCSD Office at 1316 Tamsen Drive, Suite 201, Cambria, CA 93428.

PASSED, APPROVED AND ADOPTED this 14th day of June, 2017 by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

Amanda Rice, President
Board of Directors

ATTEST:

APPROVED AS TO FORM:

Monique Madrid
District Clerk

Timothy J. Carmel
District Counsel

EXHIBIT A–CEQA FINDINGS

I. PROJECT DESCRIPTION

The Project involves construction and operation of a sustainable water facility (SWF) at the Cambria Community Services District's (CCSD's) existing San Simeon well field and percolation pond system property. The Project was designed and constructed to treat brackish groundwater and treated wastewater using advanced treatment technologies, in order to augment Cambria's potable water supply in response to the area's extreme drought. Issuance of a regular CDP, which the Subsequent Environmental Impact Report (SEIR) is to support, will allow the CCSD to operate the SWF to avoid future water shortage emergencies while also utilizing the SWF's ability to make the best use of the local groundwater supply through the SWF's improved efficiency and indirect reuse features. By using advanced technologies, brackish groundwater and treated wastewater is treated to produce high quality water meeting State Water Resources Control Board (SWRCB) Division of Drinking Water (DDW) standards for indirect potable reuse of recycled water via groundwater recharge. Also, micro-filtered effluent and/or de-chlorinated and oxygenated product water is surface discharged near the upstream end of the San Simeon Creek Lagoon to protect San Simeon Creek Lagoon during dry weather conditions. The Project facilities are outlined below.

- Extraction Well;
- Advanced Water Treatment Plant (AWTP);
- Recharge Injection Well (RIW-1);
- Evaporation Pond and Evaporators;
- Lagoon Surface Discharge;
- Monitoring Wells; and
- Pipelines (five interconnecting).

CCSD's Board of Directors approved proceeding with the Project, which the Board determined was statutorily exempt from the California Environmental Quality Act (CEQA) under the emergency exemption provisions of CEQA, on January 30, 2014. The County of San Luis Obispo issued an Emergency Coastal Development Permit (ECDP) to CCSD on May 15, 2014, permitting CCSD to proceed with the construction and operation of the Project. Construction began on May 20, 2014. One of the conditions of the ECDP was that CCSD apply for a regular CDP for the emergency project. The CCSD submitted an application for a regular CDP on June 13, 2014. Following completion of the SEIR's CEQA process, the CCSD will update its February 27, 2017 regular CDP application to include the project modifications described within the Final SEIR.

The proposed Project and alternatives are described in more detail in the Cambria Sustainable Water Facility Project Draft and Final SEIR, and Appendices thereto.

II. THE RECORD

For the purposes of CEQA and the Findings IV-VI, the record of the CCSD Board of Directors relating to the application includes:

1. Documentary and oral evidence received and reviewed by the CCSD Board of Directors during the public hearings on the project.

2. The Cambria Sustainable Water Facility Project Final SEIR (May 2017).
3. The Cambria Sustainable Water Facility Project Staff Report prepared for the Board of Directors.
4. Water Master Plan Program EIR (July 2008).
5. Matters of common knowledge to the CCSD Board of Directors which it considers, such as:
 - a. Cambria Community Services District Code;
 - b. San Luis Obispo County Local Coastal Program;
 - c. North Coast Area Plan;
 - d. California Environmental Quality Act (CEQA) and the CEQA Guidelines;
 - e. Clean Air Plan;
 - f. Countywide Growth Management Ordinance;
 - k. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
 - l. Additional documents referenced in the Final SEIR for the Cambria Sustainable Water Facility Project.

III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The CCSD Board of Directors certifies the following with respect to the Cambria Sustainable Water Facility Project Final SEIR:

- A. The CCSD Board of Directors has reviewed and considered the Cambria Sustainable Water Facility Project Final SEIR
- B. The Final SEIR for the Cambria Sustainable Water Facility Project has been completed in compliance with the California Environmental Quality Act.
- C. The Final SEIR, and all related public comments and responses have been presented to the CCSD Board of Directors, and they have reviewed and considered the information contained in the Final SEIR and testimony presented at the public hearings.
- D. The Cambria Sustainable Water Facility Project Final SEIR reflects the independent judgment of the CCSD Board of Directors, acting as the lead agency for the project.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.

A. Aesthetics (Class III): No Class III impacts to Aesthetics were identified.

B. Air Quality (Class III)

1. **Impact 5.2-2: Operational Emissions.** Operation of the SWF does not result in significant operational air quality impacts, as this type of facility does not directly emit air pollutants. Power for the AWTP is obtained from a PG&E supplied pad mount transformer. In addition, a pad mount transformer and associated components supply power to the evaporation pond/evaporators. The SWF components are not considered onsite sources of air pollutants, as they are electrically powered. As presented in DSEIR

Table 5.2-6, operational emissions from energy consumption would not exceed San Luis Obispo County Air Pollution Control District (SLOAPCD) thresholds. Therefore, the SWF would result in less than significant impacts concerning operational air emissions. Should any backup generators be utilized, they would be subject to compliance with SLOAPCD Rule 431, which addresses stationary internal combustion engines. Additionally, the SWF would result in negligible operational mobile-source pollutant emissions. Up to two employees visit the site daily to visually inspect and maintain the AWTP. Therefore, mobile source emissions generated by SWF-related trips are nominal and result in less than significant impacts.

A new power supply would be required for the SWTP. Power for the SWTP would be obtained from a new PG&E supplied pad mount transformer. The overhead power lines and poles at the site would have adequate capacity to supply the additional transformer for the SWTP. These facilities are not considered onsite sources of air pollutants, as they would be electrically powered. The RO concentrate discharged into the four Baker tanks at the SWTP would be hauled off-site daily to the Kettleman Hills Hazardous Waste Facility (Kettleman) for treatment and disposal. This would result in as many as ten round trips per day to Kettleman. As such, the majority of operational air emissions associated with the SWTP would come from mobile emissions. No additional employees beyond those identified above for the SWF would be required to operate the SWTP. As presented in DSEIR Table 5.2-7, the Project's total operational emissions (SWF plus the mitigation measures (Project modifications)) would not exceed SLOAPCD thresholds. Therefore, the combined total Project operations would result in less than significant impacts concerning operational air emissions. Should any backup generators be utilized for the Project modifications, they would be subject to compliance with SLOAPCD Rule 431, which addresses stationary internal combustion engines. Impacts would be less than significant in this regard (Class III).

2. **Impact 5.2-3: Exposure to Oderous Emissions.** Although the SWF's construction activities and construction activities associated with the Project modifications generate airborne odors from the operation of construction vehicles (i.e., diesel exhaust), construction related odors are typically from localized sources and do not emanate far from the source. Thus, odors are isolated to the immediate vicinity of the construction site. The SWF involves construction and operation of water supply facilities. Given their nature and scope, water wells and pipelines do not generate any odors. The AWTP generated RO concentrate, which is disposed of at the evaporation pond for evaporation, does not create objectionable odors. The evaporators operate only when wind direction, wind velocity, temperature and humidity are within the preset ranges, which limits the dispersion of any potential odors from the evaporation pond. Therefore, the SWF does not create objectionable odors affecting a substantial number of people.

Given the nature and scope of the proposed Project modifications, the proposed pipelines, Baker tanks, pumps, etc., would not generate any odors. The RO concentrate discharge from the AWTP would be contained within four Baker tanks, and would be hauled offsite daily for disposal. As such, SWF operations would not generate any odorous emissions affecting a substantial number of people (Class III).

3. **Impact 5.2-4: Localized Air Quality Impacts.** Construction-related emissions are primarily due to the use of construction equipment diesel engines. Diesel engines emit diesel particulate matter, which is defined by the CARB as a carcinogen. Compliance with the SLOAPCD rules and regulations ensures that construction-related impacts involving toxic air contaminants are less than significant and no further mitigation is necessary.

A Health Risk Assessment (HRA) applies if the SWF was considered a new land use project that generates toxic air contaminants (such as gasoline stations, distribution facilities, or asphalt batch plants) that impact sensitive receptors. The SWF does not include such uses, and thus, due to the lack of stationary source emissions, no health risk assessment is required. Also, as the SWF's mobile-source emissions are nominal, it would not result in localized operational impacts to surrounding sensitive receptors. Impacts in this regard are less than significant.

The Project modifications would not result in construction-related and/or operational air emissions in exceedance of SLOAPCD thresholds. As such, nearby sensitive receptors would not be exposed to toxic air contaminants (Class III).

4. **Impact 5.2-5: Air Quality Plan Consistency.** Construction-related emissions ceased following completion of SWF construction activities. The SWF does not involve amendments to the County's General Plan or conflict with the CAP assumptions regarding growth and long-term air quality. Additionally, the SWF does not generate a significant increase in pollutant emissions due to additional vehicular traffic or stationary sources (operational emissions). Therefore, due to the SWF's nature and scope, the SWF does not conflict with or obstruct implementation of the CAP and a less than significant impact will occur in this regard.

Construction-related emissions from the Project modifications would be below applicable SLOAPCD thresholds. The Project modifications would not involve amendments to the County's General Plan or conflict with the CAP assumptions regarding growth and long-term air quality. Additionally, the Project's total operational emissions (SWF plus the Project modifications) would not exceed SLOAPCD thresholds. Therefore, due to the Project's nature and scope, the Project would not conflict with or obstruct implementation of the CAP and a less than significant impact will occur in this regard (Class III).

5. **Cumulative Impacts.** Construction and operation of cumulative projects would further degrade the local air quality, as well as the South Central Coast Air Basin's air quality. Air quality would be temporarily degraded during construction activities that occur separately or simultaneously. However, the greatest cumulative impact on the quality of regional air would be the incremental addition of pollutants from increased traffic from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction of these projects. Mobile source emissions generated by Project-related trips would be below SLOAPCD thresholds. Therefore, due to the Project's nature and scope, the contribution to the South Central Coast Air Basin air emissions is not "cumulatively considerable."

Additionally, adherence to SLOAPCD rules and regulations would alleviate potential impacts related to cumulative conditions on a project-by-project basis. Emission reduction technology, strategies, and plans are constantly being developed. As a result, the SWF does not contribute a cumulatively considerable net increase of any nonattainment criteria pollutant. Therefore, cumulative operational impacts associated with Project implementation are less than significant (Class III).

C. Biological Resources (Class III)

1. **Cumulative Impacts.** Construction-related impacts regarding habitat loss and sensitive species are considered potentially significant and future improvements would be subject to compliance with State and Federal regulatory policies and requirements, as well as relevant NCAP standards. Since operational activities would be contained within existing disturbed/developed sites and proposed pipelines would be underground, it is

not anticipated in this regard that WMP implementation would result in any impacts to sensitive habitats within the Project area. Analysis has determined that construction activities associated with the implementation of the WMP could impact State and Federal jurisdictional areas requiring necessary the regulatory compliance. In addition, San Simeon Creek and Van Gordon Creek are both considered potential migration routes, and their disturbance would be considered a significant impact to wildlife corridors unless mitigated. Analysis has concluded that impacts to wildlife corridors would be reduced following implementation of mitigation measures and compliance with San Luis Obispo County regulatory requirements. Project implementation would result in less than significant impacts to biological resources, with implementation of the specified mitigation measures.

As with the Project, all cumulative development in the County would undergo environmental and design review on a project-by-project basis pursuant to CEQA to evaluate potential impacts to biological resources. Future development with potential to impact biological resources would also be required to comply with the established Federal, State, and local regulatory framework. Impacts to biological resources associated with Project implementation would be less than significant following compliance with the established Federal, State, and local regulatory framework, including the Coastal Zone Land Use Ordinance (CZLUO) and Local Coastal Program (LCP), and the specified mitigation measures. Cumulative impacts to biological resources would continue to be mitigated on a project-by-project basis and in accordance with the established regulatory framework, through the established regulatory review process. Therefore, the combined cumulative impacts to biological resources associated with the Project's incremental effects and those of the cumulative projects would be less than significant (Class III).

D. Cultural Resources (Class III)

- 1. Cumulative Impacts.** Compliance with State and San Luis Obispo (SLO) County standards, and implementation of the recommended mitigation would reduce WMP impacts to cultural resources to a less than significant level. Analysis determined that further review could be necessary on a project-by-project basis to evaluate site-specific impacts to archaeological/historical resources. Compliance with LCP Policies (implemented through Coastal Zone Land Use Ordinance (CZLUO) standards) and Mitigation Measures CUL-1 through CUL-4 (includes E-CDP Conditions 10 and 11) would ensure Project impacts to archaeological resources and human remains are reduced to less than significant. The Project is anticipated to have a negligible impact on paleontological resources, thus, a less than significant impact would occur in this regard. Therefore, the Project's incremental effects to cultural resources are not cumulatively considerable.

Overall, impacts to cultural resources at each related project site would be evaluated on a project-by-project basis, and appropriate mitigation measures would be required, as necessary to reduce potential impacts to a less than significant level. Further, all related cumulative projects would be subject to compliance with the relevant Federal, State, and local regulatory framework, and the recommendations of the site-specific studies, if required (Class III).

E. Hydrology and Water Quality (Class III)

- 1. Impact 5.5-1: Water Quality – Construction-Related Impacts.** The SWF is subject to compliance with NPDES requirements, Coastal Streams LCP 20, LCP 21, and LCP 23, and Hazards LCP 2, (implemented through compliance with CZLUO Section 23.07.062),

and E-CDP Condition 20, which address potential construction-related water quality impacts. Compliance with NPDES requirements, including the Project's SWPPP that was implemented during construction, and E-CDP Condition 20 pertaining to minimizing sediment from entering nearby water bodies or prominent drainage courses through BMPs during construction, ensured that construction-related impacts to water quality were reduced to less than significant levels.

Construction of the Project modifications would involve activities subject to the General Construction Permit including clearing, grading, and ground disturbances, which could result in short-term water quality impacts. A Notice of Intent and SWPPP must be prepared and submitted to the SWRCB demonstrating compliance with the General Construction Permit. Overall, construction of the Project modifications could violate water quality standards and/or degrade water quality. However, the Project modifications would be subject to compliance with NPDES requirements, which address potential construction-related water quality impacts. Compliance with NPDES requirements would ensure construction-related impacts to water quality from the Project modifications are reduced to less than significant (Class III).

2. **Impact 5.5-2: Water Quality – Operational Impacts.** Review of the Project through the established SLO County regulatory framework ensures the ROWD contains the necessary technical information in support of a WDR Permit to protect the nearby surface, coastal, and groundwaters (Waters of the State). Further, with implementation of Order Nos. R3-2014-0050, R3-01-100, R3-2011-0223 (NPDES No. CAG993001), and R3-2014-0047, the Project complies with Local Coastal Program (LCP) 23, as these Orders protect identified beneficial uses.

SWF operational activities could violate water quality standards/degrade water quality. However, as described in DSEIR Section 5.5.2, the SWF is subject to compliance with Order Nos. R3-2014-0050, 01-100, R3-2011-0223 (NPDES No. CAG993001), and R3-2014-0047, which continue to ensure that potential water quality impacts remain less than significant during operation through ongoing monitoring required and enforced by the CCRWQCB. Further, SWF operations also improve groundwater quality by removing salts and further reducing nitrate concentration of its source groundwater.

Under the Project modifications, the lagoon surface discharge extension would be required to file an Amendment to the Region-wide General NPDES Permit for Discharges with Low Threat to Water Quality (General Permit). The proposed approximate 100 gpm discharge to the San Simeon Creek Lagoon (as deemed necessary by the Project's Adaptive Management Plan, see Mitigation Measure BIO-7) would remain the same as the Project, although the location of the discharge point would be relocated further south to the northern San Simeon Creek bank. The proposed discharge at the creek bank would provide more efficient delivery of water into San Simeon Creek to maintain lagoon water levels, while also avoiding the potential favoring of water quality samples taken from nearby monitoring well 16D1 due to the lagoon water discharge's high quality. At the revised discharge point, articulating concrete block (ACB) (Armorflex) lining is proposed to protect the northern San Simeon Creek channel bank from erosion. Armorflex allows for the continued growth of riparian vegetation, further protecting the channel from any potential erosion.

This Project modification would continue to be a low-threat discharge, as this discharge would contain minimal amounts of pollutants and pose little or no threat to water quality and the environment (similar to the Project), which would be reinforced through the Amended General Permit (Class III).

- 3. Impact 5.5-3: Groundwater.** The SWF proposes to withdraw up to 629 gpm of water through existing Well 9P7. Reinjection of up to 452 gpm of highly treated water for indirect potable reuse after appropriate residence time in the aquifer and gradient control occurs at the SWF's recharge well, while approximately 100 gpm is discharged to San Simeon Creek to support the fresh water lagoon. Therefore, the SWF would not substantially deplete groundwater supplies and, given the area's drought history and its impacts, would instead work toward alleviating an existing problem.

In addition to the previous requirements pertaining to monitoring of groundwater levels, the Project must also monitor nitrogen and ammonia levels in effluent. This Order also contains provisions to limit the impacts of salt at the percolation ponds and plan for future salts management in order to ensure no substantial impacts to beneficial uses occurs.

Review of the Project through the established regulatory framework ensures the ROWD contains the necessary technical information in support of a WDR Permits to protect the nearby surface, coastal, and groundwaters (Waters of the State). Further, with implementation of and compliance requirements of Water Board Permits R3-2014-0050 and R3-2014-0047, and Waste Discharge Orders R3-100 and R3-2011-0223, the Project complies with the LCP Policies, described in the DSEIR.

Thus, with implementation and compliance with the established regulatory framework, as well as the Project's Design Features, including the reinjection of highly treated water, the Project would avoid a substantial drop in production of existing nearby wells. Upon compliance with the required Monitoring Programs required per the established regulatory framework, the Project results in a less than significant impact involving long-term operational groundwater supplies and no mitigation is required.

Project modifications involve repurposing the evaporation pond, which indirectly provides greater protection of the existing groundwater supply by allowing CCSD operators to alternate the source of supply among the two aquifer well fields, the SWF, and the stored raw water. Such resting and alternating of supply sources aids in well recovery, maintaining groundwater basin storage, and in meeting unplanned conditions, such as the loss of a well due to mechanical failure or other causes. Repurposing the evaporation pond as a potable water supply storage basin requires SWTP to meet required water quality criteria. The repurposed evaporation pond would hold approximately 6 to 7 million gallons for potential emergency use, as well as for augmenting the existing groundwater supply sources during the dry season. It would be replenished by the San Simeon Well Field pumps during the wet season and to maintain its readiness during the summer season (e.g., periodic, minimal pumping, to offset evaporative loss). These Project modifications would not include activities that involve discharges to groundwater. Thus, no impacts to groundwater would result due to Project modifications (Class III).

- 4. Impact 5.5-4: Drainage.** The SWF does not involve development of vast impervious surface areas (such as roadways, rooftops, or parking lots) that would increase runoff or substantially alter the existing drainage patterns. A nominal increase in onsite impervious surface areas would occur due to the AWTP. Improvements required only nominal earthwork, which are regulated by Order No. R3-01-100. Further, SWF improvements would not substantially alter the Project site's drainage patterns or alter the course of San Simeon or Van Gordon Creeks.

The SWF surface water discharge to the San Simeon Creek Lagoon is a permitted condition through Order No. R3-2011-0223 (NPDES No. CAG993001). This permit

allows the SWF's discharge to the San Simeon Creek Lagoon based on the fact that this discharge is a low-threat discharge. Low-threat discharges are dischargers that contain minimal amounts of pollutants and pose little or no threat to water quality and the environment. Regarding potential erosion/siltation concerns, the filtrate pipeline is used to deliver the lagoon water from the AWTP to a surface discharge structure. The discharge structure, which is located just north of the San Simeon Creek tree line, dissipates velocity, to create a sheet flow of MF filtrate water, prior to entering the upstream end of San Simeon Creek Lagoon, which minimizes the erosion/siltation potential.

Per Order No. R3-01-100, all storm water is directed away from the AWTP. Storm water that comes into contact with the treatment process is collected and treated. The site is protected from flooding or washout from a 100-year flood event. Thus, drainage through the Project site is captured and treated and would not runoff to adjoining properties or streams.

Implementation of the SWF is not anticipated to result in a rise in the groundwater table, such that the adjacent streams would be altered. Proposed withdrawal and reinjection activities are highly monitored per Order No. R3-01-100 to ensure that groundwater table levels are maintained. Thus, increased erosion/ siltation as a result of altered streambeds is not anticipated due to the change in the groundwater table from the Project.

Project modifications would not include activities that involve discharges to land, with the exception of the modified surface discharge. The modified surface discharge would be required to file an Amendment to the Region-wide General NPDES Permit for Discharges with Low Threat to Water Quality (General Permit). At the discharge point, Armorflex lining is proposed to protect the San Simeon Creek channel banks from erosion. Armorflex allows for the continued growth of riparian vegetation, further protecting the channel from any potential erosion. With implementation of an Amendment to the General Permit, this Project modification would not result in substantial erosion or siltation during operations. The Project modifications would not result in substantial increases in the rate or amount of surface run-off and would not exceed the capacity of the existing or planned stormwater drainage systems such that additional sources of polluted runoff would occur. Less than significant impacts would result in this regard (Class III).

5. **Impact 5.5-5: Flood Hazard Areas – Structures.** The proposed aboveground improvements that are located within the 100-year flood zone and Flood Hazard combining designation are: the surface discharge structure; RIW, MW-4, and portions of the product water pipeline. Due to the nature and scale of the improvements located within the 100-year flood zone, none would affect the creeks' hydrologic/hydraulic characteristics or result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFE), or the Special Flood Hazard Area (SFHA). Therefore, none of these improvements would impede or redirect flows, such that they would cause flooding downstream. The evaporation pond and AWTP are located outside of the 100-year flood zone. Further, the AWTP would not be required to continue functioning and provide services after a flood event, since it is needed and would operate only during dry conditions, when flooding would not occur. The improvements located within the 100-year flood zone, as well as the SWF, were specifically designed to be protected from flooding or washout from a 100-year flood event. Further, the SWF is not subject to the CZLUO Sections 23.07.064 through 23.07.066 standards, per CZLUO Section 23.07.062. As required by CZLUO Section

23.07.062, construction activities did not occur between October 15 and April 15. Further, during construction of underground SWF features located within the 100-year flood zone, the SWF complied with E-CDP Condition 6, pertaining to development in floodplains. As part of this condition, all SWF-related development within the 100-year floodplain, including water delivery pipes, were identified. As the facilities within the 100-year flood zone were designed to be protected from flooding or washout during the 100-year flood event, the SWF results in a less than significant impact involving the placement of structures within a flood hazard area, since flows are not impeded or redirected as a result of the SWF.

The Project modifications would not include the construction of structures within the 100-year flood zone, with the exception of the modified surface discharge extension. This structure would include Armorflex lining along the San Simeon Creek channel banks to protect the slopes from erosion. The Armorflex would allow for the continued growth of riparian vegetation, further protecting the channel from any potential erosion. These Project modifications are not anticipated to result in the impediment or redirecting of flood flows during the 100-year storm event. These Project modifications located within the 100-year FH overlay would be subject to CZLUO Sections 23.07.064 through 23.07.066 standards, per CZLUO Section 23.07.062. As required by CZLUO Section 23.07.062, construction activities would not occur between October 15 and April 15. These improvements within the 100-year flood zone would not result in significant impact involving the placement of structures within a flood hazard area, such that flows are impeded or redirected. Impacts in this regard would be less than significant (Class III).

6. **Impact 5.5-6: Seiche, Tsunami, or Mudflow.** Given that the nearest large, enclosed open body of water is Lake Nacimiento, located approximately 12 miles northeast of the Project site, beyond the Santa Lucia Mountain Range, the potential for seiching associated with Lake Nacimiento is nonexistent. Additionally, given that the onsite creeks are not inundated during the six dry months of the year, and given seiche is not considered a significant risk in San Luis Obispo County since County reservoirs are not considered large enough, the potential for the Project site to be affected by seiching associated with onsite streams is not significant. It is noted that the SWF includes an evaporation pond. However, the evaporation pond is not large enough to cause inundation to off-site properties as a result of a seiche. Therefore, less than significant impacts concerning seiche are anticipated.

Due to its location, the Project site has the potential to be exposed to mudflow (i.e., mudslide, debris flow). However, the SWF water facilities and Project modifications do not include habitable structures, or people residing at the Project site. Thus, less than significant impacts involving risk associated with mudflow are anticipated.

Portions of the Project site are located within the Tsunami Inundation Area and the Tsunami Plan Evacuation Area, according to the ERP Southern San Simeon Inundation Map. Water storage and delivery infrastructure such as is proposed by the Project could be impacted, potentially impacting the ability to extinguish fires and availability of potable water for consumption. However, the AWTP and RO concentrate evaporation pond are located outside of the Tsunami Inundation Area. Management of a tsunami incident pursuant to ERP specifications, which include implementation and compliance with the NIMS and SEMS, would ensure potential impacts associated with inundation by tsunami are less than significant (Class III).

7. **Cumulative Impacts.** For potential cumulative impacts from construction activities, all future construction projects would be required to adhere to state-required construction

requirements, including NPDES requirements that ensure water quality is maintained during construction. Each project would be required to comply with specific BMPs during construction, as necessary. Therefore, through compliance with state-enforced NPDES requirements during construction, overall cumulative impacts are less than significant.

The SWF was required to adhere to NPDES requirements, Coastal Streams LCP 20, LCP 21, and LCP 23, and Hazards LCP 2, (implemented through compliance with CZLUO Section 23.07.062), and E-CDP Condition 20, which address potential construction-related water quality impacts. Compliance with NPDES requirements, including the SWF's SWPPP that was implemented during construction, and E-CDP Condition 20 pertaining to minimizing sediment from entering nearby water bodies or prominent drainage courses through BMPs during construction, ensured that construction-related impacts to water quality were reduced to less than significant levels. Therefore, the SWF's construction impacts were not cumulatively considerable, and impacts in this regard are less than significant.

Each individual project is required to submit individual analyses to the County for review and approval prior to issuance of grading or building permits. Each analysis must demonstrate how peak flows generated from each related project site would be accommodated by the County's existing and/or proposed storm drainage facilities. Future projects are also required to comply with existing water quality standards, implement site-specific improvements, and include BMPs as necessary. Further, the CCSD would approve all future withdrawals of groundwater within their service area, as planned through the WMP. Therefore, through compliance with standards, regulations, and permit requirements, the overall cumulative impacts are less than significant.

As discussed in Impact Statements 5.5-2, 5.5-3, and 5.5-4, the SWF would result in less than significant impacts to water quality, groundwater, and drainage, with compliance with Order Nos. R3-2014-0050, 01-100, R3-2011-0223 (NPDES No. CAG993001), and R3-2014-0047. Thus, the long-term impacts of the SWF are not cumulatively considerable, and impacts in this regard are less than significant.

The SWF would not result in significant impacts pertaining to the impediment or redirecting of flood flows, as the SWF has no aboveground facilities within the 100-year flood zone. Thus, the SWF is not cumulatively considerable, and impacts in this regard are less than significant.

The SWF results in less than significant impacts pertaining to risk associated with tsunami inundation and mudflow, as the SWF does not include habitable structures, or people residing at the Project site. Therefore, the SWF would not contribute to cumulative impacts pertaining to risk from tsunamis and mudflows and impacts in this regard are not cumulatively considerable (Class III).

F. Land Use and LCP Compliance (Class III): No Class III impacts for Land Use and LCP Compliance were identified.

G. Noise (Class III)

- 1. Impact 5.7-1: Construction-Related Impacts.** The SWF is subject to compliance with CZLUO Sections 23.06.042 through 23.06.050, which establish standards for acceptable exterior and interior noise levels. Nearby noise-sensitive areas and receptors were intermittently exposed to short-term construction-related noise levels in excess of CZLUO standards. However, construction noise was acoustically dispersed throughout the site and not concentrated in one area near adjacent noise-sensitive receptors.

Further, according to CZLUO Section 23.06.042 (Exceptions to Noise Standards), CZLUO Sections 23.06.044 through 23.06.050 standards are not applicable to noise from various exempt sources, including noise sources associated with construction, provided such activities do not take place before 7:00 AM or after 9:00 PM any day except Saturday or Sunday, or before 8:00 AM or after 5:00 PM on Saturday or Sunday. Given the sporadic nature of noise levels generated during SWF construction and compliance with CZLUO-specified time limits, SWF construction noise impacts are less than significant.

Construction noise associated with the Project modifications would typically be generated by on-site equipment (trenchers, backhoes, etc.), and mobile trips to and from the Project site (from construction workers, offsite RO concentrate disposal truck trips, etc.). It is anticipated that construction truck traffic would access the Project site utilizing San Simeon Monterey Creek Road. The closest noise-sensitive use to San Simeon Monterey Creek Road is the San Simeon Creek Campground located approximately 75 feet from the San Simeon Monterey Creek Road roadway centerline. However, once on the Project site, the trucks would utilize internal roadways that would be further away from the sensitive receptors. Construction-related truck trips would occur during the allowable hours for construction specified in CZLUO Section 23.06.042. These permitted hours of construction are specified in recognition that construction activities undertaken during daytime hours are typical and do not cause a significant disruption. Given the sporadic nature of noise levels generated during construction of Project modifications and following compliance with CZLUO-specified time limits, construction-related noise impacts from the proposed Project modifications would be less than significant (Class III).

- 2. Impact 5.7-2: Vibration Impacts.** Construction vehicles traveling along San Simeon – Monterey Creek Road and Van Gordon Creek Road are the closest construction activities that could potentially cause vibration impacts to the nearest sensitive receptors (public recreation uses). As indicated in DSEIR Table 5.7-9, based on the FTA data, vibration velocities associated with a loaded truck are 0.0015 inch-per-second PPV at 75 feet from the source of activity. With regard to the SWF, groundborne vibration was generated primarily during site clearing and grading activities on-site and by off-site haul-truck travel. Therefore, as the vibration levels are below the 0.20 inch-per-second PPV significance threshold, the SWF's construction-related vibration impacts are less than significant.

The SWF does not generate ground-borne vibration that is felt at surrounding sensitive receptors. The key AWTP unit processes equipment are contained within six shipping containers. Additionally, the mechanical spray evaporators are mounted on concrete pads and do not produce vibration. No impact would occur in this regard.

With regard to the Project modifications, groundborne vibration would be generated primarily during grading and trenching activities on-site, and by off-site haul-truck travel. Therefore, as the vibration levels would be below the 0.20 inch-per-second PPV significance threshold, the Project modification's construction-related vibration impacts would be less than significant.

Groundborne vibration would be generated primarily during hauling RO concentrate for offsite disposal associated with Project modifications. RO concentrate disposal trucks traveling along San Simeon - Monterey Creek Road would be the closest operational activities that could potentially cause vibration impacts to the public recreation uses. Based on the FTA data, vibration velocities associated with a loaded truck are 0.0015

inch-per-second PPV at 75 feet from the source of activity. Therefore, as the vibration levels would be below the 0.20 inch-per-second PPV significance threshold, the Project modifications' operational vibration impacts would be less than significant (Class III).

- 3. Impact 5.7-4: Operational Mobile Source Impacts.** Operation and maintenance for the water facilities requires up to two employees at the site daily to visually inspect and maintain the AWTP. In addition, although movement of construction equipment and workers to and from the site would temporarily increase traffic volumes along access routes during construction, daily commuting of construction workers would not represent a substantial percentage of current daily traffic volumes along access routes. Evaporation pond maintenance would require one truck trip every ten years for the removal of the buildup of solids and would also not represent a substantial percentage of daily traffic volumes. Due to the nominal amount of short-term construction and operational vehicle trips associated with the SWP, mobile noise sources would generate nominal noise levels. A less than significant impact would occur in this regard.

As a result of the Project modifications, a total of ten truck trips per day (limited to operating within the SWF site between the hours of 7:00 AM and 7:00 PM) would be needed to transport the RO concentrate to Kettleman Hills for offsite disposal. However, ten daily truck trips would not represent a substantial percentage of current daily traffic volumes along access routes. Additionally, operating and maintaining the SWTP would require only two onsite staff. Combined, these would result in a total of approximately 24 daily round trips. Based on these estimated operational traffic volumes, mobile traffic patterns would remain similar to the current operating conditions along nearby roadways as a result of the Project modifications. Therefore, the SWF and Project modifications combined would result in a less than significant impact from mobile noise sources (Class III).

- 4. Cumulative Impacts.** Construction activities associated with the Project and cumulative projects may overlap, resulting in construction noise in the local area. However, construction noise impacts primarily affect the areas immediately adjacent to the construction site. The closest cumulative project to the Project site is a minor use permit associated with a mobile home and barn along Exotic Garden Drive, located approximately 0.25 miles from the Project site. While this cumulative project is located within the Project vicinity, each project would be required to comply with the County's noise limitations on allowable hours of construction. Thus, the Project would not contribute to construction-related cumulative impacts and impacts in this regard are not cumulatively considerable.

Operations of each cumulative project would require separate discretionary approval and CEQA assessment, which would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities. As noted above, the nearest related project is approximately 0.25 miles away. At this distance, the Project's operational noise would not interact with any cumulative project. Further, stationary noise sources would be limited in their impacts as the cumulative projects and proposed Project would be separated by distance, intervening structures, and topography. Due to site distances and intervening topography, cumulative stationary noise impacts would be less than significant. Thus, the Project would not contribute to cumulative impacts and impacts in this regard are not cumulatively considerable (Class III).

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

A. Aesthetics and Visual Resources (Class II):

1. Impact 5.1-1: Construction-Related Impacts to Visual Character/Quality.

Surrounding recreational users, residents, and motorists experienced nominal intermittent views of SWF construction activities. The laydown/staging areas were located at the northern and western portions of the Project site, most of which were sited in areas of lower elevation than surrounding public views. Further, concerning the single staging area that was visible (near the Van Gordon Reservoir's western boundary), staging was only visible for a short period of time. As these impacts were temporary in nature and ceased upon completion of the SWF (within approximately 180 days), SWF construction-related impacts to the visual character or quality of the site and its surroundings were less than significant.

Surrounding recreational users, residents, and motorists would experience intermittent views of the Project modification construction activities, which would visibly degrade the area's character. Compliance with Mitigation Measure AES-1 would be required, including siting of all construction staging areas as far as practicable from sensitive receptors and regularly maintaining all construction areas in order to minimize unnecessary debris piles. Implementation of Mitigation Measure AES-1 would minimize the visual impacts during construction, as viewed from the surrounding recreational users, residents, and motorists. As these impacts would be temporary in nature and cease upon completion, the construction-related impacts to the visual character or quality of the site and its surroundings, as a result of Project modifications, would be reduced to less than significant levels (Class II).

a. Mitigation

AES-1 Prior to commencement of construction activities for Mitigation Measures AES-2 and BIO-3, the CCSD shall confirm that the plans and specifications stipulate that, Project construction shall implement standard practices to minimize potential adverse impacts to the site's visual character, including the following:

- Construction staging areas shall be located as far as practicable from sensitive receptors; and
- Construction areas shall receive appropriate routine maintenance to minimize unnecessary debris piles.

b. Findings – Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to DSEIR pages 5.1-15 through 5.1-16 and the Final SEIR.

2. Impact 5.1-2: Operational Impacts to Visual Character/Quality. Concerning the AWTP, in the context of the existing CCSD public utility site, it does not degrade the visual character or quality of the site or its surroundings. However, the evaporators/enclosures appear to conflict with the existing environment, as seen from the surrounding community (including adjacent campgrounds). In order to ensure that significant impacts regarding the degradation of character/quality do not result, Mitigation Measure AES-2, which requires removal of the mechanical spray evaporators and their

enclosures, is recommended. Because removal of the mechanical equipment would make operating the SWF infeasible, Mitigation Measure AES-2 also includes offsite RO concentrate disposal and evaporation pond decommissioning. With implementation of Mitigation Measure AES-2, impacts concerning the degradation of character/quality, as a result of the evaporators/enclosures, would be avoided, as these features would no longer be present/visible. The SWF is further subject to compliance with CZLUO standards, which influence the site's visual character and enhance visual compatibility. Following compliance with CZLUO standards and Mitigation Measure AES-2 through AES-4, the SWF does not substantially degrade the existing visual character/quality of the site and its surroundings. A less than significant impact would occur in this regard.

The Project modifications would appear generally similar in nature and character to the existing onsite water and wastewater facilities (that is pre-SWF construction), and the surrounding agricultural facilities, as well as the SWF. The Project modifications would not substantially change the Project site's character, such that it becomes visually incompatible or visually unexpected when viewed in the context of the existing CCSD public utility site and the SWF, following compliance with Mitigation Measures AES-3 and AES-4. Moreover, the Project modifications would be subject to compliance with CZLUO standards, which influence the site's visual character and enhance visual compatibility. Following compliance with CZLUO standards and Mitigation Measures AES-3 and AES-4, the Project modifications would not substantially degrade the existing visual character/quality of the site and its surroundings. A less than significant impact would occur in this regard (Class II).

a. Mitigation

- AES-2 Within one year of completion of the SEIR process and completion of all necessary regulatory agency permits, the CCSD shall remove the five mechanical spray evaporators along with their enclosures and decommission the evaporation pond. The AWTP RO concentrate shall be discharged to four (4) Baker tanks for storage prior to offsite disposal, instead of the evaporation pond.
 - AES-3 Within one year of completion of the SEIR process and completion of all necessary regulatory agency permits, the CCSD shall color treat the Advanced Water Treatment Plant (AWTP), where reasonable, such that the facilities blend into the surrounding area. Color treatments shall be recommended by a licensed Landscape Architect and by the County. Prior to installation of the Surface Water Treatment Plant (SWTP), it shall be color treated, where reasonable, consistent with the AWTP.
 - AES-4 Within one year of completion of the SEIR process and completion of all necessary regulatory agency permits, the CCSD shall hydroseed areas where native vegetation has been removed, where feasible. The County shall confirm that all species selected for hydroseed are indigenous to the area.
- b. Findings** – Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. Supportive Evidence** – Please refer to DSEIR pages 5.1-16 through 5.1-22 and the Final SEIR.

- 3. Impact 5.1-3: Scenic Vistas/Corridors.** The lighter-colored AWTP contrasts with the surrounding open spaces. Mitigation Measure AES-3 requires that the AWTP be color-treated such that it blends in with the surrounding landscape. With implementation of AES-3, the SWF would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. Views of the evaporation pond and evaporators/enclosures are also afforded from this vantage point. However, they are located more than 1,600 feet away and are darker color such that they blend into their surroundings. The evaporation pond and evaporators/enclosures would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. It is noted that with implementation of Mitigation Measure AES-2, the mechanical spray evaporators with their enclosures would be removed, avoiding these view impacts, as these features would no longer be present/visible.

SWF implementation resulted in the disturbance of onsite vegetation, which also contributed to this scenic vista. Mitigation Measure AES-4 requires that all areas where native vegetation was removed and where water facilities were not located, be re-vegetated with indigenous plants. With implementation of AES-3 and AES-4, the SWF would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard.

Due to their proximity to the campground, the evaporators/enclosures would have a substantial adverse effect on this scenic vista unless mitigated. AES-2 would require removal of the evaporators/enclosures, which would avoid all visual impacts pertaining to these features. Further, AES-2 and AES-3 would ensure that the SWF components blend in with the surrounding area and that the area is re-vegetated with indigenous plants. With implementation of AES-2 through AES-4, the SWF would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard.

The Project modifications (the SWTP and potable water supply storage basin) would be intermittently visible from portions of the San Simeon Trail. Mitigation Measure AES-3 requires that the SWTP be color-treated such that it blends in with the surrounding landscape. With implementation of AES-3, the SWTP would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard. The potable water supply storage basin would not be dissimilar to the evaporation pond or original Van Gordon Reservoir. Therefore, the potable water supply storage basin would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard.

Implementation of the Project modifications may result in disturbance of onsite vegetation, which also contributed to the scenic vista. Mitigation Measure AES-4 requires that all areas where native vegetation would be removed and where water facilities would not be located, be re-vegetated with indigenous plants. With implementation of Mitigation Measures AES-3 and AES-4, the Project modifications would not have a substantial adverse effect on this scenic vista and a less than significant impact would occur in this regard (Class II).

- a. Mitigation** – Refer to Mitigation Measures AES-2, AES-3, and AES-4.
- b. Findings** – Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to DSEIR pages 5.1-22 through 5.1-26 and the Final SEIR.

- 4. Impact 5.1-4: State Scenic Highways.** NCAP Standard AW-6, Site Selection, specifies that primary site selection for new development be at locations not visible from Highway 1 (SR-1). NCAP Standard AW-6 requires that sites be selected where hills and slopes would shield development “unless no alternative location exists.” The evaporators/enclosures were sited atop the berm, in order to “reuse” the Van Gordon Reservoir and ensure the necessary RO concentrate evaporation is achieved. There was no feasible, alternative, non-visible location for citing the evaporators/enclosures. Although, the evaporators/enclosures have been color-treated, such that they blend in with the surrounding landscape, they are visible from SR-1. Therefore, the SWF would result in a potentially significant impact in this regard. Mitigation Measure AES-2 requires that the evaporators/enclosures be removed, thus, avoiding this view impact. Further, no trees, rock outcroppings, or historic buildings were previously situated where the evaporators/enclosures and evaporation pond are situated. Therefore, with implementation of Mitigation Measure AES-2, the SWF would avoid visual impacts associated with SR-1 and no impact would occur in this regard.

Upon removal of the evaporators/ enclosures, the Project Modifications, including the SWTP, would not be visible from SR-1. No impact would occur in this regard (Class II).

a. Mitigation – Refer to Mitigation Measures AES-2.

b. Findings – Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to DSEIR pages 5.1-26 through 5.1-27 and the Final SEIR.

- 5. Impact 5.1-5: Light and Glare.** No nighttime SWF construction occurred and the construction equipment did not create a substantial source of daytime light or glare. Therefore, no impact occurred in this regard.

Mitigation Measure AES-2 requires removal of the evaporators/ enclosures, thus, any potential daytime glare associated with this feature would be avoided and no impact would occur in this regard. The evaporation pond was sited in the same location and footprint occupied by the Van Gordon Reservoir, and is filled only intermittently with RO concentrate. Further, any potential glare would appear similar in character to the surrounding agricultural uses in the area, which also use ponds and daytime irrigation. Thus, impacts in this regard are less than significant.

Lighting generated by the SWF does not cause significant spillover impacts to these receptors, due to the distance that exists and the intervening vegetation. Further, only the minimum amount of lighting necessary to achieve essential security illumination was provided. The Project is also subject to compliance with CZLUO Section 23.04.320 (Outdoor Lights), in order to avoid spillover effects. Following compliance with CZLUO Section 23.04.320, the Project does not create a new source of light that would adversely affect nighttime views. A less than significant impact would occur in this regard.

The Project modifications would not require nighttime construction and construction equipment would not create a substantial source of daytime light or glare. Introduced operational lighting features associated with the Project modifications would include

security lighting necessary for the new SWTP and Baker tanks (sited near the AWTP). As with the SWF, only the nominal amount of lighting necessary to achieve essential security illumination is proposed. The Project modifications would also be subject to compliance with CZLUO Section 23.04.320 (Outdoor Lights).

Although, the potable water supply storage basin would not be dissimilar to the evaporation pond, it would be filled with potable water the majority of the time. Any potential glare would appear similar in character to the surrounding agricultural uses in the area, which also use ponds and daytime irrigation. Thus, impacts in this regard would be less than significant.

Following compliance with CZLUO Section 23.04.320, the Project modifications would not create a new source of light that would adversely affect nighttime views. A less than significant impact would occur in this regard (Class II).

- a. **Mitigation** – Refer to Mitigation Measures AES-2.
- b. **Findings** – Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to DSEIR pages 5.1-27 through 5.1-29 and the Final SEIR.

6. **Cumulative Impacts.** The Project would not degrade the character/quality of the site and surrounding area during construction. Construction activities associated with the other cumulative projects would not be visible concurrent with Project construction. Thus, an overall cumulatively considerable impact would not result and the Project would not contribute to the cumulative degradation of character/quality at the Project site.

None of the cumulative projects are located within the viewshed of the Project as a result of existing topographic conditions. Further, the Project results in less than significant impacts to the change in character/quality following compliance with the applicable standards/regulations and recommended Mitigation Measures AES-2 through AES-4. Therefore, the Project, in conjunction with other cumulative projects in the vicinity of the Project site, would not result in cumulative visual impacts to the degradation of character/quality in the area. The Project would not result in cumulatively considerable impacts in this regard.

None of the cumulative projects are located within the Project's viewshed. Further, the Project results in less than significant impacts to the scenic vistas following compliance with Mitigation Measures AES-2 through AES-4. As no cumulative projects are located within the viewshed of the Project site, as seen from the San Simeon Trail and campgrounds, cumulative impacts to scenic vistas would be less than significant, and the Project would not contribute to cumulative long-term visual impacts in this regard.

None of the cumulative projects are located within the viewshed of Highway 1 in the Project's vicinity. Further, with implementation of the recommended Mitigation Measure AES-2, the proposed Project would not be visible from Highway 1. Therefore, the Project, in conjunction with other cumulative projects in the vicinity of the Project site, would not result in cumulative visual impacts to scenic resources within a State Scenic Highway. The Project does not result in cumulatively considerable impacts in this regard.

Project implementation would result in new potential daytime glare sources and safety lighting features. Following compliance with the CZLUO Sections 23.04.180, 23.04.190, and 23.04.320, impacts in this regard would be less than significant. Thus, an overall cumulatively considerable impact would not result and the Project would not contribute to cumulative nighttime lighting impacts within the Project area (Class II).

- a. **Mitigation** – Refer to Mitigation Measures AES-1 through AES-4.
- b. **Findings** – Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to DSEIR pages 5.1-29 through 5.1-31 and the Final SEIR.

B. Air Quality (Class II)

1. **Impact 5.2-1: Construction-Related Emissions.** In accordance with the SLOAPCD Guidelines, CalEEMod was utilized to model construction emissions for ROG, NOX, and PM10. Mitigation Measure AQ-1 (E-CDP Condition 9) was required due to the exceedance of the Tier 1 thresholds. However, the SWF's total daily construction emissions do not exceed the SLOAPCD Tier 2 construction thresholds. Therefore, SWF construction-related air quality impacts are less than significant for all criteria pollutants with implementation of Mitigation Measure AQ-1 (E-CDP Condition 9).

Compliance with construction-related measures/standards occurred before/during SWF construction, as substantiated in the E-CDP MMRP. In compliance with E-CDP Condition 9, the measures outlined in E-CDP Condition 9, including the additional construction equipment measures, were incorporated into the SWF's construction phase and shown on all applicable plans. Finally, the specified fugitive PM₁₀ measures were shown on applicable construction plans.

Construction-related emissions from the Project modifications would not exceed the SLOAPCD Tier 1 or Tier 2 thresholds. It is noted that although the construction-related emissions from the Project modifications would not exceed SLOAPCD thresholds, construction activities would still be required to comply with SLOAPCD Rules 202, 401, and 402 (see Mitigation Measure AQ-1). Therefore, construction-related air quality impacts associated with the Project modifications would be less than significant for all criteria pollutants (Class II).

a. Mitigation

AQ-1 The following measures shall be incorporated into the construction phase of the Project and shown on all applicable plans:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);

- c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
- d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit devices (determination of the appropriate CBACT control device(s) for the Project must be performed in consultation with APCD staff).

Additional Construction Equipment Measures:

- e. Electrify equipment where feasible;
- f. Substitute gasoline-powered for diesel-powered equipment, where feasible;
- g. Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel;
- h. Use equipment that has Caterpillar pre-chamber diesel engines;
 - i. Implement activity management techniques as follows:
 - i. Develop of a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period;
 - ii. Schedule of construction truck trips during non-peak hours to reduce peak hour emissions;
 - iii. Limit the length of the construction work-day period, if necessary;
 - iv. Phase construction activities, if appropriate.

Fugitive PM₁₀ Mitigation Measures. All required PM₁₀ measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance.

- j. Reduce the amount of the disturbed area where possible;
- k. 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 (nonpotable) water should be used whenever possible;
- l. All dirt stock-pile areas should be sprayed daily as needed;

- m. 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;
- n. 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;
- o. 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;
- p. 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;
- q. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- r. 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.

(E-CDP Condition 9)

- b. Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. Supportive Evidence** – Please refer to DSEIR pages 5.1-14 through 5.1-20 and the Final SEIR.

C. Biological Resources (Class II)

1. Impact 5.3-1: Special-Status Plant and Wildlife Species.

Listed Plant Species. No federally or State listed plant species occur or have the potential to occur on the Project site. Therefore, the Project (SWF and Project modifications) would result in no impact in this regard.

Special-Status Plant Species. Three special-status plant species were identified during a CNDDDB and CNPS search as potentially occurring in the area: compact cobwebby thistle; Jones' layia; and Monterey pine. Neither the SWF nor the Project modifications propose improvements within or adjacent to the Monterey pine stand.

Direct or indirect impacts could occur to special-status plant species (cobwebby thistle and Jones' layia), as a result of the SWF and Project modifications. The SWF and Project modifications are subject to compliance with Mitigation Measure BIO-1 (E-CDP Condition 23), which requires a botanical survey for special-status plants, and Mitigation Measure BIO-2 (E-CDP Condition 18), which requires that disturbed areas be revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. With implementation of Mitigation Measures BIO-1 and BIO-2, SWF and Project modification impacts to special-status plant species (cobwebby thistle

and Jones' layia) potentially occurring in the eastern portion of the Project site would be reduced to less than significant.

Compliance with construction-related measures/standards occurred before/during the SWF's construction phase. In compliance with Mitigation Measure BIO-1 (E-CDP Condition 23), a botanical survey for special-status plants was conducted prior to commencing site disturbing activities. The survey verified that no special-status plant species were present within the disturbed areas (at wellfield).

Listed Wildlife Species.

Tidewater Goby and Steelhead (South/Central California Coast DPS)

Tidewater goby was observed in San Simeon Creek Lagoon during the habitat assessment and focused surveys. It is historically known to be present and spawn within San Simeon Creek Lagoon. No steelhead were observed in San Simeon Creek, San Simeon Creek Lagoon, or Van Gordon Creek during the habitat assessment or CRLF and tidewater goby focused surveys. Direct impacts to tidewater goby are negligible during SWF construction, since SWF improvements are outside of its habitat. Construction-related noise impacts at the lagoon are negligible, since they would be short-term and on the surface, out of the water and generally out of the immediate creek/lagoon's vicinity. No nighttime construction activities are proposed; therefore, no light/glare impacts would occur. Direct impacts to steelhead in Van Gordon Creek would not occur during SWF construction, since no improvements are proposed within Van Gordon Creek. Direct impacts to steelhead (if present) in San Simeon Creek and Lagoon during construction are expected to be negligible, since they would be short-term and on the surface, out of the water and generally out of the creek/lagoon's immediate vicinity. The SWF was required to prepare and submit a NOI and a SWPPP to the SWRCB demonstrating compliance with the General Construction Permit. BMPs were implemented to avoid/reduce any sedimentation within the water bodies. Additionally, the SWF is subject to compliance with Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), and BIO-6 (E-CDP Condition 20), which would further avoid/lessen potential impacts to tidewater gobies and steelhead. Construction-related SWF impacts to surface water quality (including impacts to beneficial uses of receiving waters) are less than significant following compliance with the NPDES, BCO, and CZLUO requirements.

Indirect operational impacts to tidewater goby could occur as the result of pumping of groundwater upstream of San Simeon Creek at Well 9P7. Indirect operational impacts to steelhead could occur, particularly if reductions in the water table result in earlier-than-average seasonal drops in creek surface water. Adverse effects to tidewater goby and steelhead could result in a take of these listed species; any such take would require either exemption from the prohibition against take or take authorization. In addition, SWF operations could adversely modify designated steelhead Critical Habitat. Without mitigation, groundwater extraction could result in surface water drawdowns, which could reduce foraging and refuge opportunities, as well as movement opportunities due to decreased water depth, adversely modifying designated Critical Habitat.

Mitigation Measure BIO-3 requires that the filtrate pipeline be extended to relocate the discharge point further south to the San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon, while also addressing its potential interference with water samples pulled from existing monitoring well 16D1. The GMR and Technical Memorandum included detailed hydrogeological modeling and found that the Project design feature's approximate 100

gallons per minute (gpm) of filtrate product water flow to the lagoon while the SWF is operating, would maintain lagoon water levels, thereby avoiding potential impacts to the lagoon habitat. Further, the Technical Memorandum concluded that under normal climatic conditions, while the SWF is operating, flows of 50 gpm, which would be one-half of the 100 gpm of MF filtrate flow, would be sufficient to maintain lagoon levels similar to conditions without the SWF. The Technical Memorandum (see DSEIR Appendix E6) also included simulations under extreme drought conditions, comparing the zero (0) gpm, 50 gpm, and 100 gpm MF filtrate flow to conditions without the SWF. During the first year of simulated drought, the 100 gpm MF filtrate flow would maintain lagoon levels similar to conditions without the SWF. During the second year of simulated drought, both the 50 gpm and 100 gpm MF filtrate flows would result in higher lagoon levels than conditions without the SWF. Under extreme drought conditions without the SWF, the CCSD well field would not be capable of producing the permitted quantities, while under conditions with the SWF, production at permitted rates could continue. Based on the GMR's and Technical Memorandum's findings, while the SWF is operating, the Project design feature's approximate 100 gpm filtrate product water flow to the San Simeon Creek Lagoon would maintain lagoon water levels. Notwithstanding, Mitigation Measure BIO-7 requires implementation of an Adaptive Management Program (AMP) for long-term SWF operations. The AMP is intended to monitor and protect the lagoon, creek, and riparian habitats and, by extension, protect the species that inhabit them (including the tidewater goby). The AMP's primary goal is to monitor the response of the lagoon, creeks, and riparian habitats to SWF operations. Monitoring is required as part of the AMP to ensure that creek and lagoon levels are maintained during SWF operations. With implementation of Mitigation Measure BIO-7, the lagoon and creek habitats would be protected, and by extension, the tidewater goby and steelhead that inhabit them, as well. With mitigation, impacts to tide water goby would be reduced to less than significant. Additionally, Mitigation Measure BIO-15 requires that the CCSD continue with its existing efforts to monitor the creek habitat adjacent to, and downstream from the Project area, as required by the AMP, and specifies provisions, in the event migrating steelhead reappear within the San Simeon Creek. It is noted, San Simeon Creek's lower reaches are intermittent and are generally only inundated from late fall to late spring or early summer, which would likely coincide with periods when the SWF would not operate. The U.S. Geological Survey has found that the lower reaches of the creek (such as traverse the Project site) flow subterranean during the dry season due to natural dry-season water level decline (i.e., decline without any pumping occurring). Thus, the creek would normally not be inundated during the six dry months of the year when the SWF would operate, discharging approximately 100 gpm of MF filtrate water. Therefore, with mitigation, impacts to steelhead would be reduced to less than significant.

Compliance with construction-related measures/standards occurred before/during the SWF's construction phase. In compliance with Mitigation Measure BIO-4 (E-CDP Condition 16), during construction/ground disturbing activities, all trash was properly contained, removed from the work site, and disposed of regularly. In compliance with Mitigation Measure BIO-5 (E-CDP Condition 17), during construction/ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles occurred at least 100 feet from riparian habitat or water bodies. The CRLF monitor was present to ensure contamination of habitat did not occur during SWF construction. Prior to commencement of grading/construction activities, a plan was prepared to ensure prompt and effective response to any accidental spills, in the event they occurred. No accidental spills occurred during SWF construction. In compliance with Mitigation

Measure BIO-6 (E-CDP Condition 20), BMPs were implemented to minimize sediment from entering nearby water bodies.

Project modifications were recommended as Mitigation Measure BIO-3, in order to avoid biasing Well 16D1 water quality samples (as requested by the RWQCB) and more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. At the relocated discharge point, ACB (Armorflex) lining (approximately 87 SF) is proposed to protect the San Simeon Creek channel bank from erosion. Armorflex would allow for the continued growth of riparian vegetation, further protecting the channel from any potential erosion due to the 4-inch diameter lagoon water discharge. Direct impacts to tidewater goby are expected to be negligible during construction, since they would be limited to the ACB lining at the lagoon discharge structure of the San Simeon Creek channel banks. Specifically, construction-related direct impacts would involve making the area immediately surrounding the discharge temporarily uninhabitable by goby, if present in this area. However, direct impacts to tidewater goby are not expected during construction with the specified mitigation measures implemented, including installing an ACB lining at the lagoon discharge structure at the San Simeon Creek channel banks. Pre-construction surveys to ensure absence/flushing of individuals from the impact area, and the placement of exclusionary barriers to prevent these species from entering areas where conditions are less habitable, would further minimize impacts to tidewater goby. Construction-related noise impacts at the creek are expected to be negligible, since they would be short-term and on the surface, out of the water. No nighttime construction activities are proposed; therefore, no light/glare impacts would occur.

Direct impacts to steelhead in Van Gordon Creek would not occur during construction of the Project modifications, since no improvements are proposed within Van Gordon Creek. Direct impacts to steelhead (if present) in San Simeon Creek and Lagoon during construction are expected to be negligible, since they would be short-term and on the surface, out of the water and generally out of the creek/lagoon's immediate vicinity, with the exception of the relocated surface discharge point, which is proposed at the San Simeon Creek bank.

Similar to the SWF, the Project modifications would be required to prepare and submit a NOI and a SWPPP to the SWRCB demonstrating compliance with the General Construction Permit. BMPs would be implemented to avoid/reduce any sedimentation within the water bodies. Additionally, the Project modifications would be subject to compliance with construction-related measures/standards before/during the construction phase. During the Project modifications' construction/ground disturbing activities, Mitigation Measure BIO-4 requires that all trash be properly contained, removed from the work site, and disposed of regularly. Mitigation Measure BIO-5 requires that during construction/ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles must be at least 100 feet from riparian habitat or water bodies. The CRLF monitor would be present to ensure contamination of habitat does not occur during Project modifications construction. Prior to commencement of grading/construction activities, a plan is required to ensure prompt and effective response to any accidental spills, in the event they occurred. Mitigation Measure BIO-6, requires that BMPs be implemented to minimize sediment from entering nearby water bodies. Compliance with Mitigation Measures BIO-4 through BIO-6 would further avoid/lessen potential impacts to tidewater gobies and steelhead. Construction-related impacts to surface water quality (including impacts to beneficial uses of receiving waters) from the Project modifications would be less than significant following compliance with

the NPDES, BCO, and CZLUO requirements. No indirect operational impacts to tidewater goby or steelhead would occur, as a result of the Project modifications.

South-Central California Steelhead Recovery Plan

The South-Central California Steelhead Recovery Plan (Recovery Plan) (NMFS 2013) identifies the San Simeon Creek steelhead population as one of the Core 1, or highest priority, populations of this subspecies for recovery.

SWF operations, without mitigation, and without the PDF of providing approximately 100 gpm of water to the lagoon when the SWF is operating and there is no flow in the creek, could affect several of the Critical Recovery Actions listed in the Steelhead Recovery Plan, which are all ultimately related to groundwater/surface water availability. Project implementation would involve groundwater extractions during the SWF's operating period which, without mitigation, could adversely affect essential habitat functions supporting adult and juvenile steelhead including spawning and rearing, the availability of forage and refuge within San Simeon Creek. Reductions in adequate forage and refuge sites within the creek could have both short- and long-term effects on the local steelhead population in San Simeon Creek, resulting not only in increased competition for resources but also increased competition for water. Similarly, and without the Project's lagoon water design feature, groundwater extractions could lower water levels in San Simeon Creek Lagoon, which provides estuarine habitat when the sandbar is breached. Adverse impacts to the lagoon/estuarine habitat could affect the ability of steelhead smolt, to continually grow, and mature before swimming out to sea, or contrarily affect the ability of steelhead adults to replenish and rest after leaving the ocean and before swimming upstream to spawning habitat. Instream fish passage impediments and instream mining are not present in the creek within or adjacent to the Project site, and would not be affected by Project implementation.

As stated above, the amount of MF filtrate flow that is returned to San Simeon Creek Lagoon would be approximately 100 gpm, but this would be adaptable, as deemed necessary by the Project's AMP; see Mitigation Measure BIO-7. Mitigation Measure BIO-3 requires that the 4-inch diameter lagoon water pipeline be extended to relocate the discharge point further south to the San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. As discussed above, the GMR and Technical Memorandum included detailed hydrogeological modeling and found that the Project design feature's approximate 100 gpm of filtrate product water flow would maintain lagoon water levels, thereby avoiding potential impacts to steelhead habitat. Further, the Technical Memorandum concluded that under normal climatic conditions, while the SWF is operating, flows of 50 gpm, which would be one-half of the 100 gpm of MF filtrate flow, would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, while the SWF is operating, the Project design feature's approximate 100 gpm filtrate product water flow to the San Simeon Creek Lagoon would maintain lagoon water levels. Mitigation Measure BIO-7 (AMP), requires that the CCSD implement an AMP entailing long-term monitoring. The AMP requires monitoring of groundwater levels, surface water levels/flows, in-stream and riparian habitat, and presence of listed species, including steelhead. Implementation of the AMP is intended to avoid or reduce adverse impacts to steelhead, wherein if adverse effects to surface water, habitat, and/or species are

detected as a result of AMP monitoring actions, the SWF would be required to shut down and consult with regulatory agencies to determine the best actions to take.

The Recovery Plan also notes the current loss of 50 percent of the estuary, but also states that this loss is due to earlier development of San Simeon State Park and its associated recreational facilities, as well as the placement of the park's vehicle and pedestrian bridge overcrossings. The SWF would not result in permanent losses of estuarine habitat, as it proposes no new development within the estuary. Based on detailed hydrogeological modeling (GMR and Technical Memorandum), the groundwater reinjection of approximately 100 gpm of mitigation surface water discharge to the lagoon would maintain lagoon water levels, thereby avoiding potential impacts to the lagoon habitat. Further, the Technical Memorandum concluded that under normal climatic conditions, flows of 50 gpm, which would be one-half of the 100 gpm flow, would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, while the SWF is operating, the Project design feature's 100 gpm filtrate product water flow to the lagoon would maintain lagoon water levels. The lagoon/estuary would be expected to be generally subject to its annual cycles, which are also influenced by weather. Thus, impacts would be less than significant in this regard.

Compliance with construction-related measures/ standards occurred before/during the SWF's construction phase. Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), and BIO-6 (E-CDP Condition 20) were implemented during construction/ground disturbing activities.

The Project modifications would be subject to compliance with Mitigation Measures BIO-4 through BIO-6 during construction/ground disturbing activities, as discussed above. With mitigation, the Project modifications would result in less than significant impacts in this regard. The Project modifications would not indirectly impact or conflict with the Recovery Plan.

California Red-legged Frog

This species was detected in high numbers in San Simeon Creek Lagoon and lower San Simeon Creek during a population estimation survey in September and October 2014, as well as during the February and April 2015 surveys. In addition, the entire Project site is included in CRLF designated Critical Habitat Unit SLO-2.

Direct impacts to CRLF are expected to be negligible during SWF construction. There is a minor risk of CRLF being in the upland areas during construction and potentially approaching construction areas. This may result in stress, injury, or in unlikely scenarios, death if CRLF are run over by vehicles. Construction-related noise and vibrations may be minor disturbances if CRLF are present in the area and above-ground. The SWF is subject to compliance with Mitigation Measure BIO-11 (E-CDP Condition 15), which requires that a USFWS-approved biologist be present at the work site until all CRLF are removed, that workers be instructed, and habitat disturbance ceased. The biologist is also required to monitor onsite compliance with all minimization measures. As discussed below, compliance with Mitigation Measures BIO-4 through BIO-6, and BIO-8 and BIO-9 to avoid/reduce impacts to CRLF.

CRLF could be attracted to the evaporation pond due to the presence of standing water and adversely impacted by the RO concentrate's hypersalinity. The SWF employs deterrent and exclusion methods to prohibit CRLF entry into the evaporation pond area. The four-foot high CRLF exclusion fence installed along the evaporation pond's perimeter prevents CRLF, as well as various other terrestrial wildlife, from entry into the evaporation pond area. Additionally, the climber barrier and HDPE matrix prevent CRLF from being trapped within the fence. Further, Mitigation Measure AES-2 requires removal of the mechanical spray evaporators and their enclosures, and as a result, the RO concentrate would be disposed of offsite; see Project Modifications discussion that follows. Given that the exclusionary fence would prohibit CRLF entry to the evaporation pond, and since the evaporation pond would be decommissioned, and repurposed as a potable water supply storage basin, the SWF would result in less than significant impacts in this regard.

Indirect operational impacts could occur, particularly if reductions in the water table result in earlier-than-average seasonal drops in creek surface water. Project implementation could also have related impacts on California red-legged frog designated Critical Habitat. Adverse effects to California red-legged frogs could result in a take of this listed species; any such take would require either exemption from the prohibition against take or take authorization. However, the SWF returns approximately 100 gpm (as deemed necessary by the Project's AMP; see Mitigation Measure BIO-7) of filtrate product water to the San Simeon Creek Lagoon and approximately 452 gpm are re-injected into the San Simeon Creek aquifer further up-gradient at the well field. Mitigation Measure BIO-3 requires that the filtrate pipeline be extended to relocate the discharge point further south to the San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. The GMR and Technical Memorandum included detailed hydrogeological modeling and found that, when the SWF is operating, the 100 gpm of MF filtrate flow to the lagoon would maintain lagoon water levels, thereby avoiding potential impacts to the CRLF habitat. Further, the Technical Memorandum concluded that under normal climatic conditions, while the SWF is operating, flows of 50 gpm, which would be one-half of the 100 gpm of filtrate product flow, would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, while the SWF is operating, the Project design feature's approximate 100 gpm filtrate product water flow to the San Simeon Creek Lagoon would maintain water levels in the lagoon. Notwithstanding, monitoring would be required as part of the AMP (Mitigation Measure BIO-7) to ensure that creek/lagoon levels are maintained during SWF operations. With implementation of the AMP (Mitigation Measure BIO-7), the lagoon, creek, and riparian habitats would be protected, and by extension, the CRLF that inhabit them, as well. With mitigation, impacts to CRLF would be reduced to less than significant. Additionally, the SWF is subject to compliance with the Mitigation Measures BIO-2, BIO-4 through BIO-6, and BIO-8 through BIO-14 to avoid/reduce impacts to CRLF. With implementation of Mitigation Measures BIO-2 through BIO-14, impacts to CRLF would be reduced to less than significant.

Compliance with construction-related measures/ standards occurred before/during the SWF's construction phase. Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), and BIO-6 (E-CDP Condition 20) were implemented during construction/ground disturbing activities. In compliance with Mitigation Measure BIO-8 (E-CDP Condition 12), protective fencing was placed around all onsite existing trees and

riparian vegetation. This fence remained in place for the duration of SWF construction. In compliance with Mitigation Measure BIO-9 (E-CDP Condition 13), 48 hours prior to commencement of grading activities, a USFWS-approved biologist surveyed the Project site; see DSEIR Appendix E3. In compliance with Mitigation Measure BIO-10 (E-CDP Condition 14), prior to commencement of grading activities, a USFWS-approved biologist conducted a training session for all construction personnel. In compliance with Mitigation Measure BIO-11 (E-CDP Condition 15), a USFWS-approved biologist was present at the work site until all CRLF were removed, workers had been instructed, and habitat disturbance ceased. After this time, the biologist monitored onsite compliance with all minimization measures. The monitor/biologist was authorized to determine whether CRLF impacts were greater than anticipated or approved, and authorized to stop work until the issue was resolved. The monitor/biologist was instructed to immediately contact the resident engineer, where the resident engineer was required to either resolve the situation by eliminating the effect immediately, or halt all actions which were causing these effects. In compliance with Mitigation Measure BIO-12 (E-CDP Condition 19), contours were returned to as close to original as possible. It is noted, ground disturbance was nominal within CRLF habitat given the vast majority of the conveyance piping was installed above grade. In compliance with Mitigation Measure BIO-13 (E-CDP Condition 21), water was not impounded, with the exception of the evaporation pond, where a frog-exclusion fence was installed.

Direct impacts to CRLF are expected to be negligible during Project modifications construction. There is a minor risk of CRLF being in the upland areas during construction and potentially approaching construction areas. This may result in stress, injury, or in unlikely scenarios, death if CRLF are run over by vehicles. Construction-related noise and vibrations may be minor disturbances if CRLF are present in the area and above-ground. Direct impacts to CRLF are expected to be negligible during construction, since they would be limited to the ACB lining of the San Simeon Creek channel banks. Specifically, construction-related direct impacts would involve making the area immediately surrounding the discharge temporarily uninhabitable by CRLF, if present in this area. Additionally, small amounts of sedimentation could occur within the creek from installing the ACB lining. However, due to the volume of water in the creek throughout this area, the impact of light sedimentation would be minimal outside of the immediate impact area. Construction-related noise and vibrations may be minor disturbances if frogs are present in the area and above-ground. The Project modifications are subject to compliance with Mitigation Measure BIO-11, which requires that a USFWS-approved biologist be present at the work site until all CRLF are removed, that workers be instructed, and habitat disturbance ceased. The biologist is also required to monitor onsite compliance with all minimization measures. Compliance with Mitigation Measures BIO-4 through BIO-6, and BIO-8 and BIO-9 would further avoid/reduce impacts to CRLF. With mitigation, the Project modifications' construction-related impacts to CRLF would be less than significant.

Project modifications include offsite RO concentrate disposal and repurposing the evaporation pond as a potable water supply storage basin. The RO concentrate would be discharged to Baker tanks for storage prior to offsite disposal, instead of the evaporation pond, which would be repurposed (i.e., the potable water supply storage basin) and filled with potable water. CRLF could still be attracted to the potable water supply storage basin due to the presence of standing water. The four-foot high CRLF exclusion fence that exists along the evaporation pond's perimeter would be retained to prohibit CRLF, as well as various other terrestrial wildlife, from entry into the potable

water supply storage basin. The fence's integral climber barrier and HDPE matrix would be retained to prevent the CRLF from being trapped within the fence. Given that the exclusionary fence would prohibit the CRLF from entry to the potable water supply storage basin, and since the evaporation pond would be decommissioned and no longer be used to store RO concentrate, and would be repurposed as a potable water supply storage basin, the Project modifications would result in less than significant impacts in this regard.

Concerning indirect operational impacts to CRLF, in compliance with Mitigation Measure BIO-3, the filtrate pipeline would be extended to relocate the discharge point further south to the San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. The potential impact associated with the velocity of the discharge would be reduced to less than significant by dissipation via the ACB lining.

Special-Status Wildlife Species

Two non-listed special-status wildlife species were observed during surveys: yellow warbler (*Setophaga petechia*); and western pond turtle. Based on a CNDDDB search, seven additional non-listed species were determined to have a moderate or higher potential to occur within the Project site: Ferruginous hawk; Prairie falcon; Fringed myotis; Yuma myotis; Foothill yellow-legged frog; Coast Range newt; and Two-striped garter snake (historically been known to occur in San Simeon Creek).

SWF construction-related direct impacts to any of these non-listed special-status wildlife species are expected to be minimal. Construction near trees may result in disturbance to nesting birds or roosting bats, potentially resulting in increased stress or nest failure. In extreme situations, excessive disturbance may cause individual animals to leave the area, temporarily or permanently; for aquatic species, changes in seasonal water levels can result in habitat degradation and premature life events (e.g., upland breeding, overwintering, and migrations).

Indirect impacts to these non-listed special-status wildlife species would primarily be related to habitat degradation as a result of groundwater pumping. If excessive groundwater withdrawal results in degradation of the in-stream or surrounding riparian vegetation, including trees, it may result in decreased habitat quality for nesting birds or roosting bats. Drops in the water level in Van Gordon Creek, San Simeon Creek, or San Simeon Creek Lagoon may result in small reductions of available habitat for aquatic herpetofauna, but would not be expected to result in breeding failure or death. However, the SWF Project design feature returns approximately 100 gpm of MF filtrate flow (as deemed necessary by the Project's AMP; see Mitigation Measure BIO-7) as surface discharge to the San Simeon Creek Lagoon and approximately 452 gpm are re-injected into the San Simeon Creek aquifer further up-gradient at the well field. Mitigation Measure BIO-3 requires that the filtrate pipeline be extended to relocate the discharge point further south to the San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. The GMR and Technical Memorandum included detailed hydrogeological modeling and found that the Project design feature's approximate 100 gpm of filtrate product water flow would maintain lagoon water levels. Further, the Technical Memorandum concluded that under normal climatic conditions, while the SWF is operating, flows of 50 gpm, which would be one-half of the 100 gpm filtrate product water flow, would be

sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, while the SWF is operating, the Project design feature's approximate 100 gpm filtrate product water flow to the San Simeon Creek Lagoon would maintain lagoon water levels. Notwithstanding, Mitigation Measure BIO-7 requires implementation of an AMP for long-term SWF operations. Monitoring would be required as part of the AMP to ensure that creek/lagoon levels are maintained during SWF operations. With implementation of the AMP (Mitigation Measure BIO-7), the lagoon and creek habitats would be protected, and by extension, the non-listed special-status wildlife species that inhabit them, as well. The SWF is also subject to compliance with Mitigation Measure BIO-6, Mitigation Measure BIO-16, and Mitigation Measure BIO-17. With implementation of Mitigation Measures BIO-6, BIO-7, BIO-16, and BIO-17, impacts to special-status wildlife species would be reduced to less than significant.

Mitigation Measure BIO-1 was implemented during the SWF's construction phase. Mitigation Measure BIO-6 (E-CDP Condition 20) was implemented during construction/ground disturbing activities.

The Project modifications' construction-related direct impacts to any of these non-listed special-status wildlife species are expected to be minimal, and similar to those described above for the SWF. Construction near trees may result in disturbance to nesting birds or roosting bats, potentially resulting in increased stress or nest failure.

As concluded above, indirect impacts to non-listed special-status wildlife species associated with the SWF would primarily be related to habitat degradation as a result of groundwater pumping. Thus, concerning the Project modifications' indirect operational impacts to non-listed special status species, in compliance with Mitigation Measure BIO-3, the filtrate pipeline would be extended to relocate the discharge point further south to the San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. Therefore, the Project modifications would result in a less than significant impact to special-status wildlife species would be reduced to less than significant (Class II).

a. Mitigation

- BIO-1 Special-Status Plants. Prior to commencing site disturbing activities, a County-approved biologist/botanist shall conduct a botanical survey for special-status plants, including, but not limited to, the Cambria morning glory, Carmel Valley bush mallow, compact cobwebby thistle, most beautiful jewel-flower, Obispo Indian paintbrush, and woodland woollythreads. The CCSD shall make every effort to avoid the removal of identified special-status plants during construction activities. If the removal of such plants cannot be avoided, the CCSD shall transplant them on the subject property. (E-CDP Condition 23)
- BIO-2 Upland Vegetation. Prior to Project completion, whichever occurs first, disturbed areas within the Project boundaries shall be revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials shall be used to the extent practical. Invasive, exotic plants shall be prohibited. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County. (E-CDP Condition 18)

- BIO-3 Within one year of SEIR certification, and within 90 days following the completion of all regulatory approvals necessary to allow for the extension of the lagoon water discharge (whichever occurs last), and to avoid biasing Well 16D1 water quality samples (as requested by the RWQCB) and more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon, the CCSD shall remove the surface discharge structure and relocate the surface discharge point further south to the San Simeon Creek bank. At the discharge point, articulating concrete block (ACB) (Armorflex or similar) lining shall be installed to protect the northern San Simeon Creek channel bank from erosion. The lining shall allow for the continued growth of riparian vegetation, further protecting the channel from any potential erosion and avoiding/reducing any sedimentation within the water bodies.
- BIO-4 Trash and Construction Debris. During construction/ground disturbing activities, all trash that may attract CRLF predators shall be properly contained, removed from the work site, and disposed of regularly. Prior to Project completion, all trash and construction debris shall be removed from work areas. (E-CDP Condition 16)
- BIO-5 Construction Equipment. During construction/ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor shall ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/ construction activities, the monitor shall ensure that a plan is in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and appropriate measures to take should a spill occur. (E-CDP Condition 17)
- BIO-6 Construction-Related Water Quality. Best Management Practices (BMPs) shall be implemented during construction to minimize sediment from entering nearby water bodies or prominent drainage courses. During/after construction/ground disturbing activities, if these BMPs are ineffective, the CCSD shall work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event. (E-CDP Condition 20)
- BIO-7 Adaptive Management Plan. The CCSD shall develop and implement an Adaptive Management Program (AMP) for post construction operations upon commencement of SWF operations. The AMP shall be incorporated while the SWF is operating and indefinitely until the SWF is no longer in use or until deemed no longer necessary by applicable regulatory agencies. The AMP is intended to monitor and protect the lagoon, creek, and riparian habitats adjacent to the Project site and, by extension, protect the species that inhabit it. The AMP's primary goal shall be to monitor the response of the lagoon, creeks, and riparian habitats to SWF operations. This shall include, but not be limited to, the following:

- Regular monitoring of groundwater levels, surface water levels, surface water flow, in-stream and riparian habitat extent and health, available in-stream and fish habitat, and water quality;
- Surveys for tidewater goby, steelhead, CRLF, western pond turtle, and/or two-striped garter snake a minimum of two times per year to measure population levels over time; and
- Monitoring of riparian vegetation in the water bodies and in their upland extents.

Based on the results of the biological monitoring and any noted adverse changes in these habitats, SWF operations shall be adjusted such that the amount of treated water that is injected or discharged back into the system, is either increased or decreased to restore affected habitat features. It is expected that approximately 100 gpm of water would be returned at any one time.

- BIO-8 Construction Fencing. Sturdy and highly visible protective fencing shall be placed around all existing trees and riparian vegetation within 50 feet of the Project site. Plan notes shall indicate this fence shall remain in place for the duration of Project construction. (E-CDP Condition 12)
- BIO-9 CRLF Pre-Construction Survey. Prior to commencement of grading activities, a USFWS-approved biologist shall survey the Project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these individuals are likely to be killed or injured by work activities, the biologist shall be allowed sufficient time to move them from the site before work activities begin. The biologist shall relocate the CRLF the shortest distance possible to a location that contains suitable habitat and shall not be affected by activities associated with the proposed Project. The biologist shall maintain detailed records of any individuals that are moved (e.g., size, coloration, distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture. (E-CDP Condition 13)
- BIO-10 Construction Personnel Training. Prior to commencement of grading activities, a USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions. (E-CDP Condition 14)
- BIO-11 CRLF Monitor. A USFWS-approved biologist shall be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County shall designate a person to monitor onsite compliance with all minimization measures. The biologist shall ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than

anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of the construction activities), where the resident engineer shall either resolve the situation by eliminating the effect immediately, or require that all actions which are causing these effects be halted. If work is stopped, the County/ USFWS shall be notified as soon as is reasonably possible. (E-CDP Condition 15)

- BIO-12 Site Topography. Prior to Project completion, whichever occurs first, to the extent practical, contours shall be returned to as close to original, unless it is determined by the biologist that the new contours provide greater benefit for the CRLF. (E-CDP Condition 19)
- BIO-13 Water Impoundment. Unless approved by the USFWS, water shall not be impounded in a manner that may attract CRLF. (E-CDP Condition 21)
- BIO-14 Project Completion Report. Prior to Project completion, the CCSD shall submit to the County and USFWS, a Project completion report form, completed by the USFWS-approved biologist. The report form shall identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation. (E-CDP Condition 22)
- BIO-15 Groundwater Pumping – Biological Monitoring. During SWF operations, the CCSD shall continue with its existing efforts to monitor the creek habitat adjacent to, and downstream from the Project area, as required by the AMP. Should migrating steelhead reappear within the San Simeon Creek while in operation, the CCSD shall implement efforts to avoid potentially impacting their movement prior to the creek naturally running dry and flowing as subsurface flow during the dry season. Such efforts may include alternating the use of production wells between the San Simeon and Santa Rosa aquifers, and/or coordination to pumping regimes being practiced by/with other riparian irrigators during such migration periods, invoking conservation/demand management measures, as well as operating the SWF to provide its lagoon water discharge.
- BIO-16 Pre-Construction Bird Survey. No more than one week prior to construction, a qualified biologist shall conduct a preconstruction nesting bird clearance survey in all work areas and all areas within 500 feet of the general construction zone. Active nests shall be given an avoidance buffer, typically 300 feet for non-listed, non-raptor species, and 500 feet for listed or raptor species. This buffer shall remain in place until the young fledge or the nest otherwise becomes inactive, and may be reduced with approval from CDFW and/or USFWS.
- BIO-17 Pre-Construction Bat Survey. If deemed necessary by the CDFW, a preconstruction roosting bat survey shall be conducted within one week prior to construction. Any bat roosts found in the Project vicinity shall be protected with coordination from CDFW.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to DSEIR pages 5.3-51 through 5.3-72 and the Final SEIR.

2. Impact 5.3-2: Riparian Habitat or Other Sensitive Natural Community. The Project site contains two intermittent creeks (San Simeon Creek and Van Gordon Creek) and one wetland (San Simeon Creek Lagoon). Approximately 53.76 acres of CDFW jurisdictional riparian vegetation are located within the Project site.

Vegetation removal would be required to construct an extension to the 4-inch diameter lagoon water pipeline and the associated placement of relocated discharge structure at the northern bank of the San Simeon Creek (BIO-3). The lagoon water filtrate pipeline extension would be routed/placed by hand to protect the riparian habitat. No CDFW jurisdictional riparian vegetation would be impacted by the SWF. However, potentially significant indirect impacts could occur as a result of SWF implementation and groundwater loss. In addition to these potential effects, SWF implementation and operation may result in degradation of riparian habitat. Drawdown of the water table could have adverse effects on riparian vegetation near the vicinity of extraction Well 9P7, eventually resulting in loss or conversion of vegetation. If this is a seasonal drawdown, it may only result in seasonal impacts (e.g., temporary browning or loss of vitality of vegetation). However, if SWF operation results in permanent, gradual, and cumulatively reduced groundwater levels, riparian vegetation may suffer permanent effects.

To minimize impacts to riparian vegetation, the SWF is subject to compliance with Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), BIO-6 (E-CDP Condition 20), and BIO-8 (E-CDP Condition 12). Additionally, Mitigation Measure BIO-7 requires implementation of an AMP for long-term SWF operations. The AMP is intended to monitor and protect riparian habitats (as well as the creeks and lagoon). The AMP's primary goal is to monitor the response of the lagoon, creeks, and riparian habitats to SWF operations. Riparian vegetation monitoring is required, as part of the AMP. Specifically, California Rapid Assessment Method (CRAM) analyses would be performed for the riparian vegetation found along Van Gordon Creek, San Simeon Creek, and the area surrounding San Simeon Creek Lagoon, as a means of assessing the habitat's health. Finally, Mitigation Measure BIO-18 requires that the lagoon discharge structure be designed to avoid impacts to riparian habitat to the greatest extent feasible, and that the CCSD comply with all applicable local, state, and federal regulations concerning impacts to riparian habitat, including Clean Water Act (CWA) Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Finally, Mitigation Measure BIO-19 requires that the CCSD minimize the disturbance and removal of riparian vegetation, to the extent possible.

Coastal streams, riparian areas, and wetlands, such as are present on the Project site, are ESHA, which are protected through compliance with CZLUO Section 23.07.170 (Environmentally Sensitive Habitats), CZLUO Section 23.07.172 (Wetlands), and CZLUO Section 23.07.174 (Streams and Riparian Vegetation).

Compliance with construction-related measures/ standards occurred before/during the SWF's construction phase. Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), BIO-8 (E-CDP Condition 12), and BIO-6 (E-CDP Condition 20) were implemented during construction/ground disturbing activities (Class II).

a. Mitigation – Refer to Mitigation Measures BIO-4 through BIO-6, and the following:

BIO-18 The lagoon surface discharge structure shall be designed to avoid impacts to riparian habitat to the greatest extent feasible, while taking into account site and engineering constraints, including incorporating design revisions to relocate features and/or reduce water quality impacts. If riparian impacts cannot be avoided, the following measures shall be implemented within 180 days of SEIR certification (or Prior to Regular CDP issuance), to reduce identified impacts to less than significant:

- The CCSD shall comply with all applicable local, state, and federal regulations concerning impacts to riparian habitat, including Clean Water Act (CWA) Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Specifically, the CCSD shall obtain a Section 401 Permit under the federal CWA from the RWQCB, a Section 404 Permit under the federal CWA from ACOE, and a Section 1602 Permit under the FGC from the CDFW. All permit requirements shall be followed.
- In support of the regulatory agency wetland permitting process described above, a wetland delineation shall be conducted for the Project modifications (filtrate pipeline extension and discharge structure) to determine the presence and extent of jurisdictional wetlands and other waters of the U.S., and the Project impacts. The wetland delineation shall be conducted according to the protocols set forth by the ACOE.
- Impacted riparian habitat shall be mitigated at a 1:1 replacement-to-loss ratio; the final mitigation amounts shall be determined during the regulatory agency permitting process through the preparation of a Habitat Mitigation and Monitoring Plan (HMMP) by a qualified biologist. It is expected that the riparian mitigation site can occur within the Project boundaries. The HMMP shall include but not be limited to a planting plan, success criteria, monitoring protocols to determine if success criteria have been met, adaptive management protocols in the event success criteria are not met, and funding assurances.

BIO-19 The CCSD shall minimize to the extent possible the disturbance and removal of riparian vegetation in the vicinity of San Simeon Creek Lagoon during the construction and placement of the MF filtrate water pipeline. All efforts shall be made to avoid creating a permanent pathway through the vegetation while constructing the pipeline. The pipeline shall in addition contain an adequate velocity dissipation mechanism to avoid creating any scour or deterioration of the upland habitat.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of less than significant.

c. Supportive Evidence – Please refer to DSEIR pages 5.3-73 through 5.3-76 and the Final SEIR.

3. Impact 5.3-3: Wetlands and Jurisdictional Waters.

U.S. Army Corps of Engineers Determination

The SWF would not impact Corps jurisdiction including Corps jurisdictional wetlands. The Project modifications (filtrate pipeline extension, temporary access path, and discharge structure (ACB or other)) would impact approximately 0.003 acre of non-wetland Corps jurisdiction. No Corps jurisdictional wetlands would be impacted

California Department of Fish and Wildlife Determination

The SWF would not impact CDFW jurisdictional streambed. Additionally, no CDFW jurisdictional riparian vegetation would be impacted. The Project modifications (filtrate pipeline extension, temporary access path, and discharge structure) would impact 0.042 acre of CDFW jurisdictional streambed. No CDFW jurisdictional riparian vegetation would be impacted.

California Coastal Commission Determination

The SWF would not impact CCC jurisdictional stream. Additionally, the SWF would not impact CCC jurisdictional wetland. The Project modifications (filtrate pipeline extension, temporary access path, and discharge structure) would not impact any CCC jurisdictional stream. The Project modifications would impact approximately 0.042 acre of CCC jurisdictional wetland.

Potentially significant indirect impacts could occur as a result of SWF implementation and groundwater loss. The GMR and Technical Memorandum included detailed hydrogeological modeling and found that the Project design feature's approximate 100 gpm of filtrate product water flow would maintain lagoon water levels, thereby avoiding potential impacts on wetland habitat. Further, the Technical Memorandum concluded that under normal climatic conditions, while the SWF is operating, flows of 50 gpm, which would be one-half of the 100 gpm of MF filtrate flow, would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, while the SWF is operating, the Project design feature's approximate 100 gpm filtrate product water flow to the San Simeon Creek Lagoon would maintain lagoon water levels. Notwithstanding, Mitigation Measure BIO-7 requires implementation of an AMP for long-term SWF operations. The AMP is intended to monitor and protect the creeks, lagoon, and onsite habitats. The AMP's primary goal is to monitor the response of the lagoon, creeks, and riparian habitats to SWF operations. With implementation of the AMP (Mitigation Measure BIO-7), the wetland habitats would be protected.

Compliance with construction-related measures/ standards occurred before/during the SWF's construction phase. Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), BIO-8 (E-CDP Condition 12), and BIO-6 (E-CDP Condition 20) were implemented during construction/ground disturbing activities.

Potentially significant indirect impacts could occur as a result of SWF implementation and groundwater loss. Mitigation Measure BIO-18 requires that the surface discharge extension be designed to avoid impacts to riparian habitat to the greatest extent feasible, and that the CCSD comply with all applicable local, state, and federal regulations concerning impacts to riparian habitat, including CWA Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Finally, Mitigation Measure BIO-19 requires that the CCSD minimize the disturbance and removal of riparian vegetation, to the extent possible. Overall, the Project modifications' direct impacts to wetlands and

jurisdictional waters would be considered a significant impact unless mitigated. To minimize impacts to wetlands and jurisdictional waters, the Project modifications would be subject to compliance with Mitigation Measures BIO-4, BIO-5, BIO-6, and BIO-8.

Coastal streams, riparian areas, and wetlands, such as are present on the Project site, are ESHA, which are protected through compliance with CZLUO Sections 23.07.170, 23.07.172, and 23.07.174. Refer to Impact 5.3-5 below for a discussion of the Project modifications' compliance with CZLUO Section 23.07.170 (Environmentally Sensitive Habitats), CZLUO Section 23.07.172 (Wetlands), and CZLUO Section 23.07.174 (Streams and Riparian Vegetation). Refer also to Section 5.6, Land Use and Planning, for further discussion concerning the Project modifications' consistency with these policies (Class II).

- a. **Mitigation** – Refer to Mitigation Measures BIO-4 through BIO-8, BIO-18, and BIO-19.
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to DSEIR pages 5.3-77 through 5.3-81 and the Final SEIR.
4. **Impact 5.3-4: Wildlife Movement.** Although not observed during the habitat assessment or CRLF surveys, steelhead trout are known to migrate up and down San Simeon Creek. Several mule deer (*Odocoileus hemionus*) were observed in the percolation ponds and likely utilize the riparian corridor to make movements up and down the stream between foraging, fawning, and shelter areas, as well as other critical habitat types. Feral pigs were observed in the area both during the habitat assessment and during CRLF surveys; it is expected that they live within the dense riparian vegetation and use the vegetation as a movement corridor. Other large mammals may utilize the riparian corridors to move in cover, particularly between habitat near the coast and habitat in the Santa Lucia Mountains. Birds likely use the riparian corridor for movements. Migratory birds are protected by the MBTA and FGC. The Project site is located within and adjacent to suitable nesting habitat for a variety of avian species.

Movements of terrestrial and avian species could be affected and deterred by active construction. However, the movement corridors are not expected to be directly impacted, since no SWF improvement is proposed in the creek corridors.

San Simeon Creek, San Simeon Creek Lagoon, and Van Gordon Creek could experience indirect SWF-related effects, as a result of drawdown in the water table. This would in turn degrade the quality of the movement corridor and potentially render it unusable by animals that are strictly confined to aquatic movement (e.g., fish). Thus, impacts to movement corridors would be significant unless mitigated. However, the SWF returns approximately 100 gpm of MF filtrate flow (as deemed necessary by the Project's AMP; see Mitigation Measure BIO-7) to the San Simeon Creek Lagoon and 452 gpm are re-injected into the San Simeon Creek aquifer further up-gradient at the well field. Mitigation Measure BIO-3 requires that the lagoon water filtrate pipeline be extended to relocate the discharge point further south to the northern San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. The GMR and Technical Memorandum included detailed hydrogeological modeling and found that the Project design feature's

approximate 100 gpm of filtrate product water flow to the lagoon would maintain lagoon water levels. Further, the Technical Memorandum concluded that under normal climatic conditions, while the SWF is operating, flows of 50 gpm, which would be one-half of the 100 gpm of MF filtrate flow, would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, while the SWF is operating, the Project design feature's approximate 100 gpm filtrate product water flow to the San Simeon Creek Lagoon would maintain lagoon water levels. Notwithstanding, Mitigation Measure BIO-7 requires implementation of an AMP for long-term SWF operations. Monitoring would be required as part of the AMP to ensure that creek/lagoon levels are maintained during SWF operations. With implementation of the AMP (Mitigation Measure BIO-7), the lagoon and creek habitats would be protected, and by extension, the wildlife movement corridors, as well. To further minimize impacts to the movement corridors, the SWF is subject to compliance with Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), BIO-6 (E-CDP Condition 20), and BIO-8 (E-CDP Condition 12). Mitigation Measure BIO-7 requires implementation of an AMP, which is intended to monitor and protect the creeks, lagoon, and onsite habitats. The AMP's primary goal is to monitor the response of the lagoon, creeks, and riparian habitats to SWF operations. Mitigation Measure BIO-18 requires that the lagoon discharge structure be designed to avoid impacts to riparian habitat to the greatest extent feasible. Finally, Mitigation Measure BIO-19 requires that the CCSD minimize the disturbance and removal of riparian vegetation, to the extent possible. Pursuant to the MBTA and FGC, the SWF is subject to compliance with Mitigation Measure BIO-16, which requires that a preconstruction nesting bird clearance survey be conducted in all work areas and all areas within 500 feet of the general construction zone.

The SWF employs deterrent and exclusion methods to prohibit entry of terrestrial wildlife into the pond area. The four-foot high CRLF exclusion fence installed along the pond's perimeter prevents CRLF, as well as various other terrestrial wildlife, from entry into the pond area. When operational, the evaporators spray water with some force across the pond, disturbing the birds and reducing their likelihood of landing or staying for significant periods of time. However, since the evaporators do not operate continuously, avian wildlife could still be attracted to the evaporation pond when/where the evaporators are not operational. Additionally, terrestrial wildlife capable of scaling over the fence could also access the water's edge to drink. Avian and other wildlife could be adversely impacted by the RO concentrate's hypersalinity.

Concerning the Project, the Hazing Study found that deterrence via exclusion is the approach that is most likely to be successful in accomplishing the goal of near complete reduction in risk to wildlife over long periods. As noted in the Hazing Study, exclusion is already being employed at the evaporation pond (via fencing) to eliminate entry of amphibians and reptiles to the pond area. The Hazing Study analyzed various strategies that could be considered that have the advantage of expected longer effectiveness. The Hazing Study concluded that a combination of buried fencing and netting, would afford the best likelihood of maximum wildlife restriction from the evaporation pond over long periods of time. Other options have functional shortcomings when compared to the total exclusion expected with these strategies.

Given that the Hazing Study's recommended strategy (fencing and netting) was being questioned as to its long-term capability to withstand high wind conditions, such as those brought on by winter storms, as well as having potential visual impacts, further mitigation

was recommended. Mitigation Measure AES-2 requires removal of the mechanical spray evaporators and their enclosures. As a result, the Project modifications include offsite RO concentrate disposal and repurposing the evaporation pond as a potable water supply storage basin. The RO concentrate would be discharged to Baker tanks for storage prior to offsite disposal, instead of the evaporation pond. Thus, the evaporation pond would be decommissioned and no longer be used to store RO concentrate, and the repurposed pond (i.e., the potable water supply storage basin) would be filled with raw potable water. No changes to the frog-exclusion fence are proposed, as part of the Project modifications. The fence's integral climber barrier and HDPE matrix would remain to prevent CRLF from being trapped within the fence. Therefore, the evaporation pond-related impacts to wildlife movement (terrestrial and avian) would be reduced to less than significant, with mitigation incorporated.

Compliance with construction-related measures/ standards occurred before/during the SWF's construction phase. Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), BIO-6 (E-CDP Condition 20), and BIO-8 (E-CDP Condition 12) were implemented during construction/ground disturbing activities, as discussed above.

Movements of terrestrial and avian species could be affected and deterred by active construction of Project modifications. However, the movement corridors are not expected to be directly affected by Project modifications. Compliance with construction-related measures/standards before/during the Project modifications construction phase would be required, including Mitigation Measures BIO-4, BIO-5, BIO-6, BIO-8, and BIO-16. Impacts would be reduced to less than significant following compliance with the recommended mitigation.

Project modifications include offsite RO concentrate disposal and repurposing the evaporation pond as a potable water supply storage basin. The RO concentrate would be discharged to Baker tanks for storage prior to offsite disposal, instead of the evaporation pond. Thus, the evaporation pond would be decommissioned and no longer be used to store RO concentrate, and the repurposed pond (i.e., the potable water supply storage basin) would be filled with untreated (raw) potable water. Terrestrial and avian species could still be attracted to the potable water supply storage basin due to the presence of standing water. The four-foot high CRLF exclusion fence that exists along the evaporation pond's perimeter would be retained to prohibit wildlife entry into the potable water supply storage basin. Additionally, the fence's integral climber barrier and HDPE matrix would be retained. Given that the exclusionary fence would prohibit wildlife from entry to the potable water supply storage basin, and since the evaporation pond would be decommissioned and no longer be used to store RO concentrate, but rather would be repurposed as a potable water supply storage basin, the Project modifications would result in less than significant impacts in this regard (Class II).

- a. **Mitigation** – Refer to Mitigation Measures BIO-4 through BIO-8, and BIO-16.
- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to DSEIR pages 5.3-82 through 5.3-86 and the Final SEIR.

- 5. Impact 5.3-5: Consistency with Local Policies/Ordinances – CZLUO & LCP.** The LCP was implemented and approved to ensure the protection of San Luis Obispo County's Coastal Zone in compliance with the Coastal Act of 1976. CZLUO Section 23.01.033 (Consistency with the Land Use Element and Local Coastal Plan Required) specifies that when an application is accepted for processing, such application shall not be approved unless, among other requirements, the proposed use or division satisfies LCP policies, programs, and standards. According to CZLUO Section 23.01.010 (Title and Purpose), the CZLUO is intended (in part) to implement the San Luis Obispo County LCP (as well as the San Luis Obispo County General Plan). Coastal streams, riparian areas, and wetlands, such as are present on the Project site, are ESHA, which are protected through compliance with CZLUO Section 23.07.170 (Environmentally Sensitive Habitats), CZLUO Section 23.07.172 (Wetlands), and CZLUO Section 23.07.174 (Streams and Riparian Vegetation).

As concluded below, the SWF is in compliance with these CZLUO Sections. Compliance with these CZLUO Sections implements the following LCP Policies: 1, 2, 3, 7, 8, 13,* 16, 17, 18, 20,* 21,* 22,* 23,* 25, 26, 27, and 28 (*shall also be implemented as a standard). In compliance with CZLUO Section 23.01.033, the SWF satisfies LCP policies, programs, and standards; refer also to DSEIR Table 5.6-1, Coastal Act and Local Coastal Plan Policy Consistency, and Table 5.6-3, LCP Consistency Analysis. Therefore, the SWF would not conflict with any local policies or ordinances protecting biological resources and a less than significant impact would occur in this regard.

CZLUO Section 23.07.170 (Environmentally Sensitive Habitats)

The provisions of this section are applicable to the Project and Project modifications, since it involves improvements within and adjacent to (within 100 feet of the boundary of) an ESHA. To minimize impacts to ESHA wetlands, streams, and riparian vegetation, the Project is subject to compliance with Mitigation Measures BIO-4, BIO-5, BIO-6, and BIO-8; see discussion above. Mitigation Measure BIO-7 requires implementation of an AMP for long-term SWF operations. Mitigation Measure BIO-18 requires that the filtrate pipeline extension and surface discharge structure be designed to avoid impacts to riparian habitat to the greatest extent feasible, and that the CCSD comply with all applicable local, state, and federal regulations concerning impacts to riparian habitat, including CWA Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Finally, Mitigation Measure BIO-19 requires that the CCSD minimize the disturbance and removal of riparian vegetation, to the extent possible. Thus, implementation of Mitigation Measures BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-18, and BIO-19 would ensure the Project's compliance with CZLUO Section 23.07.170.b, reducing impacts to ESHA to less than significant.

According to CZLUO Section 23.07.170.e, development within an ESHA must be located in a manner, which avoids any significant disruption or degradation of habitat values. CZLUO Section 23.07.170.e also specifies that any project with potential to cause significant adverse impacts must reduce the impact to a less than significant level where complete avoidance is not possible. The pipeline alignments were determined based on the shortest distance between the two points that avoided both the riparian tree line to the maximum extent practicable, and avoided the existing cultural resources, as discussed in detail in Section 5.4, Cultural Resources. The vast majority (approximately 90 percent) of the SWF conveyance piping was installed above grade to minimize disturbance. Additionally, horizontal directional drilling construction was used to install SWF pipeline reaches under Van Gordon Creek without disturbing the ground surface,

with entrance and exit pits located outside of the tree drip line. Thus, the SWF was designed and located to avoid significant disruption degradation of ESHA. The Project modifications included five new pipelines. However, with implementation of Mitigation Measures BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-18, and BIO-19-19, Project impacts to ESHA, including riparian vegetation, would be less than significant.

Pursuant to CZLUO Section 23.07.170.e.1.iii, circumstances in which a development project would be allowable within an ESHA include essential incidental public services and utilities pursuant to ESHA Policy 13 and CZLUO Section 23.07.172.e. The SWF's product water, filtrate, and RO concentrate disposal pipelines, are allowable within the ESHA, since they involve water supply, an essential incidental public utility. Similarly, the Project modifications, including potable water pipeline 2 and the surface water pipeline, as well as the filtrate pipeline extension and surface discharge would also be allowed within the ESHA, since they involve water supply. Moreover, as concluded in Table 5.6-3, LCP Consistency Analysis, the SWF and Project modifications are consistent with ESHA Policy 13.

Overall, implementation of Mitigation Measures BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-18, and BIO-19-19 would reduce impacts to ESHA, including riparian vegetation, to less than significant, and ensure compliance with CZLUO Section 23.07.170.e.1.

CZLUO Section 23.07.170.e.2 (Development in ESHA to Avoid a Taking)

As discussed above, indirect operational impacts to tidewater goby, steelhead, and CRLF could occur as the result of Well 9P7 pumping groundwater in the vicinity of the percolation ponds, which is upstream from the San Simeon Creek Lagoon. To avoid these impacts, the Project included a PDF that approximately 100 gpm MF filtrate flow (as deemed necessary by the Project's AMP; see Mitigation Measure BIO-7) is surface discharged to the San Simeon Creek Lagoon. This PDF includes an above-ground 4-inch diameter lagoon water pipeline, which discharges into a surface discharge structure located just north of the San Simeon Creek treeline to create a sheet flow of MF filtrate water, prior to entering upstream of the San Simeon Creek Lagoon. The Project modifications involve extending the lagoon water filtrate pipeline to relocate the discharge point further south to the northern San Simeon Creek bank (Mitigation Measure BIO-3). The 4-inch diameter lagoon water pipeline extension would be routed/placed by hand to protect the riparian habitat. The proposed discharge at the creek bank would provide more efficient delivery of water to San Simeon Creek to maintain lagoon water levels. Thus, Project modifications' lagoon water filtrate pipeline and discharge structure, are proposed within and adjacent to (within 100 feet of the boundary of) an ESHA to minimize impacts to tidewater goby, steelhead, and CRLF (which constitute a take). Pursuant to CZLUO Section 23.07.170.e.2, development within an ESHA shall be: the least necessary to avoid take; avoided to the maximum extent feasible; and fully mitigated. The lagoon water filtrate pipeline alignment was determined based on the shortest distance between the SWF treatment facility and discharge point that avoided impacting sensitive resource areas to the maximum extent practicable, and avoided the existing cultural resources, as discussed in detail in DSEIR Section 5.4, Cultural Resources. The majority (85 percent) of this 1,000-foot pipeline was installed above grade to minimize disturbance. The remaining 150 feet were installed using horizontal directional drilling construction without disturbing the ground surface. Therefore, impacts to tidewater goby, steelhead, and CRLF were avoided to the maximum extent feasible. Implementation of Mitigation Measures BIO-2 through

BIO-6, and BIO-8 through BIO-19-19, would reduce potential impacts to tidewater gobies, steelhead, and CRLF to less than significant and ensure compliance with CZLUO Section 23.07.170.e.2.

CZLUO Section 23.07.170.e.3 (Steelhead Stream Protection: Net Loss Stream Diversions Prohibited)

CZLUO Section 23.07.170.e.3 states that diversions of surface and subsurface water will not be allowed if they will result in a significant adverse impact on steelhead runs. This Section applies to water supply wells that tap the subflow and similar water supply facilities that could significantly harm steelhead runs. Exceptions may be considered only where the impact cannot be avoided, is fully mitigated, and no significant disruption would result. The SWF is extracting groundwater from the groundwater basin below the wastewater effluent percolation ponds. The brackish water source is a combination of San Simeon Creek underflow, percolated treated wastewater effluent, and diluted seawater from a deep, saltwater wedge area. Specifically, the SWF pumps 629 gpm of groundwater upstream of San Simeon Creek Lagoon, of which: 452 gpm are re-injected into the San Simeon Creek aquifer further up-gradient at the well field; 37 gpm of MF backwash are discharged to the percolation pond, which flows back into the groundwater aquifer; and 39 gpm of RO concentrate are discharged at the evaporation pond. Additionally, the SWF returns approximately 100 gpm of MF filtrate (as deemed necessary by the Project's AMP; see Mitigation Measure BIO-7) to the San Simeon Creek Lagoon. Specifically, the Project's PDF includes lagoon water (non-chlorinated microfilter effluent, or a combination of microfilter effluent with de-chlorinated and oxygenated RO product water), which is pumped during dry weather conditions for surface discharge upstream of San Simeon Creek Lagoon. An above-ground pipeline is used to deliver the lagoon water from the AWTP to a surface discharge structure. The discharge structure creates a sheet flow of water, prior to entering upstream of the San Simeon Creek Lagoon. The lagoon water filtrate pipeline extension and surface discharge involve extending the 4-inch diameter filtrate pipeline to relocate the discharge point further south to the northern San Simeon Creek bank. The proposed discharge at the creek bank would provide more efficient delivery of water to San Simeon Creek to maintain lagoon water levels, while also avoiding existing monitoring well 16D1.

As discussed under Impact 5.3-1 above, indirect operational impacts could occur, particularly if reductions in the water table result in earlier-than-average seasonal drops in creek surface water. However, the SWF returns approximately 100 gpm of MF filtrate (as deemed necessary by the Project's AMP; see Mitigation Measure BIO-7) to the San Simeon Creek Lagoon and 452 gpm are re-injected into the San Simeon Creek aquifer further up-gradient at the well field. Mitigation Measure BIO-3 requires that the filtrate pipeline be extended to relocate the discharge point further south to the San Simeon Creek bank to more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon. The GMR and Technical Memorandum included detailed hydrogeological modeling and found that the Project design feature's approximate 100 gpm of filtrate product water flow would maintain lagoon water levels, thereby avoiding potential impacts to the lagoon habitat; refer to Impact 5.5-3. Further, the Technical Memorandum concluded that under normal climatic conditions, while the SWF is operating, flows of 50 gpm, which would be one-half of the 100 gpm of MF filtrate flow, would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, while the SWF is operating, the Project design feature's approximate 100 gpm filtrate product water flow to

the San Simeon Creek Lagoon would maintain lagoon water levels. Notwithstanding, Mitigation Measure BIO-7 requires implementation of an AMP for long-term SWF operations. The AMP is intended to monitor and protect the lagoon, creek, and riparian habitats and, by extension, protect the species that inhabit them, including steelhead. The AMP's primary goal is to monitor the response of the lagoon, creeks, and riparian habitats to SWF operations. Monitoring is required as part of the AMP to ensure that creek and lagoon levels are maintained during SWF operations. With implementation of the AMP (Mitigation Measure BIO-7), the water levels would be maintained, lagoon and creek habitats would be protected, and by extension, any steelhead (and any tidewater gobies) that may inhabit them. Monitoring of groundwater and surface water, as well as additional hydrologic modeling, is required to track changes in groundwater, surface waters, and instream and riparian habitats to remove remaining uncertainty and fully understand the SWF's potential impacts. The AMP approach is implemented to provide the needed data and an oversight of uncertain effects of the SWF's pumping, and would alert the CCSD of the need to adjust SWF operations, depending on stream conditions to avoid potential adverse impacts to aquatic species, including steelhead. Adjustments could include alternating the use of production wells between the San Simeon and Santa Rosa aquifers, curtailments and/or coordination to pumping regimes being practiced by/with other riparian irrigators during such migration periods, invoking conservation/demand management measures, as well as operating the SWF to provide its lagoon water discharge.

Past study of the area by the U.S. Geological Survey has found that the lower reaches of the creek flow subterranean during the dry season due to natural dry-season water level decline (i.e., decline without any pumping occurring). It is anticipated that enough water would remain in the system with the SWF as designed to continue supplying suitable lagoon habitat for steelhead runs. The AMP is proposed to ensure that over time, especially during dry periods, the surface water in San Simeon Creek would not dry up quicker than under existing conditions, thus, avoiding a significant adverse effect to steelhead runs. Adult steelhead typically migrate from the ocean into coastal streams between December and May, according to weather patterns and stream flow. Conversely, smolts (young steelhead that have prepared to migrate to the ocean) typically migrate downstream to lagoons and eventually the ocean between March and June, although low stream flows can block smolts from reaching their destinations. Reduced water in the lower reaches of San Simeon Creek could lead to earlier-than-usual sandbar closures in San Simeon Creek Lagoon, affecting the ability of smolts to migrate to the ocean and prematurely altering the lagoon/estuary temporal interchange. AMP measures, including biological monitoring, hydrologic monitoring, and modeling would be implemented to demonstrate that the SWF is in compliance with CZLUO Section 23.07.170.e.3. Further, the AMP is recommended to avoid/lessen impacts to aquatic vertebrates.

Overall and as concluded above, impacts to steelhead were avoided to the maximum extent feasible. Mitigation Measure BIO-7 requires implementation of an AMP for long-term SWF operations. The AMP is intended to monitor and protect the lagoon, creek, and riparian habitats and, by extension, protect the species that inhabit them (including the steelhead). Implementation of Mitigation Measures BIO-4 (E-CDP Condition 16), BIO-5 (E-CDP Condition 17), BIO-6 (E-CDP Condition 20), BIO-7, and BIO-15 would reduce potential impacts to steelhead to less than significant and ensure compliance with CZLUO Section 23.07.170.e.3.

CZLUO Section 23.07.170.e.4.iv (Interference with Fish Migration)

CZLUO Section 23.07.170.e.4.iv prohibits any development activity that would raise overall stream temperatures to unfavorable levels, or that would interfere with normal fish migration and movement within the stream. As stated above, with implementation of the AMP, the SWF is not anticipated to result in decreased water levels in San Simeon Creek and, when applicable, Van Gordon Creek. Implementation of the AMP would ensure that SWF operations would not result in decreased water levels regularly, seasonally, or during particularly dry periods, thus, ensuring that increased water temperatures due to decreased water levels, as well as restrictions on fish migration and movement, would not occur. The GMR and Technical Memorandum included detailed hydrogeological modeling and found that the Project design feature's approximate 100 gpm of of filtrate product water flow would maintain lagoon water levels, thereby avoiding potential impacts to the lagoon habitat; refer to Impact 5.5-3. Further, the Technical Memorandum concluded that under normal climatic conditions, while the SWF is operating, flows of 50 gpm, which would be one-half of the 100 gpm of filtrate product flow, would be sufficient to maintain lagoon levels similar to conditions without the SWF. Based on the GMR's and Technical Memorandum's findings, while the SWF is operating, the Project design feature's approximate 100 gpm filtrate product water flow to the San Simeon Creek Lagoon would would maintain lagoon water levels. Notwithstanding, Mitigation Measure BIO-7 requires implementation of an AMP, which involves gathering additional hydrologic information to demonstrate that stream temperatures are maintained at favorable levels and that no interference with normal fish migration or movement within San Simeon Creek or Van Gordon Creek and ensure compliance with CZLUO Section 23.07.170.e.4.

CZLUO Section 23.07.170.e.5 (Grading Adjacent to Environmentally Sensitive Habitats)

CZLUO Section 23.07.170.e.5 states that grading adjacent to ESHAs must conform to CZLUO Section 23.05.034.c (Grading Standards), which states that grading shall not occur within 100 feet of any ESHA except where a setback adjustment has been granted as set forth in CZLUO Sections 23.07.172.d.2 (Wetlands) or 23.07.174.d.2 (Streams and Riparian Vegetation). The SWF's product water, filtrate, and RO concentrate disposal pipelines, the Project modifications, including potable water pipeline 2 and the surface water pipeline, as well as the filtrate pipeline extension and surface discharge, as well as the construction laydown areas, are within the ESHA setback. However, permitted uses within the setback include utility lines/pipelines, such as are proposed by the Project; see CZLUO Section 23.07.172 below.

CZLUO Section 23.07.172 (Wetlands)

The provisions of this section are applicable to the SWF, since wetlands are present on the Project site, and would be impacted as detailed above. According to CZLUO Section 23.07.172, development proposed within or adjacent to (within 100 feet of the upland extent of) a wetland area shown on the Environmentally Sensitive Habitat Maps is required to satisfy the requirements of this section. As noted in DSEIR Section 5.3.2, Regulatory Setting – North Coast Area Plan, onsite wetlands are not mapped on the Coastal Zone – Wetland Map that is provided, although they are present on the Project site. Notwithstanding, an analysis of SWF consistency with CZLUO Section 23.07.172 is provided herein.

According to this Section, new development is required to be located a minimum of 100 feet from the upland extent of all wetlands. The SWF's product water, filtrate, and RO concentrate disposal pipelines, the Project modifications, including potable water pipeline 2 and the surface water pipeline, as well as the filtrate pipeline extension and surface discharge, as well as the construction laydown areas, are within the wetland setback. However, permitted uses within wetland setbacks include utility lines/pipelines, such as are proposed by the Project, provided it can be demonstrated that: alternative routes are infeasible/more environmentally damaging; and adverse environmental effects are mitigated to the maximum extent feasible. The SWF's product water, filtrate, RO concentrate disposal pipelines, the Project modifications (potable water pipeline 2 and the surface water pipeline), and the filtrate pipeline extension and surface discharge, are permitted within the required wetland setback. Alternative pipeline routes would be more environmentally damaging, given the alignments were determined based on the shortest distance between the two points that avoided both the riparian tree line to the maximum extent practicable, and avoided the existing cultural resources, as discussed in detail in Section 5.4, Cultural Resources. The vast majority (approximately 90 percent) of the SWF conveyance piping was installed above grade to minimize disturbance. Additionally, horizontal directional drilling construction was used to install pipeline reaches under Van Gordon Creek without disturbing the ground surface, with entrance and exit pits located outside of the tree drip line. The adverse environmental effects to wetlands are mitigated to the maximum extent feasible, as discussed above.

Setbacks established that are less than 100 feet are required to include mitigation to ensure wetland protection; see CZLUO Section 23.07.172.d.3. As discussed above, compliance with Mitigation Measures BIO-4, BIO-5, BIO-6, BIO-7, BIO-8, BIO-18, and BIO-19-19 would reduce Project impacts to wetlands to less than significant, ensuring their protection.

According to CZLUO Section 23.07.172.e.1, activities in wetland areas under County jurisdiction are allowed only to the extent that they are consistent with ESHA Policy 13. As concluded in DSEIR Table 5.6-3, LCP Consistency Analysis, the SWF is consistent with ESHA Policy 13.

Overall, the Project was designed and located in a manner that avoids any significant disruption or degradation of ESHA, including wetlands. As discussed above, impacts to ESHA, including wetlands, would be reduced to less than significant following compliance with CZLUO Section 23.07.172, and implementation of Mitigation Measures BIO-4 through BIO-8, BIO-18, and BIO-19.

CZLUO Section 23.07.174 (Streams and Riparian Vegetation).

The Project is subject to compliance with CZLUO Section 23.07.174, which is intended to preserve and protect these resources. According to CZLUO Section 23.07.174.b, alteration of stream channels are limited to necessary water supply projects and construction of improvements to fish and wildlife habitat (as well as flood control projects). The SWF pumps approximately 100 gpm of MF filtrate flow (as deemed necessary by the Project's AMP; see Mitigation Measure BIO-7) during dry weather conditions for surface discharge upstream of San Simeon Creek Lagoon. The proposed Project modification surface discharge structure, which involves a discharge point at the San Simeon Creek bank, requires streambed alteration. This surface discharge structure involves both a water supply project and construction of improvements to fish

and wildlife habitat and thus, would be a permitted alteration. The CZLUO further notes that alteration of stream channels are limited to necessary water supply projects, “provided that quantity and quality of water from streams shall be maintained at levels necessary to sustain functional capacity of streams, wetlands, estuaries and lakes.” As discussed above, Mitigation Measure BIO-7 requires implementation of an AMP, which is intended to monitor and protect the creeks and lagoon, as well as the riparian habitats. Thus, in compliance with CZLUO Section 23.07.174.b, BIO-7 would ensure the functional capacity of San Simeon and Van Gordon Creeks, and the San Simeon Creek Lagoon.

According to CZLUO Section 23.07.174.d, new development shall be setback from the upland edge of riparian vegetation the maximum amount feasible, and in the rural areas (outside the URL) this setback shall be a minimum of 100 feet. The SWF’s product water, filtrate, and RO concentrate disposal pipelines, the Project modifications’ potable water pipeline 2 and the surface water pipeline, and filtrate pipeline extension and surface discharge, as well as the construction laydown areas, are within the riparian setback. CZLUO Section 23.07.174.d.1 specifies that permitted uses within the required setback are as specified in CZLUO Section 23.07.172d.1.i, which include utility lines and pipelines, provided it can be demonstrated that: alternative routes are infeasible or more environmentally damaging; and adverse environmental effects are mitigated to the maximum extent feasible. The SWF’s product water, filtrate, RO concentrate disposal pipelines, the Project modifications’ potable water pipeline 2 and the surface water pipeline, the filtrate pipeline extension and surface discharge, as well as the construction laydown areas, are limited to pipelines, and thus are permitted within the required setback. Alternative pipeline routes would be more environmentally damaging, given the alignments were determined based on the shortest distance between the two points that avoided both the riparian tree line to the maximum extent practicable, and avoided the existing cultural resources, as discussed in detail in DSEIR Section 5.4, Cultural Resources. The vast majority (approximately 90 percent) of the SWF conveyance piping was installed above grade to minimize disturbance. Additionally, horizontal directional drilling construction was used to install pipeline reaches under Van Gordon Creek without disturbing the ground surface, with entrance and exit pits located outside of the tree drip line. The adverse environmental effects to riparian vegetation are mitigated to the maximum extent feasible, as discussed above. Additionally, CZLUO Section 23.07.174.e specifies that cutting/alteration of riparian vegetation is not permitted except for minor public works projects, including but not limited to pipelines, where the Planning Director determines no feasible alternative exists. Cutting/alteration of riparian vegetation, as would be required for construction of the filtrate pipeline extension and surface discharge would be permitted, since it involves a utility pipeline, or minor public works project. Additionally, alternative pipeline routes would be more environmentally damaging, as discussed above.

Overall, the Project was designed and located in a manner which avoids any significant disruption or degradation of ESHA. Impacts to ESHA would be reduced to less than significant following compliance with CZLUO Sections 23.07.170, 23.07.172, and 23.07.174, and implementation of Mitigation Measures BIO-2 through BIO-19.

Compliance with construction-related measures/ standards occurred before/during the SWF’s construction phase. Mitigation Measures BIO-2 (E-CDP Condition 18); BIO-4 (E-CDP Condition 16); BIO-5 (E-CDP Condition 17); BIO-6 (E-CDP Condition 20); BIO-8 (E-CDP Condition 12); BIO-9 (E-CDP Condition 13); BIO-10 (E-CDP Condition 14); BIO-

11 (E-CDP Condition 15); BIO-12 (E-CDP Condition 19); BIO-13 (E-CDP Condition 21); and BIO-14 (E-CDP Condition 22) were implemented during construction/ground disturbing activities, as discussed above (Class II).

- a. **Mitigation** – Refer to Mitigation Measures BIO-2 through BIO-19 above.
- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to DSEIR pages 5.3-87 through 5.3-95 and the Final SEIR.

D. Cultural Resources (Class II)

1. **Impact 5.4-1: Archaeological and Historical Resources.** There are five previously recorded archaeological/historical resources (CA-SLO-187, CA-SLO-221/H, CA-SLO-378, CA-SLO-1373, and CA-SLO-1374) within the Project site. Overall, SWF construction-related activities (grading, trenching, and excavations) could adversely impact previously recorded archaeological/historical resources (CA-SLO-221/H, CA-SLO-378, and CA-SLO-1373). However, the SWF is subject to compliance with LCP Policies 3, 5, and 6 (implemented through compliance with CZLUO Sections 23.05.140 and 23.07.104) and E-CDP Conditions 10 and 11 (Mitigation Measures CUL-1 and CUL-2, respectively), which require an archaeological monitor and specify the protocol and procedures, in the event archaeological resources are unearthed. Additionally, the CRA recommends that, prior to the start of construction, earthmoving personnel receive cultural sensitivity training (see Mitigation Measure CUL-3) and that a qualified archaeologist and Native American monitor be present during construction (see Mitigation Measure CUL-4).

Compliance with LCP Policies (implemented through compliance with CZLUO standards) and Mitigation Measures CUL-1 through CUL-4 (includes E-CDP Conditions 10 and 11) would ensure Project impacts to archaeological resources are reduced to less than significant.

Compliance with construction-related measures/standards occurred before/during SWF construction, as substantiated in the E-CDP MMRP and summarized below:

CZLUO Section 23.07.104 (LCP 3, LCP 5, and LCP 6)

The Project site is considered an Archaeologically Sensitive Area. A preliminary survey of the Project site was conducted and a mitigation plan was prepared by a qualified archaeologist; see CUL-1 through CUL-4.

In compliance with E-CDP Condition 10 (CUL-1) and CUL-4, an archaeological monitor and a Native American monitor were present onsite during all SWF ground disturbing activities, whence monitoring for the presence of prehistoric and historic cultural resources took place; see CRMS Report in Appendix F. Prior to SWF construction the archaeological monitors performed surveys to identify archaeological deposits. The archaeological monitor observed all ground disturbing activities performed by tractor equipment and other vehicles, inspecting the soil and spoils piles for artifacts, ecofacts, and any other evidence of prehistoric or historic cultural resources. In addition, sidewalls were examined following soil and materials removal. The monitors performed regular site walks multiple times daily in search of cultural resources within the Project area, as new layers were continually being exposed. In compliance with E-CDP Condition 11

(CUL-2), it was the Applicant's responsibility to follow CZLUO Section 22.10.040 protocol and procedures, in the event archaeological resources were unearthed during site disturbance activities. Also in compliance with E-CDP Condition 11 (CUL-2) (and CZLUO Sections 23.05.140), when encountered, artifacts were mapped, photographed, and collected for reburial; see CRMS Report in Appendix F. In compliance with CUL-3, earthmoving personnel received cultural and paleontological sensitivity training prior to SWF construction.

CZLUO Section 23.05.140 (LCP 6)

Refer to CZLUO Section 23.07.104 discussion above. In compliance with CZLUO Sections 23.05.140 and E-CDP Condition 11, when encountered, artifacts were mapped, photographed, and collected for reburial.

The Project modifications would require limited grading, trenching, and excavation for the surface water treatment plant (SWTP) and associated tanks/pumps in addition to various pipelines, including the 8-inch potable water pipeline, 8-inch surface water pipeline, 4-inch diameter filtrate pipeline extension to the San Simeon Creek Lagoon, and 4-inch pipeline to the proposed Baker tanks. Construction of Project modifications (grading, trenching, and excavations) could adversely impact previously recorded archaeological/historical resources (CA-SLO-221/H and CA-SLO-1373). However, the Project modifications are subject to compliance with LCP Policies 3, 5, and 6 (implemented through compliance with CZLUO Sections 23.05.140 and 23.07.104), which address protection of archaeological resources. Additionally, the Project modifications would be subject to compliance with Mitigation Measures CUL-1 through CUL-4. Compliance with LCP Policies (implemented through CZLUO standards) and Mitigation Measures CUL-1 through CUL-4 would ensure Project impacts to archaeological resources are reduced to less than significant (Class II).

a. Mitigation –

- CUL-1 The CCSD shall retain a qualified archaeological monitor, approved by the County Environmental Coordinator, to be present during all site disturbance activities. Monitoring reports shall be retained by the CCSD and shared with the Environmental Coordinator's Office upon request.
- CUL-2 In the event archaeological resources are unearthed or discovered during any site disturbance activities, the CCSD, or the applicant's successor, shall be responsible to follow protocol and procedures described in Section 22.10.040 of the Land Use Ordinance.
- CUL-3 Prior to the start of construction, earthmoving personnel shall receive a cultural and paleontological sensitivity training detailing the types of artifacts and fossils that may be encountered and procedures to follow if finds occur.
- CUL-4 The CCSD shall retain a qualified archaeological monitor and Native American monitor, approved by the County Environmental Coordinator, to be present during all site disturbance activities within the boundaries of previously recorded sites. Monitoring reports shall be retained by the CCSD and shared with the Environmental Coordinator's Office upon request.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. Supportive Evidence** – Please refer to DSEIR pages 5.4-25 through 5.4-29 and the Final SEIR.

- 2. Impact 5.4-2: Paleontological Resources.** No paleontological resources are known within the SWF site or the immediate vicinity. However, the Franciscan Assemblage, which may be encountered at depth, and Pleistocene marine deposits similar to those within the Project site have produced significant paleontological resources within SLO County. The Holocene alluvium is not sensitive for fossils, but may be underlain by older, paleontologically sensitive sediments at depth. No fossils meeting significance criteria are anticipated from the deep well excavations due to lack of context of any recovered material. All other excavations are anticipated to be shallow and would not impact paleontologically sensitive sediments. Neither the SWF nor the Project modifications are anticipated to have a negligible impact on paleontological resources. Therefore, a less than significant impact would occur in this regard. To further minimize potential impacts to paleontological resources, prior to the start of construction, earthmoving personnel receive cultural sensitivity training (see Mitigation Measure CUL-3).

Compliance with construction-related measures/standards occurred before/during the Project's construction. In compliance with CUL-3, earthmoving personnel received cultural and paleontological sensitivity training prior to construction (Class II).

- a. Mitigation** – Refer to Mitigation Measure CUL-3.
 - b. Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. Supportive Evidence** – Please refer to DSEIR pages 5.4-29 through 5.4-31 and the Final SEIR.
- 3. Impact 5.4-3: Human Remains.** The probability that SWF construction or Project modifications would impact any human remains appears to be remote, given the degree of past disturbance of the site. Notwithstanding, ground-disturbing activities, such as grading or excavation, could disturb human remains. In the event that human remains are encountered during earth removal or disturbance activities, HSC Section 7050.5 requires that all activities cease immediately and a qualified archaeologist and Native American monitor be contacted immediately. The Coroner would also be contacted pursuant to PRC Sections 5097.98 and 5097.99. Should the Coroner determine the human remains to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC would then be required to contact the most likely descendant of the deceased Native American, who would then serve as consultant on how to proceed with the remains. Further, as described in the Section 5.4.2, the SWF and Project modifications are subject to compliance with LCP Policies 3, 5, and 6 (implemented through compliance with CZLUO Sections 23.05.140 and 23.07.104) and E-CDP Conditions 10 and 11 (CUL-1 and CUL-2), which address protection of archaeological resources. Compliance with HSC and PRC standards, LCP Policies (implemented through CZLUO standards), and E-CDP Conditions 10 and 11 (CUL-1 and CUL-2), would ensure SWF or Project modifications impacts to human

remains are reduced to less than significant. Compliance with Mitigation Measures CUL-3 and CUL-4 would further minimize potential impacts in this regard.

Compliance with construction-related measures/standards occurred before/during the Project's construction, as substantiated in the E-CDP MMRP; refer to Impact 5.4-1 above (Class II).

a. Mitigation – Refer to Mitigation Measures CUL-1 through CUL-4.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to DSEIR page 5.4-31 and the Final SEIR.

E. Hydrology and Water Quality (Class II): No Class II impacts to Hydrology and Water Quality were identified.

F. Land Use and LCP Compliance (Class II)

1. Impact 5.6-1: Compliance with California Coastal Act. LCP polices are implemented through the Land Use Element and CZLUO. The LCP was certified by the Coastal Commission in April 1984. DSEIR Table 5.6-1 identifies the Coastal Act policies relevant to the Project and the associated LCP policies that have been adopted by the County to comply with the Coastal Act policies. DSEIR Table 5.6-3 provides an analysis of the SWF and Mitigation Measures' (Project modifications) consistency with the relevant LCP policies identified in Table 5.6-1. As demonstrated in Table 5.6-3, the SWF and Project modifications are consistent with the relevant LCP policies. Because the SWF and Project modifications would be consistent with the LCP policies, which have been adopted to address the Coastal Act policies (refer to DSEIR Table 5.6-1), they would inherently comply with the Coastal Act (Class II).

a. Mitigation – Refer to Mitigation Measures AES-2, AES-3, AES-4, BIO-2 through BIO-19, CUL-1 through CUL-4.

b. Findings – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.

c. Supportive Evidence – Please refer to DSEIR page 5.6-16 through 5.6-20 and the Final SEIR.

2. Impact 5.6-2: Compliance with North Coast Area Plan. The Project site is located in the North Coast (NC) Planning Area, within the Rural North Coast (RNC) community. The NC Planning Area is addressed in the North Coast Area Plan (NCAP), which constitutes the County's General Plan Land Use and Circulation Elements for the NC Planning Area. NCAP Chapter 7 contains Planning Area Standards for the NC Planning Area that are mandatory requirements for development. Planning Area Standards apply to the planning and development of new land uses, and must be satisfied before a new land use permit is approved. SDEIR Table 5.6-2 analyzes the SWF and Project modifications' consistency with the relevant Land Use Standards. As indicated in Table 5.6-2, the SWF and Project modifications are compliant with the NCAP Land Use Standards adopted for the purpose of avoiding or mitigating an environmental effect. A less than significant impact would occur in this regard (Class II).

a. Mitigation – Refer to Mitigation Measures AES-2.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to DSEIR page 5.6-21 through 5.6-24 and the Final SEIR.
- 3. **Impact 5.6-3: Compliance with the Local Coastal Program Policy Document.** The LCP Policy Document is part of the Local Coastal Program and Land Use Element. The LCP provides a more detailed level of policies, programs, and standards to address Coastal Act issues pertaining to sensitive habitats, wetlands, coastal streams, terrestrial environments, and visual and scenic resources. DSEIR Table 5.6-3 provides an analysis of the SWF and Project modifications' consistency with the relevant LCP policies pertaining to land use. Compliance with these LCP Policies would be achieved through compliance with the CZLUO; see also Impact 5.6-4, below. As indicated in Table 5.6-3, the SWF and Project modifications would be consistent with applicable LCP policies (Class II).
 - a. **Mitigation** – Refer to Mitigation Measures AES-2, AES-3, AES-4, BIO-2 through BIO-19, CUL-1 through CUL-4.
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to DSEIR page 5.6-24 through 5.6-39 and the Final SEIR.
- 4. **Impact 5.6-4: Compliance with Coastal Zone Land Use Ordinance.** The provisions of Title 23 of the San Luis Obispo County Code, Coastal Zone Land Use Ordinance, apply to all land use and development activities associated with the Project. The SWF and Project modifications would be subject to compliance with the land use-related CZLUO standards identified in the DSEIR Section 5.6, as well as the standards identified throughout DSEIR Section 5.0, including implementation of mitigation measures identified to reduce the significance of potential impacts. Consistency with the CZLUO requirements would be confirmed through the R-CDP application process. Thus, upon issuance of the R-CDP, the SWF and Project modifications would be consistent with the CZLUO (Class II).
 - a. **Mitigation** – Refer to Mitigation Measures identified in DSEIR Sections 5.1 through 5.7.
 - b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** – Please refer to DSEIR page 5.6-39 through 5.6-43 and the Final SEIR.
- 5. **Impact 5.6-5: Cumulative Impacts.** Each cumulative project would be analyzed independent of other projects, within the context of their respective land use and regulatory setting. As part of the review process, each project would be required to demonstrate compliance with the Coastal Act, North Coast Area Plan, LCP, and CZLUO, as applicable. Each project would be analyzed in order to ensure consistency with the applicable land use plans and policies to ensure the regulations and guidelines are consistently upheld. Thus, the SWF and Project modifications combined with other

development within the North Coast Planning Area would not result in cumulatively considerable land use and planning impacts (Class II).

- a. **Mitigation** – Refer to Mitigation Measures identified in DSEIR Section 5.6.
- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. **Supportive Evidence** – Please refer to DSEIR page 5.6-43 through 5.6-44 and the Final SEIR.

H. Noise (Class II)

1. **Impact 5.7-3: Operational Impacts – Stationary Sources.** The wellhead facilities do not include pumps or noise generating equipment and therefore noise associated with the wells would have no impact. Key AWTP processes are pre-packaged and mounted in shipping containers. Ultraviolet (UV) vessels, water tanks, pump skids, air compressors, and self-contained chemical totes are installed outdoors on concrete housekeeping pads. The most significant noise source associated with the AWTP site are the pump skids and air compressors. As shown in DSEIR Table 5.7-10, the CZLUO's acceptable daytime exterior noise standard of 50 dBA would not be exceeded at the San Simeon Creek Campground due to AWTP operations. Therefore, AWTP operations would result in a less than significant impact in this regard. Studies indicate that wildlife sensitivity to noise levels ranges from 70 dBA to 95 dBA or more, depending on the species. Noise levels from the AWTP can be up to 57.5 dBA at 30 feet and attenuate to 38.7 dBA at 260 feet. Therefore, noise sensitive open space areas would not be impacted by the AWTP and a less than significant impact would occur in this regard.

The spray evaporators are the most significant noise source on the site. To analyze potential operational noise impacts from the spray evaporators on nearby sensitive receptors, noise measurements were conducted with the five spray evaporators running simultaneously during typical day and nighttime hours. As shown in DSEIR Table 5.7-12, the CZLUO's acceptable daytime exterior noise standard of 50 dBA is exceeded at noise measurement locations 1, 2, and 5 (52.2, 51.1, and 53.1 dBA Leq, respectively) with all five spray evaporators running simultaneously. In addition, nighttime noise levels exceeded the CZLUO's acceptable nighttime exterior noise standard of 45 dBA at noise measurement locations 1 and 5 (50.6 and 50.3 dBA Leq, respectively) with all five spray evaporators running simultaneously resulting in a potentially significant impact. Due to the distance, noise sensitive biological resource areas would not be impacted by the mechanical spray evaporators and a less than significant impact would occur in this regard. Given the aesthetic impacts associated with the five mechanical spray evaporators and their enclosures, and since the CZLUO's acceptable daytime exterior noise standard would be exceeded by evaporator operations, Mitigation Measure AES-2 requires their removal. Therefore, with mitigation, the spray evaporator noise would not occur and no impact would occur in this regard.

Implementation of the proposed Project modifications would result in evaporation pond decommissioning and repurposing (i.e., potable water supply storage basin), mechanical spray evaporator removal, offsite RO concentrate disposal, surface water treatment, and modified surface discharge. As the spray evaporators would be removed from the site and the evaporation pond would be decommissioned, then repurposed as a potable water supply storage basin, no operational noise would be generated from stationary

equipment at the potable water supply storage basin. A surface water transfer pump station is proposed within the potable water supply storage basin; however, this pump would be submerged under water, thus, would not be audible. Stationary noise at the SWTP site would predominantly be generated by the SWTP MF system equipment, including an influent break tank, MF feed pumps, strainer, MF membrane skid, MF backwash tank, MF backwash pumps, MF clean-in-place (CIP) tank, MF CIP pump, compressed air system, and MF pretreatment and cleaning chemical feed system. However, the MF system equipment would be housed in a shipping container (similar to the operating equipment at the SWF). The noise generated by the SWTP would be similar to the noise levels in DSEIR Table 5.7-10. The proposed SWTP equipment would adjoin the operating SWF facility to the east, and would operate simultaneously. Based on the noise levels in DSEIR Table 5.7-10, the combined noise levels from the simultaneous operation of the SWF facility and proposed SWTP would be approximately 60.5 dBA at a distance of 30 feet. Noise levels at the nearest sensitive receptor (San Simeon Creek Campground located approximately 970 feet to the west) would be approximately 30.0 dBA, which is well below the CZLUO allowable noise standards. Therefore, the combined noise levels from the simultaneous operation of the SWF facility and proposed SWTP would result in a less than significant impact. As the proposed operational equipment for the SWTP would be similar to the SWF and noise would attenuate over distance (i.e., the simultaneous operation of the SWF and SWTP would be approximately 42.0 dBA at a distance of 260 feet), impacts to sensitive biological resource area would remain less than significant.

In compliance with E-CDP Condition 6F, an analysis of the Project's operational noise effects on nearby noise-sensitive receptors, including public recreation and biological resources, has been conducted, as summarized above and in the DSEIR (Class II).

- a. **Mitigation** – Refer to Mitigation Measure AES-2.
- b. **Findings** – Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
- a. **Supportive Evidence** – Please refer to DSEIR page 5.7-20 through 5.7-25 and the Final SEIR.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

As discussed throughout DSEIR Section 5.0, Environmental Analysis, the Project would not result in any significant and unavoidable impacts to the environment.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

The CCSD Board of Directors on the basis of the FEIR and the record of proceedings in this matter have found that the proposed Cambria Sustainable Water Facility Project would not result in temporary or permanent significant and unavoidable effects for any of the environmental issue areas identified in CEQA Guidelines Appendix G. Therefore, no Statement of Overriding Considerations is necessary.

VIII. CEQA GENERAL FINDINGS

- A. The CCSD Board of Directors finds that changes or alterations have been incorporated into the Project to eliminate or substantially lessen all significant impacts. These changes or

alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Cambria Sustainable Water Facility Project Final SEIR.

- B.** The CCSD Board of Directors finds that the Project, as approved, includes an appropriate Mitigation Monitoring and Reporting Program. This Mitigation Monitoring and Reporting Program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.
- C.** Per CEQA Guidelines § 15126.4(a)(1)(B), the proposed Project includes performance-based conditions relating to environmental impacts and may include requirements to prepare more detailed plans or surveys that will further define the mitigation. For instance, each of the following conditions and mitigation measures contain performance-based standards and therefore avoid the potential for these conditions or measures to be considered deferred mitigation under CEQA:
1. AES-1 – Identification on plans and implementation of standard practices to minimize construction related visual character/quality impacts
 2. AES-2 – Remove five mechanical spray evaporators, repurpose the evaporation pond, and discharge the AWTP RO concentrate to Baker tanks.
 3. AES-3 – Within one year of completion of the SEIR process and completion of all necessary regulatory permits, color treat the AWTP and the SWTP before installation.
 4. AES-4 – Within one year of completion of the SEIR process and completion of all necessary regulatory permits, hydroseed areas where native vegetation has been removed.
 5. AQ-1 – Implement construction equipment dust control measures into the construction phase.
 6. BIO-1 – Conduct a botanical survey for special-status plant species prior to commencing site disturbing activities.
 7. BIO-2 – Revegetate disturbed areas prior to Project completion.
 8. BIO-3 – Remove the surface discharge structure and relocate the surface discharge point and install the ACB lining within one year of SEIR certification and within 90 following regulatory approvals.
 9. BIO-4 – Contain and remove all trash during construction/ground disturbing activities and prior to Project completion.
 10. BIO-5 – Keep all construction equipment at least 100 feet from riparian habitat or water bodies and monitor activities to ensure no contamination of habitat. Prior to commencement of grading/construction activities, ensure a plan in place in the event of an accidental spill.
 11. BIO-6 – Implement and monitor Best Management Practices (BMPs) during construction.
 12. BIO-7 – Develop and implement an Adaptive Management Plan (AMP) for post construction operations to protect the lagoon, riparian habitat and species.

13. BIO-8 – Install fencing for the duration of construction.
14. BIO-9 – Survey the Project site 48-hours before onset of work activities for California Red-legged Frog (CRLF) and mitigate potential impacts to CRLF.
15. BIO-10 – A USFWS-approved biologist shall conduct a training session for construction persons prior to commencement of grading activities.
16. BIO-11 – A USFWS-approved biologist shall be present at the work site until all CRLF have been removed. A monitor shall remain onsite.
17. BIO-12 – Return contours to as close as original (pertaining to CRLF) prior to Project completion.
18. BIO-13 – Water shall not be impounded in a manner that may attract CRLF.
19. BIO-14 – Submit a Project completion report to the County and USFWS pertaining to recommended modifications or protection measures for CRLF, if necessary.
20. BIO-15 – Monitor creek habitat adjacent to and downstream from project area ongoing during SWF operations per the AMP and mitigate impacts.
21. BIO-16 – Conduct a preconstruction nesting bird clearance survey no more than one week prior to construction and mitigate potential impacts to active nests.
22. BIO-17 – Conduct a preconstruction roosting bat survey if deemed necessary by CDFW and mitigate potential impacts to roosting bats.
23. BIO-18 – Design of the lagoon surface discharge structure shall avoid impacts to riparian habitat or if riparian habitat cannot be avoided, implement mitigation measures within 180 days of SEIR certification to reduce impacts.
24. BIO-19 – Minimize disturbance and removal of riparian vegetation during construction.
25. CUL-1 – Monitor site disturbance activities.
26. CUL-2 – Implement measures to mitigate impacts to archaeological resources.
27. CUL-3 – Provide cultural and paleontological sensitivity training prior to start of construction.
28. CUL-4 – Qualified archaeological and Native American monitor shall be present during sit disturbance activities in the boundaries of previously recorded sites.

IX. MITIGATION MONITORING AND REPORTING PROGRAM
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- A. CCSD will be primarily responsible for ensuring that all project mitigation measures are complied with. Mitigation measures will be programmed to occur at, or prior to, the following milestones for each phase of the project. For example, if a mitigation measure states that it is required to be completed prior to commencement of construction or site disturbing activities, prior to project completion, during construction/ground disturbing activities, ongoing, or upon commencement, it is required to be completed during the applicable phase of the Project.

- *Prior to commencement of construction activities, prior to commencement of site disturbing activities, prior to commencement of grading activities, no more than one week prior to construction, prior to the start of construction.* These are measures that need to be undertaken before any earth moving or construction activities begin.
- *Prior to Project completion.* These are measures that need to be completed and verified prior to completion of the Project.
- *Within one year of completion of the SEIR process and completion of all necessary regulatory permits, within one year of SEIR certification and within 90 days following the completion of all regulatory approvals necessary.* These are measures that need to be completed within 90 days or up to one year after regulatory approvals are received.
- *During construction/ground disturbing activities, incorporated into the construction phase of the Project and shown on all applicable plans, implemented during construction, during site disturbance activities.* These are active measures that will continue through the construction period and demonstrated on plans.
- *Upon commencement of SWF operations.* These are measures that will be completed at the initiation of SWF operations.
- *Ongoing during SWF operations.* These are active measures that will continue through operations of the SWF.

Connecting each of the mitigation measures to these milestones and consistent with Project phasing will integrate mitigation monitoring into existing CCSD processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the Project.

- B.** As lead agency for the Cambria Sustainable Water Facility Project Final EIR, the CCSD Board of Directors hereby certifies that the approved Mitigation Monitoring and Reporting Program is adequate to ensure the implementation of the mitigation measures described herein.



11.0 MITIGATION MONITORING AND REPORTING PROGRAM

The mitigation measures that will be implemented to avoid/reduce the Project's potential environmental impacts are specified in DSEIR Section 1.0 and Section 5.0. Public Resources Code (PRC) § 21081.6 requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to the proposed development:

... the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment.

PRC Section § 21081.6 provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during Project implementation, must be defined before Final EIR certification.

The following mitigation monitoring table lists mitigation measures that can be included as conditions of approval for the Project. These measures correspond to those outlined in DSEIR Section 1.0 and Section 5.0. To ensure that the mitigation measures are properly implemented, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared to identify the timing and responsibility for monitoring each measure. The Cambria Community Services District (CCSD) will have the primary responsibility for monitoring and reporting implementation of the mitigation measures.



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AESTHETICS						
AES-1	Prior to commencement of construction activities for Mitigation Measures AES-2 and BIO-3, the CCSD shall confirm that the plans and specifications stipulate that, Project construction shall implement standard practices to minimize potential adverse impacts to the site's visual character, including the following: <ul style="list-style-type: none"> • Construction staging areas shall be located as far as practicable from sensitive receptors; and • Construction areas shall receive appropriate routine maintenance to minimize unnecessary debris piles. 	Prior to Commencement of Construction	Confirm Plans and Specifications	Cambria Community Services District		
AES-2	Within one year of completion of the SEIR process and completion of all necessary regulatory agency permits, the CCSD shall remove the five mechanical spray evaporators along with their enclosures and decommission the evaporation pond. The AWTP RO concentrate shall be discharged to four (4) Baker tanks for storage prior to offsite disposal, instead of the evaporation pond.	Within One Year of Completion of SEIR Process and Completion of All Regulatory Permits	Remove Mechanical Spray Evaporators and Decommission Evaporation Pond	Cambria Community Services District		
AES-3	Within one year of completion of the SEIR process and completion of all necessary regulatory agency permits, the CCSD shall color treat the Advanced Water Treatment Plant (AWTP), where reasonable, such that the facilities blend into the surrounding area. Color treatments shall be recommended by a licensed Landscape Architect and by the County. Prior to installation of the Surface Water Treatment Plant (SWTP), it shall be color treated, where reasonable, consistent with the AWTP.	Within One Year of Completion of SEIR Process and Completion of All Necessary Regulatory Permits	Color Treatment of The AWTP	Cambria Community Services District County of San Luis Obispo		



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AES-4	Within one year of completion of the SEIR process and completion of all necessary regulatory agency permits, the CCSD shall hydroseed areas where native vegetation has been removed, where feasible. The County shall confirm that all species selected for hydroseed are indigenous to the area.	Within One Year of Completion of SEIR Process and Completion of All Necessary Regulatory Permits	Hydroseed Areas Where Native Vegetation Was Removed	Cambria Community Services District County of San Luis Obispo			
AIR QUALITY							
AQ-1	<p>The following measures shall be incorporated into the construction phase of the Project and shown on all applicable plans:</p> <ul style="list-style-type: none"> a. Maintain all construction equipment in proper tune according to manufacturer's specifications; b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road); c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines; d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit devices (determination of the appropriate CBACT control device(s) for the Project must be performed in consultation with APCD staff). <p>Additional Construction Equipment Measures:</p> <ul style="list-style-type: none"> e. Electrify equipment where feasible; f. Substitute gasoline-powered for diesel-powered equipment, where feasible; 	During Construction	Incorporate Measures Into Construction Activities and Show On All Applicable Plans	Cambria Community Services District			



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<p>g. Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel;</p> <p>h. Use equipment that has Caterpillar pre-chamber diesel engines;</p> <p>i. Implement activity management techniques as follows:</p> <ul style="list-style-type: none"> i. Develop of a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period; ii. Schedule of construction truck trips during non-peak hours to reduce peak hour emissions; iii. Limit the length of the construction work-day period, if necessary; iv. Phase construction activities, if appropriate. <p>Fugitive PM₁₀ Mitigation Measures. All required PM₁₀ measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance.</p> <p>j. Reduce the amount of the disturbed area where possible;</p> <p>k. 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 (nonpotable) water should be used whenever possible;</p> <p>l. All dirt stock-pile areas should be sprayed daily as needed;</p> <p>m. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented</p>						



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as soon as possible following completion of any soil disturbing activities; n. 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; o. 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; p. 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; q. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site; r. 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. (E-CDP Condition 9)						
BIO-1 <u>Special-Status Plants.</u> Prior to commencing site disturbing activities, a County-approved biologist/botanist shall conduct a botanical survey for special-status plants, including, but not limited to, the Cambria morning glory, Carmel Valley bush mallow, compact cobwebby thistle, most beautiful jewel-flower, Obispo Indian paintbrush, and woodland woollythreads. The CCSD shall make every effort to avoid the removal of identified special-status plants during construction activities. If the removal of such plants cannot be avoided, the CCSD shall transplant them on the subject property. (E-CDP Condition 23)	Prior to Site Disturbance During Construction	Conduct Botanical Survey For Special-Status Plants Avoid Removal of Special-Status Plants During Construction	San Luis Obispo County & Cambria Community Services District			



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BIO-2	<u>Upland Vegetation.</u> Prior to Project completion, disturbed areas within the Project boundaries shall be revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials shall be used to the extent practical. Invasive, exotic plants shall be prohibited. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County. (E-CDP Condition 18)	Prior to Project Completion	Revegetate Disturbed Areas Within Project Boundaries	Cambria Community Services District County of San Luis Obispo			
BIO-3	Within one year of SEIR certification, and within 90 days following completion of all regulatory approvals necessary to allow for the extension of the lagoon water discharge (whichever occurs last), and to avoid biasing Well 16D1 water quality samples (as requested by the RWQCB) and more efficiently deliver surface water into San Simeon Creek to maintain water levels at San Simeon Creek Lagoon, the CCSD shall remove the surface discharge structure and relocate the surface discharge point further south to the San Simeon Creek bank. At the discharge point, articulating concrete block (ACB) (Armorflex or similar) lining shall be installed to protect the northern San Simeon Creek channel bank from erosion. The lining shall allow for the continued growth of riparian vegetation, further protecting the channel from any potential erosion and avoiding/reducing any sedimentation within the water bodies.	Within One Year of SEIR Certification and Within 90 Days Following Completion of All Regulatory Approvals (Whichever Occurs Last)	Remove and Relocate Surface Discharge Point	Cambria Community Services District			
BIO-4	<u>Trash and Construction Debris.</u> During construction/ground disturbing activities, all trash that may attract CRLF predators shall be properly contained, removed from the work site, and disposed of regularly. Prior to Project completion, all trash and construction debris shall be removed from work areas. (E-CDP Condition 16)	During Construction/Ground Disturbing Activities	Trash Containment and Disposal	Cambria Community Services District			



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BIO-5	<u>Construction Equipment.</u> During construction/ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles shall occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill would drain directly toward aquatic habitat. The monitor shall ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/ construction activities, the monitor shall ensure that a plan is in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and appropriate measures to take should a spill occur. (E-CDP Condition 17)	Prior to and During Construction/Ground Disturbing Activities	Equipment and Vehicles Staged At Least 100 Feet Away From Aquatic Habitat Containment Plan In Place For Response to Any Accidental Spills Inform Workers of Spill Prevention and Response	Cambria Community Services District			
BIO-6	<u>Construction-Related Water Quality.</u> Best Management Practices (BMPs) shall be implemented during construction to minimize sediment from entering nearby water bodies or prominent drainage courses. During/after construction/ground disturbing activities, if these BMPs are ineffective, the CCSD shall work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event. (E-CDP Condition 20)	During and After Construction/Ground Disturbing Activities	Implement Water Quality Bmps	Cambria Community Services District			
BIO-7	<u>Adaptive Management Plan.</u> The CCSD shall develop and implement an Adaptive Management Program (AMP) for post construction operations upon commencement of SWF operations. The AMP shall be incorporated while the SWF is operating and indefinitely until the SWF is no longer in use or until deemed no longer necessary by applicable regulatory agencies. The AMP is intended to monitor and protect the lagoon, creek, and riparian habitats adjacent to the Project site and, by extension, protect the species that inhabit it. The AMP's primary goal shall be to monitor the response of the lagoon, creeks, and riparian habitats to SWF operations. This shall include, but not be limited to, the following:	During Project Operational Phase	Develop and Implement An Adaptive Management Program (AMP)	Cambria Community Services District			



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<ul style="list-style-type: none"> Regular monitoring of groundwater levels, surface water levels, surface water flow, in-stream and riparian habitat extent and health, available in-stream and fish habitat, and water quality; Surveys for tidewater goby, steelhead, CRLF, western pond turtle, and/or two-striped garter snake a minimum of two times per year to measure population levels over time; and Monitoring of riparian vegetation in the water bodies and in their upland extents. <p>Based on the results of the biological monitoring and any noted adverse changes in these habitats, SWF operations shall be adjusted such that the amount of treated water that is injected or discharged back into the system, is either increased or decreased to restore affected habitat features. It is expected that approximately 100 gpm of water would be returned at any one time.</p>						
<p>BIO-8</p> <p><u>Construction Fencing.</u> Sturdy and highly visible protective fencing shall be placed around all existing trees and riparian vegetation within 50 feet of the Project site. Plan notes shall indicate this fence shall remain in place for the duration of Project construction. (E-CDP Condition 12)</p>	Prior to and During Construction	Protective Temporary Fencing Around Trees and Riparian Vegetation	Cambria Community Services District			
<p>BIO-9</p> <p><u>CRLF Pre-Construction Survey.</u> Prior to commencement of grading activities, a USFWS-approved biologist shall survey the Project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these individuals are likely to be killed or injured by work activities, the biologist shall be allowed sufficient time to move them from the site before work activities begin. The biologist shall relocate the CRLF the shortest distance possible to a location that contains suitable habitat and shall not be affected by activities associated with the proposed Project. The</p>	48 Hours Prior to Commencement of Grading Activities	Project Site Survey For Crlf Relocation of Crlf, If Found	U.S. Fish and Wildlife Service & Cambria Community Services District			



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	biologist shall maintain detailed records of any individuals that are moved (e.g., size, coloration, distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture. (E-CDP Condition 13)					
BIO-10	<u>Construction Personnel Training.</u> Prior to commencement of grading activities, a USFWS-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions. (E-CDP Condition 14)	Prior to Commencement of Grading Activities	Construction Worker Training Session For CRLF and Its Habitat	U.S. Fish and Wildlife Service & Cambria Community Services District		
BIO-11	<u>CRLF Monitor.</u> A USFWS-approved biologist shall be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County shall designate a person to monitor onsite compliance with all minimization measures. The biologist shall ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of the construction activities), where the resident engineer shall either resolve the situation by eliminating the effect immediately, or require that all actions which are causing these effects be halted. If work is stopped, the County/ USFWS shall be notified as soon as is reasonably possible. (E-CDP Condition 15)	Prior to and During Construction	CRLF Biological Monitor	U.S. Fish and Wildlife Service County of San Luis Obispo Cambria Community Services District		



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				Initials	Date	Remarks
BIO-12 <u>Site Topography.</u> Prior to Project completion, whichever occurs first, to the extent practical, contours shall be returned to as close to original, unless it is determined by the biologist that the new contours provide greater benefit for the CRLF. (E-CDP Condition 19)	Prior to Project Completion	Return Contours As Close to Original State As Possible	Cambria Community Services District			
BIO-13 <u>Water Impoundment.</u> Unless mitigated by a frog barrier such as the one currently installed around the perimeter of the surface water storage basin (aka evaporation pond), or otherwise approved by the USFWS, water shall not be impounded in a manner that may attract CRLF. (E-CDP Condition 21)	During Construction and Operation	Water Shall Not Be Impounded	U.S. Fish and Wildlife Service Cambria Community Services District			
BIO-14 <u>Project Completion Report.</u> Prior to Project completion, the CCSD shall submit to the County and USFWS, a Project completion report form, completed by the USFWS-approved biologist. The report form shall identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation. (E-CDP Condition 22)	Prior to Project Completion	Submit Project Completion Report Form	Cambria Community Services District County of San Luis Obispo U.S. Fish and Wildlife Service			
BIO-15 <u>Groundwater Pumping – Biological Monitoring.</u> During SWF operations, the CCSD shall continue with its existing efforts to monitor the creek habitat adjacent to, and downstream from the Project area, as required by the AMP. Should migrating steelhead reappear within the San Simeon Creek while the SWF is in operation, the CCSD shall implement efforts to avoid potentially impacting their movement prior to the creek naturally running dry and flowing as subsurface flow during the dry season. Such efforts may include alternating the use of production wells between the San Simeon and Santa Rosa aquifers, and/or coordination to pumping regimes being practiced by/with other riparian irrigators during such migration periods, invoking conservation/demand management measures, as well as operating the SWF to provide its lagoon water discharge.	During Project Operations	Continue Monitoring Creek Habitat Adjacent to, and Downstream of Project Area Implement Efforts to Avoid Impacting Movement of Migrating Steelhead, If Present	Cambria Community Services District			



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MITIGATION MONITORING AND REPORTING PROGRAM							
Mitigation Measure	Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance			
				Initials	Date	Remarks	
BIO-16	Pre-Construction Bird Survey. No more than one week prior to construction, a qualified biologist shall conduct a preconstruction nesting bird clearance survey in all work areas and all areas within 500 feet of the general construction zone. Active nests shall be given an avoidance buffer, typically 300 feet for non-listed, non-raptor species, and 500 feet for listed or raptor species. This buffer shall remain in place until the young fledge or the nest otherwise becomes inactive, and may be reduced with approval from CDFW and/or USFWS.	No More Than One Week Prior to Construction	Conduct A Preconstruction Nesting Bird Clearance Survey Active Nests Shall Be Given Avoidance Buffer During Construction	Cambria Community Services District California Department of Fish and Wildlife U.S. Fish and Wildlife Service			
BIO-17	Pre-Construction Bat Survey. If deemed necessary by the CDFW, a preconstruction roosting bat survey shall be conducted within one week prior to construction. Any bat roosts found in the Project vicinity shall be protected with coordination from CDFW.	Within One Week Prior to Construction	Conduct A Preconstruction Roosting Bat Survey Protect Active Bat Roosts Found In Project Vicinity	California Department of Fish and Wildlife Cambria Community Services District			
BIO-18	The lagoon surface discharge structure shall be designed to avoid impacts to riparian habitat to the greatest extent feasible, while taking into account site and engineering constraints, including incorporating design revisions to relocate features and/or reduce water quality impacts. If riparian impacts cannot be avoided, the following measures shall be implemented within 180 days of SEIR certification (or Prior to Regular CDP issuance), to reduce identified impacts to less than significant: <ul style="list-style-type: none"> The CCSD shall comply with all applicable local, state, and federal regulations concerning impacts to riparian habitat, including Clean Water Act (CWA) Sections 401 and 404, and/or California Fish and Wildlife Code Section 1602. Specifically, the CCSD shall obtain a Section 401 Permit under the federal CWA from the RWQCB, a Section 404 Permit under the federal CWA from ACOE, and a Section 1602 Permit under the FGC from the CDFW. All permit requirements shall be followed. 	During Lagoon Surface Discharge Structure Design Within 180 Days of SEIR Certification Or Prior to Regular CDP Issuance	Design to Avoid Riparian Habitat Implement Appropriate Regulatory Measures and Mitigation	Cambria Community Services District California Department of Fish and Wildlife U.S. Army Corps of Engineers			



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				Initials	Date	Remarks	
<ul style="list-style-type: none"> In support of the regulatory agency wetland permitting process described above, a wetland delineation shall be conducted for the Project modifications (filtrate pipeline extension and discharge structure) to determine the presence and extent of jurisdictional wetlands and other waters of the U.S., and the Project impacts. The wetland delineation shall be conducted according to the protocols set forth by the ACOE. Impacted riparian habitat shall be mitigated at a 1:1 replacement-to-loss ratio; the final mitigation amounts shall be determined during the regulatory agency permitting process through the preparation of a Habitat Mitigation and Monitoring Plan (HMMP) by a qualified biologist. It is expected that the riparian mitigation site can occur within the Project boundaries. The HMMP shall include but not be limited to a planting plan, success criteria, monitoring protocols to determine if success criteria have been met, adaptive management protocols in the event success criteria are not met, and funding assurances. 							
BIO-19	The CCSO shall minimize to the extent possible the disturbance and removal of riparian vegetation in the vicinity of San Simeon Creek Lagoon during the construction and placement of the MF filtrate water pipeline. All efforts shall be made to avoid creating a permanent pathway through the vegetation while constructing the pipeline. The pipeline shall in addition contain an adequate velocity dissipation mechanism to avoid creating any scour or deterioration of the upland habitat.	During Construction	Minimize Riparian Vegetation Disturbance and Removal Avoid Creating A Permanent Pathway Through Vegetation Install Adequate Velocity Dissipation Mechanism	Cambria Community Services District			



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MITIGATION MONITORING AND REPORTING PROGRAM							
Mitigation Measure	Monitoring Phase/Timing	Monitoring Procedure	Implementing Party/Agency	Verification of Compliance			
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CUL-1	The CCSD shall retain a qualified archaeological monitor, approved by the County Environmental Coordinator, to be present during all site disturbance activities. Monitoring reports shall be retained by the CCSD and shared with the Environmental Coordinator's Office upon request.	During Site Disturbance Activities	Retain A Qualified Archaeological Monitor	Cambria Community Services District County of San Luis Obispo Environmental Coordinator			
CUL-2	In the event archaeological resources are unearthed or discovered during any site disturbance activities, the CCSD, or the applicant's successor, shall be responsible to follow protocol and procedures described in CZLUO Section 22.10.040.	During Site Disturbance Activities	Follow Protocol and Procedures Described In CZLUO Section 22.10.040	Cambria Community Services District			
CUL-3	Prior to the start of construction, earthmoving personnel shall receive a cultural and paleontological sensitivity training detailing the types of artifacts and fossils that may be encountered and procedures to follow if finds occur.	Prior to Commencement of Construction	Earthmoving Personnel Shall Receive Cultural and Paleontological Sensitivity Training	Cambria Community Services District			
CUL-4	The CCSD shall retain a qualified archaeological monitor and Native American monitor, approved by the County Environmental Coordinator, to be present during all site disturbance activities within the boundaries of previously recorded sites. Monitoring reports shall be retained by the CCSD and shared with the Environmental Coordinator's Office upon request.	During Site Disturbance Activities	Retain A Qualified Archaeological Monitor and Native American Monitor	Cambria Community Services District County of San Luis Obispo Environmental Coordinator			