

Public Works Department Regional Permit Plan

December 2008

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Regional Permit Program

Two Parts

The Regional Permit *Program* consists of the Regional Permit Plan (RPP) and the Environmental Management System (EMS). The EMS is contained in a separate binder. This binder contains the RPP.

Environmental Management System

The EMS is an internal organization mechanism for managing the Department of Public Works. Through the implementation of standards identified in the ISO 14000 family, the Department can maintain a high level of environmental responsibility. The system defines how information is managed and communicated both internally and externally. The EMS tells the Department how to behave. This behavior sets the stage for improving the efficiency of permitting and project development. One of those improvements takes the form of a Regional Permit Plan.

According to the International Organization for Standardization, an EMS meeting the requirements of ISO 14001:2004 is a management tool enabling an organization of any size or type to:

- identify and control the environmental impact of its activities, products or services, and to
- improve its environmental performance continually, and to
- implement a systematic approach to setting environmental objectives and targets, to achieving these and to demonstrating that they have been achieved.

Regional Permit Plan

The RPP sets out an approach to managing the multitude of permits required by the Department for carrying out its projects. It begins with an orderly establishment of uniform conditions for projects in order to reduce processing time and increase consistency and effectiveness. It progresses towards a self-monitored permit using internet access for permitting agencies to monitor the compliance by the Department. Eventually, and this would likely require special legislation, the Department would issue its own permits, only to require auditing by the agencies normally entrusted with the permitting authority. The RPP is an outgrowth, or product of the EMS.

Regional Permit Plan

Introduction

A Regional Permit grants the applicant an entitlement to develop a multitude of projects that are part of a program within a distinct geographic region, such as a watershed, a range, or a road corridor. Permitting agencies would cooperate to manage activities and protect resources in a region, but step back from the details of project-specific conditions and compliance. These would be delegated to the County, which would be audited by the agencies.

The County of San Luis Obispo's Public Works Department builds both large projects and numerous smaller projects. From the Nacimiento Pipeline and Lopez Dam retrofit, to innumerable minor drainage and roadway efforts, Public Works is responsible for a large percentage of the construction that occurs in our County. Most of these projects require multiple permits from different agencies at different levels of government. This requires an orderly and efficient project permitting approach. Public Works also recognizes its role as a leader in construction management. Since the County is a government agency with permitting authority, it holds itself to the highest standards of regulatory compliance and environmental protection. This report is part of that effort.

The Department created an Environmental Programs Division (Division) that would oversee permitting and construction compliance requirements for public works projects. Instituting a Regional Permit System would reduce redundancy and free resources to further the Department's environmental objectives. More importantly, it would craft better solutions to environmental challenges. This approach would recognize that many projects within an area should be seen as part of a regional approach to environmental management. For example, all projects on San Luis Creek must be protective of steelhead movement.

Objective

The Public Works Department would prefer to spend more time and money making projects work better for people and the environment, instead of spending that time and money on individual project permitting. While permitting provides an orderly manner of increasing the assurance that projects will be neutral or even beneficial to the environment, redundant efforts detract from project improvement.

The objective of the Regional Permit System is to offer the several permitting agencies a path to meeting their regulatory responsibilities—with reduced time, higher quality, and a more efficient investment of resources—so the County can use its resources to enhance the environment of San Luis Obispo.

Approach

This project proposes an ascending set of steps—Phases—that would improve the Department's capacity to create and manage a regional permitting system. These are not permitting approaches distinct from one another, but rather a progression of efficiencies, each made possible as the experience and infrastructure of the Department matures. Each Phase improves the Division's capacity for resource management, broadens the database that informs future permitting and project design, and improves the quality of the result. In addition, a set of tools is developed that gives the Division the capacity to implement the phases.

Phases

The four phases are:

Consistent Conditions. The Division develops a comprehensive set of ideal conditions that are tested and acceptable to all the permitting agencies.

Consolidated Permits. The Division works with the permitting agencies to allow for a single set of conditions under a consolidated permit that will apply to a project.

Single Agency Oversight. With consolidated permits will come the opportunity to designate a single agency to take the lead in overseeing permit compliance. Similar to CEQA's Lead Agency status, the Agency with the greatest responsibility or involvement would assume the role.

Audited Self Management. This final phase brings the Regional Permit to fruition. The County would be allowed to manage the conditioning and processing of projects within a region that had been recognized by the permitting agencies as having a comprehensive control mechanism in place, one which fully realized all the tools set forth below.

Tools

These are the tools that will be developed that make a regional permit approach manageable and successful:

Organization. Within the Division there must be roles established for the management and implementation of the system. The right people with the right education and background will create the organization that manages the system. They need to know the inner working of the permitting agencies so they can mimic their process, thus reducing the time necessary on the part of the agency.

Regional Plans. Each region that will be permitted must be delineated, have its resources inventoried, and have established a program for its protection during the implementation of the projects that would be developed.

Permit Conditions. These apply before during and after the development of a project. To work well, they must be clear and unambiguous, detailed regarding timing and responsibility, and they must be tested in the field. They should be an instruction

manual for environmental protection. They should be improved, but not constantly reinvented.

Geographical information. GIS provides both mapping and data for a region. The County has an extensive mapping program underway. All individual project permitting data—plans, schedules, conditions, photos, monitoring reports—would be referenced through GIS. Over time, this database would grow and provide information for future projects via a point on a map.

Communication via internet. Resource agency personnel are busy. The County will create a communication system that makes it easier for them to review projects. Emails will track compliance schedules, and let them know when a project milestone is reached and provide them with an electronic link to access the information. Paper reports can still be submitted in the format of the Agency to meet their requirements, but the personnel will have long since seen to the essence of the permit and the project.

Presumptions

The principal efforts in evolving the regional permitting for Public Works will reside with the Division and not with the Agencies. It would be inappropriate to expect the permitting agencies to customize their procedures for the benefit of San Luis Obispo County. That being said, the work will require agency participation and "buy-in." It is reasonable to assume that they would welcome the efforts of the Division when they result in a reduction of effort on the part of the permitting agency. Further, as the program matures and learning curves ascend, it is likely that agencies will come to rely more on the efforts expended to streamline permitting in the jurisdiction.

Background

In 2002, the Department of Public Works created the Environmental Programs Division. Before this time, the Department relied on the efforts of the Environmental Coordinator and necessarily competed for limited resources that also had to process a very large volume of private permits.

The purpose of the Division was to integrate permitting and permit compliance into the projects of the Department. Several staff members work on the large number of County projects in planning or construction. The staff coordinates with the several permitting agencies acquiring entitlements for projects. By having a separate Division devoted exclusively to the public works projects sponsored by the County, an opportunity existed for the development of a comprehensive program for regional permits.

Four Phases towards Regional Permitting

Phase 1: Consistent Conditions

Projects that encounter the same resources (water, archaeology) tend to have the same mitigation measures, in the form of conditions. Agencies know this, and many permits are copied one to the next. A straightforward approach to permitting the many similar projects would reduce time, processing, implementing and monitoring.

This phase organizes conditions from various agencies by project type and resource area. A set of conditions is established that achieves the level of protection required of the most stringent condition, and this assumes that the other agencies will be satisfied. A master set of conditions is designed to show linkages to regulatory background, performance standards, and construction implementation. While projects would still get multiple permits, they would all have the same set of conditions, or at least where they overlapped in subject matter jurisdiction, they would have the same subsets of conditions.

Appendix C, which is located on the accompanying CD, is a spreadsheet with permit conditions that are common to many projects. These conditions were developed by comparing a large number of permits. Reviewing the conditions in this way facilitates a comparison of the various agencies approaches to permit issues. In most instances, overlapping conditions are very similar and lend themselves to consolidation.

The next step is to develop a set of conditions that have the following attributes:

- At least as restrictive as the most restrictive condition on multiple permits
- Clear requirements for who is responsible, timing of compliance, and reporting

Necessary Steps

Agencies must agree to use the conditions developed by the County in their respective permits. Meetings and correspondence with each Agency would be necessary to gain their acquiescence to the conditions. Working with the Agency to review step-by-step each of the conditions and comparing them to their typical requirements to see that the Agency needs are met.

Step	Action
1	Complete sets of Golden Conditions for each project type
2	Meet with individual agencies
3	Modify conditions to accommodate the multiple agencies needs
4	Secure buy-in from all agencies

Second Phase: Consolidated Permits

Building on the first phase, a single set of conditions would be established for a project that all agencies sign onto. The Division would develop the conditions, and the objective would be getting all agencies to agree on the single set. Uniform implementation, monitoring and reporting would be generated for all agencies.

Ultimately, a single, comprehensive permit would be developed that is recognized as sufficient by all the applicable permitting agencies for a particular project. The conditions would include a matrix indicating which conditions were applicable to which agencies.

As an example, a roadway bridge over a stream will require several permits, typically:

- Streambed alteration; California Department of Fish & Game
- Clean Water Act §404 permit; US Army Corps
- Clean Water Act §401 certification; RWQCB
- Coastal Development; Coastal Commission (in the Coastal zone)
- Others such as SHPO clearance, APCD compliance, USFWS consultation
- CEQA

It is not uncommon that four or five agencies will receive applications, engage public review, issue permits, and monitor compliance with a Public Works project. The purpose of this phase would be to implement a single permit (or at least a single set of conditions) that covers all responsible permitting Agencies.

Each of the agencies has a different regulatory mandate. With appropriate formatting, the permit can identify which condition is satisfying which agency's requirements. A cover sheet delivered to each agency along with the consolidated permit will assist them in identifying how the permit conforms to their regulations. This may be in the form of a table.

Permitting Agencies

A regional permit system will require that the greatest effort will be on the part of the County, and not on the various agencies. As stated, it is unrealistic to expect each agency to create an idiosyncratic procedure to accommodate San Luis Obispo County. Nevertheless, there are a few steps that can be taken by agencies which don't require much of them, and will result in reducing their work efforts. As a continuation of the prior phase, the County would work with the Agencies to demonstrate that the permit conditions developed earlier were being adhered to and were resulting in project compliance.

Agencies from which the Division routinely receives permits are described in detail in Appendix A of the 2008 Environmental Management System Review and Analysis, repeated here as Appendix A of this report. The Agencies are briefly described here:

California Department of Fish & Game. The California Department of Fish and Game (CDFG) has a broad charter "to manage California's diverse fish, wildlife and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public."

Regional Water Quality Control Board. The State Water Resources Control Board and its Regional Water Quality Control Boards are charged with implementing the pollution prevention programs established through the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act. The State Board and the Regional Boards manage water quality in the state under a policy to achieve the highest water quality reasonably attainable.

California Coastal Commission. The California Coastal Commission's charter is to provide for the conservation and development of California's coastline by regulating development in the coastal zone and implementing coastal zone management programs. They issue Coastal Developments either within areas of their original jurisdiction, or more commonly, on appeal.

- *U. S. Army Corps of Engineers.* The U.S. Army Corps of Engineers (Corps) oversees construction activities and dredge and fill work in U.S. waters in order to protect navigation, the public interest and the proper use of water resources.
- **U. S. Fish & Wildlife Service.** The U.S. Fish and Wildlife Service (USFWS) is charged with management and protection of wild birds, mammals (except certain marine animals) and inland sport fisheries.

National Marine Fisheries Service. The National Marine Fisheries Service (NMFS) is responsible for administering the programs of the National Oceanic and Atmospheric Administration (NOAA). These programs provide support for the management and conservation of domestic and international living marine resources. The NMFS is also responsible for monitoring the social and economic effects of fishing practices and fishery regulations.

Air Pollution Control District. The APCD grants Authority to Construct Permits to manage air emissions from stationary sources. They are responsible for administering the California Air Quality Act

Office of Historic Preservation. SHPO is responsible for administering the National Historic Preservation Act. All activities that may impact historic or archaeological resources are reviewed by SHPO. NHPA's implementing regulations, found in 36 CFR Part 800, require federal agencies (and their designees, permitees, licensees, or grantees) to initiate consultation with the State Historic Preservation Officer (SHPO) as part of the Section 106 review process.

Necessary Steps

Agencies must agree to consolidate conditions into a single permit. Of course, each permit must satisfy all of the agencies' requirements. An organizing matrix will be necessary to easily demonstrate how the conditions satisfy the agencies' needs. Cover sheets can be developed that look like Agency forms.

Step	Action
1	Establish agency-specific forms for their review
2	Meet with individual agencies or as a group
3	Prepare final permit format

Third Phase: Single Agency Oversight

The objective of this phase is to designate one of the permitting agencies for a particular project as having oversight and reporting responsibilities to all the other agencies involved. The oversight agency will vary depending upon the type of project and the resources involved, analogous to the lead agency concept under CEQA.

For the oversight agency to manage a greater array of mitigation responsibilities, the Division must have the greatest burden of reporting and verifying compliance with permit conditions.

An essential ingredient of this phase is communication. The "lead" agency must be able to quickly access project data and communicate with both the Division and the other agencies.

For this stage to be implemented, the comprehensive GIS database and internet access must be in place. Described in detail later, the database contains all relevant project information, photographs, and monitoring reports. Access to this database must be prompted by the Division. Email will signal when the lead agency should access the database to review a project milestone. Instructions will be provided to the lead agency to facility easy dissemination of information to the other permitting agencies.

Necessary Steps

It may be possible for agencies to delegate review authority to another agency so long as they maintain communication and receive reports sufficient to demonstrate permit compliance. However, it may be expedient, or even necessary to develop special legislation that would clearly allow the single agency oversight.

Step	Action
1	Legal review of agency requirements for permitting
2	Develop communication protocol for permit review
3	Secure special legislation is necessary

Fourth Phase: Audit-Managed Self Permitting

The ideal for the Division, especially in terms of project time management, is to do its own permitting. This is lofty, and could require special legislation, and certainly would not be uniformly acceptable to all agencies, especially federal. But it is in fact the EPA that provides the analogous route, a process known as federalism. Here a state agency takes over the regulatory management embodied in the EPA. As an example, the California Air Resources Board by the authority of the California Clean Air Act has taken over the role of the EPA in managing the state's air basins as well as stationary and mobile emissions. It does this by having promulgated regulations at least as stringent as the federal requirements. To ensure compliance with the federal Clean Air Act, the EPA conducts an audit of the California program to make sure they are meeting the requirements in fact.

The fourth phase relies most heavily upon the transparency afforded by the Division's web portal into their electronic permit monitoring system. Agencies must be able to view a project's progress quickly by seeing monitoring reports, up-to-date photographs, and by being able to comment through the portal. This transparency can be afforded the public as well, giving citizens the opportunity to review the progress of projects.

The first criticism of any self-managed program is the opportunity to fall short of meeting regulatory intent. But this is exactly how CEQA is modeled when the lead agency is proposing its own projects, and how federalism allows States to oversee federal requirements.

Necessary Steps

This would be a true delegation of responsibility, if accomplished at its most efficient level. It would almost certainly require special legislation. This phase would build upon the experience of working with consolidated permits and single agency oversight, the County becoming the ultimate responsible agency for their efforts.

Step	Action
1	Refine database and communication models
2	Meet with individual agencies or as a group
3	Train agencies in audit procedures/mechanisms

Constructing the Tools

Each of the phases described above would utilize an evolving set of tools. As each phase progressed, the tools would be better organized and more sophisticated.

Organization

The organization of the Division would necessarily evolve to accommodate the regional permits. More time would be spent by staff refining mitigation conditions and less time preparing agency permit applications and follow-up. A special position would be created, likely from an existing position, to manage the system and its progress.

Permit Compliance Officer

A recommendation is to designate a person in the Division to be the Permit Compliance Officer. The Division will have a more consistent permit management by having one person review all the projects for compliance, as well as checking the accuracy and completeness of the project database. He or she would have the following responsibilities:

- Regularly review the permit database
- Check condition compliance against the project schedule
- Train staff on program contents
- "Train" agency personnel to use the database and communication tools
- Ensure that project information on the website is kept up to date
- Communicate with project managers, especially regarding project problems or delinquencies
- Visit project sites
- Report to the Division Manager, both on a routine basis, and especially when a problem arises
- Review project completion reports and forward to appropriate Agencies

Regional Plans

Two conditions are necessary for a regional permit. A comprehensive set of conditions that satisfy the regulatory requirements for a given type of project, and an understanding of the resources of the permitted region.

Before the program can develop fully, the Division needs to establish a plan, or a set of plans covering each "region" that will be granted permits. Decisions are necessary

as to how the County will be divided and how the plan is developed. Here are some considerations:

- Each plan would be based upon a geographic delineation. There are already numerous divisions of the County; General Plan Areas, County road networks watershed's. Most agencies responsible for public trust resources will want permitting based upon natural divisions, such as watersheds, stream corridors, or distinctive habitats. The Area Plans provide a vehicle for implementing standards that grow out of the conditions developed for the regional permits. Natural geographic boundaries allow for consistent application of conditions to meet a particular region's environmental needs.
- Each plan would contain an inventory of resources, constraints and issues. The
 delineation of natural habitats, stream corridors and the built environment
 would inform cumulative analysis and the appropriate application of
 conditions. The inventory would be mapped on the GIS.
- Each plan would establish priorities for resource protection. Based upon the inventory, areas of concern would be established. These could be incorporated into project planning efforts so long term Public Works programs could minimize or avoid harmful effects, or the converse, they could be used to enhance resource protection, much the way the rebuilding of the Avila Bay Drive bridge over San Luis Creek solved a number of environmental problems.

Each plan would be submitted to the resource agencies for their approval. Because each agency operates under a different mandate, their acquiescence will require cooperative negotiation.

Permit Conditions

Structure of Permit Conditions

Conditions vary in their quality. Some are explicit about their intent, timing and implementation. Others only hint at these necessary aspects. The County of San Luis Obispo's Environmental Coordinator has developed a style of conditions that requires exposition of many of these elements.

The success of a permitting program will be improved with better conditions. Here are the necessary components of a permit condition:

Jurisdiction

Statutory jurisdiction. A law exists that promulgates the particular authority for government control and action.

Regulations. Regulations typically are written to promulgate that statutory authority.

Agency jurisdiction. The law is assigned to a government agency.

Subject matter. The resource(s) to be protected by the condition.

Legal

Nexus. A permit condition must be demonstrably related to the protection is promises to afford.

Proportionality. A condition must be fair in its scope, and demand no more than is required to fulfill its purpose.

Performance standard. Conditions should include a clear objective (e.g. "no erosion of soils into wetlands" or "80% survival of new plantings").

Process

Timing. Conditions pertain to planning, pre-construction, during construction or post construction.

Notice. Often particular parties must be apprised of the condition (property owners, other agencies, interested parties). Notice may be necessary immediately preceding implementation.

Monitoring. All conditions are monitored for timeliness, effectiveness and to insure they do not cause other, unanticipated problems. The following rules govern monitoring and inspections:

- Inspections should occur before problems are covered up, before grading commences, while trenches are open, before footings are poured.
- They should be done at a time that would prevent the loss of invested resources. In other words, inspections should occur before labor and materials are expended in the wrong direction.
- The number and timing of inspections should be efficient so as to accomplish to two rules above with the least number of visits.

Design

Flexibility. There are dangers in not having specifics for meeting a project condition. On the other hand, the situation in the field is often different than predicted, or contractors may have a better idea or more experience with particular situations. The project should not suffer because of adherence to an approach that was good on paper. One solution is to offer a specific approach, but state that an alternative method that meets the performance

standards can be substituted, with the permission of the permit granting authority.

Duration. Conditions may need to persist throughout the life of the project, or may just be needed during the rainy season, or during initial grading.

Material. If a performance standard is used (e.g. "keep the water out") then the specifics of how to achieve this may not always be required. But it is prudent to at least suggest a specific mechanism (e.g. straw wattles). It is best not to leave specifics entirely to the discretion of the contractor, who is guided by cost-savings.

Installation. How and when mitigation measures are installed can be part of the condition. While many measures are industry standard by now, and contractors are better educated about them, there will always be room for interpretation and occasionally the novice contractor who will need and even appreciate the guidance.

Implementation

Responsibility. Someone must design the measures to carry out the condition, someone must pay for them, and someone must install them.

Bid Documents and Contracts. Conditions should be included in construction bid requests and then in the contracts if they are the responsibility of one of the contractors. It is not prudent to assume the bidding contractor will seek out the EIR or permits to ascertain the conditions that will be required. It is best if these are explicitly provided with the bid request.

Observation and Follow-up:

Mitigation monitoring plan. Like that required by CEQA, each condition should contain a feedback component to make sure it was in fact implemented, that it is working, and that it is not causing unintended negative consequences.

Specific events. Many conditions need monitoring at some point during the project life. Events such as rain, high water, spring flowering, migration episodes, may trigger monitoring.

Post-project. Planting, restoration and other conditions that need tending for a period of time after the contractors have left, require follow-up monitoring. Most important is to know who will be responsible for the observation and repairing of any deficiencies (typically failed plantings or erosion). If the responsibility of the contractor, then contractual requirements need to be explicit. It is often difficult to get the contractor back after the job is "finished."

Sample condition

To illustrate the structure identified below, a sample condition is provided here.

Condition Bio-1-A

Wetland protection. Pursuant to Sections 10 and 404 of the Clean Water Act, no fill may be placed in a wetland. The ACOE, RWQCB and CDFG have oversight of these requirements. All project activities should be conducted to avoid impacts to wetlands.

Process. During project design, and before any physical activity takes place, the applicant will develop and provide the County with a wetland protection plan. The plan will include all methods for wetland protection, and will specify the timing of notice to the County (e.g. prior to specific construction activities).

Design. The applicant will design an erosion control mechanism on all slopes over 12% which lead to the edge of a wetland. Appropriate measures may include straw wattles, siltation fencing, contouring or others that prevent soils from entering the resource. The following installation methods are required:

<u>Wattles</u>. Must be staked every four feet, must be run parallel at contours, must be overlapped at least 20 inches....

<u>Siltation fencing</u>. Must be buried four inches, staked every 4 feet....

Implementation. Wetland protection measures shall be implemented by the construction company. Therefore, they must be specified in the bid documentation, and incorporated into the appropriate development contracts.

Timing and Monitoring. All wetland protection measures must be in place before grubbing and ground-breaking activities commence. These should be inspected immediately prior to any forecasted rain, and monitored during the course of ground disturbing activities and until the construction area is stabilized.

Review of Previous Permits

A review of over 70 permits issued to the Division was undertaken. Conditions attached to each of those were compiled and organized by several criteria. Groupings were made to identify common features, with the intent of developing an ideal set of conditions. These are in Appendix B. A large matrix of County permit conditions is presented on a spreadsheet in Appendix C.

Geographic Information

The Environmental Programs Division would establish and maintain County-wide mapping of all projects; proposed, under construction and complete. This would be available over the internet. By accessing the Divisions website, Agency personnel

could click on a project site, or access a list of permitted projects. The database would include the following:

Project location. The cover sheet for the GIS would identify all projects, allowing for a point and click access to the project-specific database. Most County projects are located outside of urban areas and cannot be located by address.

Aerial photograph. The project location could be viewed from the County aerial photography. This allows the reviewer the best information for understanding the project's physical context.

Project plans. These would include all construction details relevant to environmental permitting. It would also include the project schedule with clearly identified milestones.

Project photographs. These would be provided by monitors, and routinely uploaded into the project file for review by Agencies.

Permits and conditions. This would be the matrix of all permit conditions, including timing, responsibility, monitoring and compliance notes.

Agency comments. Agencies would be able to comment on project activities and condition compliance. These would be automatically transmitted to the appropriate staff at the Division.

Communication

The regional permit system will only work if there is excellent communication between the County and the Agencies. This requires not only diligence on the part of County personnel, but an efficient and effective system of information retrieval.

Meetings

The Division Manager and Permit Compliance Officer should meet regularly with the agency representatives to go over projects and procedures. These meetings can be quarterly or more often as needed. They can occur as necessary for special or large projects, or for emergencies. By going through a list of ongoing projects in a single meeting, the Division saves time normally used by individual staff for individual projects. Typically, most County projects will be straightforward and the discussion will be perfunctory. Also typically, there will always be a project or two that are complicated and controversial and will require the bulk of the time in the meeting.

Emails

More than random communications, emails will be engineered to be sent on a particular schedule, and designed to provide very specific information. The email will contain information for agency personnel about the project status. It will include instructions to the agency on what action may be required and how that can be fulfilled. It will also have links to the County GIS website that will take the person

directly to the project information files. Automatic responses will be generated to the Division indicating that the agency has reviewed and acknowledged the information.

GIS

All project information, as described above, will be available via the Division web page with will provide access to the GIS database. This will include readily apparent locations for the agency to type comments or questions back to the Division.

Conclusion

A regional permit program can be undertaken immediately by the Division. Following the above-recommended phases, and building the identified tools, the process can get underway and evolve into a full regional system over time.



Appendix A
Agency Profiles

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Introduction

Public works projects in San Luis Obispo County are reviewed by a number of other agencies, each with its own statutory requirements established by State or Federal law. Typically, each agency applies its authority in a manner designed to satisfy the agency's understanding of the individual statute which it is charged with implementing. How each agency goes about meeting their legal obligations with respect to applying environmental law is dependent on the scope of the agency's authority (local, state or national), the relationship between agency staff of their governing board(s), the complexity of regulations developed to implement a particular statute, and the language of the statute itself.

Key agencies involved in environmental regulatory permitting in San Luis Obispo County are:

- 1. The County itself, as the Lead Agency under the California Environmental Quality Act and as the implementing agency of the Certified Local Coastal Plan pursuant to the California Coastal Act.
- 2. The California Department of Fish and Game, through the authority of the California Fish and Game Code and the California Endangered Species Act
- 3. The California Regional Water Quality Control Board, implementing Section 401 of the Federal Clean Water Act
- 4. The California Coastal Commission, through the authority of the California Coastal Act
- 5. The U.S. Army Corps of Engineers, implementing Section 404 of the Federal Clean Water Act and Section 10 of the Federal Rivers and harbors Act
- 6. The U.S. Fish and Wildlife Service through the authority of the Federal Endangered Species Act
- 7. The National Marine Fisheries Service through the authority of the Federal Endangered Species Act

A. San Luis Obispo County Department of Planning and Building

Charter

The mission of the San Luis Obispo County Department of Planning and Building's Environmental and Resource Management Division is to provide environmental review and resource planning services for San Luis Obispo County that result in the maintenance of a high-quality environment consistent with the California Environmental Quality Act and other applicable regulations. The Department's goal is to provide timely, courteous, and cost-effective environmental and energy services, which protect and enhance natural resources and the quality of life.

Background

The Environmental and Resource Management Division of the Department of Planning and Building, headed by the County Environmental Coordinator, was primarily established to perform environmental review. Environmental review is the evaluation process that the California Environmental Quality Act (CEQA) requires public agencies to conduct before taking action to approve a project. Environmental review is a set of procedures used to identify a project's potential impacts, develop ways to reduce those impacts, and report the results of the analysis to the public.

In order to implement CEQA, the Environmental and Resource Management Division of the Department of Planning and Building performs the following:

- Administers the California Environmental Quality Act consistent with all applicable regulations.
- Prepares and administers plans and ordinances pertaining to offshore and onshore energy, resource extraction, conservation, energy efficiency, and the protection and restoration of critical habitats.
- Reviews projects for potentially significant environmental impacts and, where
 possible, develops mitigation measures or project alternatives that will reduce these
 impacts to insignificant levels.
- Ensures mitigation measures are adequately monitored and reported in coordination with other agencies where applicable.
- Encourages cooperation and support among all county departments concerning environmental issues.

Jurisdiction

The Environmental and Resource Management Division of the Department of Planning and Building performs project reviews to evaluate the potential impacts of public and private projects (as defined by CEQA) on environmental resources throughout San Luis Obispo County. Because San Luis Obispo is a public agency, CEQA must be applied to all

discretionary county "projects". CEQA defines a project as any activity directly undertaken by any public agency "which may cause either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment." CEQA processes and documents for projects proposed by the Department of Public Works are prepared by the Environmental Programs Division (Public Works) following the CEQA environmental review process. The work is then reviewed and approved by the Environmental Coordinator (Planning Department). The working relationship between the two environmental divisions is described in a Memorandum of Understanding (MOU) between the two departments.

Authorizing Acts

California Environmental Quality Act (CEQA): Requires all public agencies to adopt specific criteria, objectives, and procedures for implementing CEQA. These procedures are in addition to the more general statewide guidelines.

The County CEQA Guidelines were last revised and adopted by the Board of Supervisors on August 15, 1995. The Guidelines are intended to facilitate County compliance with CEQA and standardize procedures for the evaluation of projects, as well as assist the department with preparation of environmental documents when the county is the Lead, Responsible, or Reviewing agency under CEQA.

Permits and Certificates

The San Luis Obispo County CEQA Guidelines contain exemptions from environmental review requirements for certain types of projects that are not expected to damage the environment. As detailed in the County's CEQA Guidelines, the County has adopted the state CEQA Guidelines list of statutory and categorical exemptions, as defined in Articles 18 and 19 of the State CEQA Guidelines. Some examples of categorical exemptions include: (1) repair, remodel, or minor additions to existing facilities; (2) construction of a single-family residence; and (3) gardening, landscaping, or minor grading for a driveway or sidewalk. All discretionary project proposals must be reviewed by the Environmental Coordinator for CEQA compliance even if they are likely to be found exempt.

If the Environmental and Resource Management Division determines that special circumstances exist that could result in environmental damage, a proposal will be subject to environmental review even if it normally could be exempt. For example, standard road paving might be exempt, unless it requires tree removal, or a parcel might be in the flood plain, have special habitat or a historic building, or have other characteristics that would trigger the need for environmental review. A project proposed on a parcel such as this is not likely to qualify for an exemption.

Once a project is determined not to be exempt under CEQA, the environmental review process commences, as described in the CEQA Chapter. In the case of most public works projects, the project is either determined to be exempt or it receives a Negative Declaration/Mitigated Negative Declaration.

<u>Submittal Requirements</u>

Submittals must generally include enough information to evaluate the project's potential environmental impacts. This includes, but is not limited to the following:

- location map
- accurate and detailed project description
- environmental technical reports (cultural, biological, geology, etc.)
- site photographs
- description of other required permits

Early consultation is always recommended; however, a project proponent must be able to provide enough of a project description to begin the review process.

Processing Time

CEQA specifies processing time requirements for private project proposals. However, when the County is evaluating its own projects, most statutory time limits contained in CEQA do not apply. Since each project is unique, processing times will vary. One review might be processed within 6 to 8 hours because there are only one or two minor issues to investigate. Another project may require significant research, computer modeling, vegetation or wetland preservation plan analysis, or may have long public review periods that increase processing time.

Enforcement

San Luis Obispo County can revoke a permit and initiate a civil case if a project violates conditions of a county permit or approval. However, the County typically defers enforcement action to an appropriate resource agency if the non-compliance involves a specific resource issue (e.g., the EPA for issues associated with the Clean Water Act, the CDFG for issues associated with streams and special status species).

Contact Information

Mailing address: Ellen Carroll

Environmental Coordinator, County of San Luis Obispo

Department of Planning & Building

County Government Center San Luis Obispo, CA 93408 Phone: (805) 781-5600

Fax: (805) 781-5603 - Planning & Building

(805) 781-1242 - Current Planning (805) 781-5624 - Long Range Planning

B. California Department of Fish and Game

Charter

The California Department of Fish and Game (CDFG) has a broad charter "to manage California's diverse fish, wildlife and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public."

<u>Background</u>

The Board of Fish Commissioners (predecessor to the Fish and Game Commission) was established in 1870 "to provide for the restoration and preservation" of fish in California waters. This was the first wildlife conservation agency in the country. In response to the growing importance of game conservation, the Commission's name was changed to the Fish and Game Commission in 1909. By 1927, the administrative functions of the Commission were assumed by the newly established Division of Fish and Game, which was elevated to department status in 1951. On the 100th anniversary of fish and wildlife conservation in California, the state legislature enacted the California Endangered Species Act in 1970, charging the CDFG with the task of identifying and protecting California's rare and endangered species.

Headquartered in Sacramento, today's CDFG is organized into five geographic regions. San Luis Obispo County falls under the jurisdiction of the Central Coast Region (Region 3), headquartered in Yountville.

Jurisdiction

- Any project that will divert, obstruct, or change the natural flow or bed, channel or bank of any stream, river or lake designated by the CDFG.
- Any project that will remove or use any material from a streambed.
- Any project subject to CEQA review that could impact fish and wildlife resources. As
 the trustee agency for state fish and wildlife resources, the Department of Fish and
 Game reviews and comments on CEQA documents and, when necessary, prepares
 mitigation recommendations (see Section 1802 of the Fish and Game Code).
- Any work that will take, remove, collect, or transport any previously known plant or animal species listed as rare, threatened, or endangered by the State of California.

Authorizing Acts

Fish and Game Code, Sections 1601 to 1607: Made it unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream or lake designated by the CDFG or use any material from the streambeds without prior notification to the CDFG. Further, the CDFG will negotiate an "agreement" for protection of fish and wildlife resources before this type of work can take place.

California Species Preservation Act of 1970: Directed the CDFG to develop criteria for rare and endangered species, inventory all threatened fish and wildlife and report to the governor and the legislature every two years on the status of listed species.

California Endangered Species Act of 1970, as amended in 1984 and 1997 (Fish and Game Code Chapter 1.5, Section 2050 et. seq.) (CESA). Expressed the legislature's concern for California's wildlife species facing decline, set definitions of "threatened" and "endangered" wildlife, and gave authority to the Fish and Game Commission to designate animals as either threatened or endangered. CESA prohibits the "taking" of listed species except as otherwise provided in state law. Unlike its federal counterpart, CESA applies the take prohibitions to species petitioned for listing (state candidates).

California Native Plant Protection Act of 1977: Directed the CDFG to preserve, protect, and enhance native plants. This act gave the Fish and Game Commission the power to designate native plants as endangered, threatened, or rare and to require permits for collecting, transporting, or selling such plants.

Article IV, Section 20 (State Constitution): Established the Fish and Game Commission.

Permits and Certificates

Streambed Alteration Agreement under Section 1602.

Under the Fish and Game Code, any person is prohibited from conducting work in a lake or streambed without a Streambed Alteration Agreement. The purpose of the agreement is to "mutually agree" to specific measures designed to protect and restore fish and wildlife habitat. Thus, the Streambed Alteration Agreement is not a permit, but rather an agreement on how work will proceed. It should be noted, however, that Streambed Alteration Agreements often include provisions for the CDFG to stop work in the case of a violation of the agreement. All Streambed Alteration Agreements require compliance with CEQA. In the case of a public agency project, the public agency acts as the Lead Agency and prepares the CEQA document while CDFG acts as a responsible agency, basing their CEQA responsibilities on the Lead Agency document. San Luis Obispo County is typically the CEQA Lead Agency for County Public Works projects; therefore, the CEQA process will need to be complete before the Streambed Alteration Agreement application is made, in order to include the adopted CEQA document in the application.

Incidental Take Permits

CDFG has the authority to issue incidental take permits pursuant to sections 2080 and 2081 of the California Endangered Species Act (CESA). These permits are necessary for all projects where there will be the incidental take of endangered, threatened, or candidate species. Accompanying regulations are contained in the California Code of Regulations at sections 783 - 783.8 and 786-786.6.

<u>Submittal Requirements</u>

Streambed Alteration Agreements

Prior to any work in a lake or stream subject to CDFG jurisdiction, send an application to CDFG's regional office in Yountville using the standard form "Notification of Lake or Streambed Alteration" together with the appropriate attachments (Gravel/Sand/Rock Extraction Questionnaire; Additional Information for Projects Included in Timber Harvesting Plans; Water Diversion Questionnaire; Routine Maintenance). The application should include the following attachments to ensure that the CDFG has all of the information necessary to promptly process the request:

- a detailed project description
- proposed mitigation measures to protect fish and wildlife resources and/or mitigate for project impacts
- copies of any fish, wildlife, or habitat mitigation plans already prepared for the project
- certification of compliance with CEQA (including a copy of the certified document)
- site-specific plans and drawings detailing the proposed modification of the river, stream or lake
- copies of any other relevant permit conditions
- evidence of payment of Fish and Game CEQA filing fees
- fee payment

The regional office processes the application and assigns it to a local warden or biologist. Based on a discretionary on-site inspection, the Fish and Game representative may suggest modifications or conditions to protect fish and wildlife in the project area. The Fish and Game representative may request additional information from the applicant, but must make recommendations on the proposed activity within 30 days of receipt of the application. The applicant has 14 days to accept or reject deny any modifications proposed by the local Fish and Game representative. Time frames may be extended by mutual agreement.

The applicant may contest the local Fish and Game representative's modifications in writing and request a meeting. If the parties reach an impasse, the applicant may ask for an independent arbitration panel. The panel may settle disagreements and make binding decisions regarding project modifications to protect fish and wildlife.

If CDFG takes no action on the application within 60 days of it being accepted as "complete", the application if approved by operation of law and the applicant may proceed with the project.

Incidental Take Permits

Under the CDFG's regulations, an application for an incidental take permit must be submitted on Form FG 2081 B to the CDFG Regional Manager. Included in this application will be:

- a detailed description of the project
- a list of the species names to be covered by the permit
- an analysis of the impacts of the proposed taking of the species
- mitigation measures
- a description of the funding source for the monitoring and mitigation measures

Additional requirements will be implemented in order to comply with CEQA, depending on whether the CDFG will be the responsible agency or the lead agency on the project. The CDFG has 30 days to complete an initial review of each application and a final determination must be made within a time period not to exceed 150 days if the CDFG is acting as the responsible agency or 180 days if the CDFG is the lead agency. After acceptance of a completed application, CDFG will review the document to insure it is in compliance with CEQA. A Notice of Public Availability will then be distributed and the application and analysis will be subject to public review for a minimum of 30 days. After the CDFG has received comments from the public and all public agencies involved with the project, a Notice of Decision will be filed with the Secretary of the Resources Agency within five working days of issuing the incidental take permit.

Processing Time

1600 Permit: 5-11 months

Incidental Take Permits under 2080 and 2081: 12-18 months

Enforcement

It is a violation of California law to allow into a stream "any substance or material deleterious to fish, plant life, or bird life" (Fish and Game Code Section 5650). The CDFG has the authority to levy fines of up to \$25,000 and make arrests for violations. The CDFG also has the authority to levy fines and make arrests for violations of Streambed Alteration Agreements and the California Endangered Species Act. Criminal penalties for illegal take of listed and candidate species can be as high as \$5,000 in fines and one year in jail. In addition to criminal penalties, the CDFG can also sue and recover civil penalties that are often much higher, especially in cases where multiple violations have occurred.

Contact Information

Incidental Take Permits

Carl Wilcox Supervisor of Environmental Services California Department of Fish and Game P.O. Box 47 Yountville, CA 94599 (707) 944-5500

Streambed Alteration Agreements

Streambed Alteration Agreement Coordinator California Department of Fish and Game P.O. Box 47 Yountville, CA 94599 (707) 944-5500

Additional information is available at <u>www.dfg.ca.gov</u>. Also, see San Luis Obispo County's website at <u>www.co.slo.ca.us</u> for information on endangered species compliance.

C. Regional Water Quality Control Board

<u>Charter</u>

The State Water Resources Control Board and its Regional Water Quality Control Boards are charged with implementing the pollution prevention programs established through the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act. The State Board and the Regional Boards manage water quality in the state under a policy to achieve the highest water quality reasonably attainable.

Background

The federal Clean Water Act established the U.S. Environmental Protection Agency (EPA) as the implementing government agency for pollution control. The act also provides for delegation of implementing and enforcing pollution prevention programs to the states, provided EPA has approved the state programs. In California, the Porter-Cologne Water Quality Control Act establishes a state program for implementing federal requirements and regulating water quality that, on balance, are more stringent than the federal program. In practice, all water quality permitting is accomplished through the State Board and local Regional Boards. The EPA is rarely involved.

The State Water Resources Control Board Organization

The State Board oversees statewide water quality issues such as allocation of new water rights, water appropriation laws, and federal Clean Water Grant programs. The nine Regional Boards issue waste discharge requirements, National Pollutant Discharge Elimination System (NPDES) permits, and Water Quality Certifications. They are also responsible for inspection and enforcement activities.

Jurisdiction

The State Board has jurisdiction over all surface water and groundwater in the state. The definition of these water resources has been very broadly interpreted. The Board must approve any activity that may discharge "waste" to these waters, such as:

- waste discharge to outfalls
- waste water discharges
- waste water treatment plants
- septic systems
- discharges from holding ponds, settlement basins, or dewatering operations
- any waste spread on land surfaces
- surface impoundments, dry wells, or injection wells for disposal of wastewater
- storm water runoff
- underground and above ground storage tanks

Authorizing Acts

Clean Water Act of 1965, as amended in 1987 and 1995: Outlined a broad policy established to address water pollution through a system of permitting designed to control, and eventually eliminate, water pollution. Amendments set goals of zero toxic discharges and "fishable" and swimable surface waters. The act established the NPDES and authorized the EPA to act as the implementing agency. The EPA has very powerful enforcement authority and may assess large fines for illegal discharges and noncompliance with the Clean Water Act.

Porter-Cologne Water Quality Control Act of 1969: Chartered the State Board and nine Regional Boards. The act also established a state program to meet the statutory requirements of the Clean Water Act on pollution control and water quality regulation. In many instances, the California state water quality standards are more stringent than federal water quality standards.

The NPDES Program: All discharges of pollution or waste (broadly defined as anything that effects the natural environment) to waters of the United States (again, broadly defined) require a permit. The requirements apply to any industrial facility, public facility, publicly owned treatment works (POTW), sewage treatment facility, or source of storm water runoff. The NPDES permit will impose discharge limits and requirements for monitoring and reporting.

NPDES permit applications are reviewed with the specific water body and its water quality objectives in mind.

California State Water Quality Program: The Regional Boards implement federal regulations, review permits and set goals for water quality through the Water Quality Plan or the Basin Plan for the applicable region. These plans outline "beneficial uses" of water, such as drinking, agricultural, industrial, power generation, and fish habitat. "Water quality objectives" more or less set limits for specific pollutants to protect specific beneficial uses applied to various waterways.

Permits and Certifications

Request for Water Quality Certification

Any activities that require a federal license or permit must obtain a water quality certification as required by Section 401 of the federal Clean Water Act. A certification that the project is consistent with state water quality standards may be issued for relatively benign projects, and may include specific conditions, at the discretion of the Regional Board. Generally, San Luis Obispo County public works projects are issued conditional water quality certifications when the project is adequately designed to protect from water quality impacts.

Application for Waste Discharge Requirements (State)

Waste discharge requirements from the Regional Board may be required for any facility or activity that will discharge waste to land thus potentially affecting groundwater quality. For some types of minor discharges (e.g., septic systems), the Regional Board may delegate permitting responsibilities to local agencies.

NPDES Stormwater Permits (Federal)

A permit is required for any discharges (both point-source and nonpoint-source) from industrial facilities directly to surface waters (it does not apply to groundwater).

General Industrial Storm Water Permit. The State Board has issued a General Permit (Number CAS00000l) for storm water discharges associated with industrial activity under the NPDES program. This permit applies to all storm water discharges for industrial facilities. Although federal regulations allow the option for individual permits, the State Board has elected to adopt one statewide permit.

General Municipal Separate Storm Sewer System Permit. The State Board has issued a General Permit (Number CAS000004) for storm water discharges from small municipal separate storm sewer systems. This permit applies to all storm water discharges from urbanized areas (as defined by EPA and the State) and requires the implementation of an approved Stormwater Management Program that addresses six areas: Public education;

public participation; Illicit discharge detection and elimination; Construction site runoff control; Post-construction stormwater management; and Municipal operations.

General Construction Storm Water Permit. The State Board has issued a General Permit (Number CAS000002) for Storm Water Discharges Associated with Construction Activity. This permit applies to all construction projects that disturb more than 1 acre and requires the implementation of a detailed Storm Water Pollution Prevention Plan.

General Permit for Low-Threat Discharges. The Central Coast Regional Board issues a General Permit for Low-threat Discharges for discharges where the potential threat to the water supply is very low, such as dewatering or desalination activities. This permit can be issued for discharges that are ongoing or intermittent.

Individual Permits. The RWQCB issues individual permits for certain types of discharges that are not covered under the General Permit (e.g., sewage treatment plants, etc.). Individual Permits are issued at the discretion of the Central Coast Regional Board.

<u>Submittal Requirements</u>

Request for Water Quality Certification

Submit the Section 401 Water Quality Certification Application Form with a detailed description of the project and construction methods as well as documentation of CEQA compliance to the Central Coast Regional Board, with the appropriate filing fee. Include supporting drawings and documentation of environmental mitigation measures and confirm application for U.S. Army Corps of Engineers Section 404 and Fish and Game 1600 permit applications. Request the Board's certification that the project is consistent with state water quality standards.

Waste Discharge Requirements

Submit Form 200 "Report of Waste Discharge" to the Regional Board. Applicants proposing to discharge must submit 120 days before they intend to begin discharging waste. The report submittal requirements are provided in the regulations. When the application is submitted, the Regional Board reviews it for completeness, requests' additional information as needed, and provides for public notification. After this review and public comment, the Regional Board staff will prepare proposed effluent limitations, special conditions, and a monitoring program for the discharge. The recommendation may include a waiver of discharge requirement if the discharge is determined insignificant. This recommendation is submitted to the Regional Board for approval and once approved, the final requirements or a waiver are forwarded to the applicant.

Notice of Intent for General Construction Storm Water Permits

Submit a Notice of Intent (NOI) and appropriate fee using the State form to the State Board (Not the Regional Board.) The NOI is essentially a commitment by the applicant to comply with the terms of the General Construction Stormwater Permit. The applicant must prepare and implement a project specific Stormwater Pollution Prevention Plan (SWPPP). The State Board will review the NOI and return a Letter of Receipt, acknowledging that the NOI is received. The State Board will notify the Regional Board of the receipt of the NOI; the Regional Board may or may not conduct site inspections to ensure the adequacy and proper implementation of the SWPPP. Construction projects that are underway in the fall of each year must submit an annual report and fee detailing the status of the SWPPP implementation until the project is complete and there is no threat of discharge.

General Permit Conditions

The Storm Water Programs are intended to be self-governing. Applicants are responsible for meeting the General Permit conditions and preparing a Storm Water Pollution Prevention Plan. Since it is not necessary to submit the SWPPP to the Regional Board, the applicant must keep a copy at the site. The Regional Board can conduct announced or unannounced inspections of the facility or construction activity and the Regional Board inspectors can impose enforcement actions for failure to comply with the General Permit or the SWPPP.

The General Industrial Storm Water Permit sets specific discharge limits for some types of industrial activities under EPA's Storm Water Effluent Limitations Guidelines. The permit requires application of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate industrial storm water pollution. These measures must be detailed in a SWPPP.

The General Construction Storm Water Permit does not set specific discharge limits for storm water discharges during construction. Instead, it requires application of "Best Management Practices" (BMP's) that, when applied properly, are likely to adequately protect water quality and meet the water quality objectives of the Basin Plans.

Processing Time

Application for Water Quality Certification: 30 days Report of Waste Discharge: 120 days or more

Notice of Intent: 30 days or less

Preparation of SWPPPs: 30 days or more

Enforcement

The Central Coast Regional Board is responsible for enforcing the General Permits in San Luis Obispo County. Construction sites may be inspected for compliance, and if found to be in violation, an inspector may issue a permit violation in the form of a Notice to Comply,

Notice of Violation, or Cease and Desist Order. Failure to obtain a General Permit, failure to develop or implement an adequate SWPPP, failure to minimize non- storm water discharges or limit storm water discharges, or failure to monitor and perform inspections are all violations of the federal Clean Water Act and California Water Code.

Any permit noncompliance is grounds for enforcement action and/or removal from General Permit coverage. Civil penalties of up to \$10,000 per day plus \$10 per gallon of sediment-laden runoff or wastewater discharged for each violation may be imposed by the Regional Board. Fines of up to \$25,000 per day for each violation may be assessed if imposed by the Superior Court. Violations of the Clean Water Act can also give rise to EPA's civil and criminal enforcement powers under Section 309 of the Act. Enforcement may include civil, criminal, or administrative penalties, or permit suspension and revocation sanctions authorized under the Act.

Contact Information

Regional Water Quality Control Board Central Coast Region 895 Aerovista Place, Suite 101 San Luis Obispo, CA 93401

State Water Resources Control Board Division of Water Quality Attn: Storm Water Section P.O. Box 1977 Sacramento, CA 95812-1977

D. California Coastal Commission

Charter

The California Coastal Commission's charter is to provide for the conservation and development of California's coastline by regulating development in the coastal zone and implementing coastal zone management programs.

Background

California Coastal Commission

A statewide ballot initiative established the California Coastal Zone Conservation Commission in 1972. With passage of California's Coastal Act in 1976, today's California Coastal Commission (State Commission) was formed to regulate development in California's 1,100-mile-long coastal zone in accordance with the state's coastal management program.

The State Commission assists local governments in developing local coastal programs and reviews and approves each program. After the State Commission approves a local coastal program, regulation of most coastal development is delegated to local government. The State Commission is required to periodically review each certified local coastal program to determine whether the program is being effectively implemented in conformity with the Coastal Act. The State Commission additionally conducts special studies toward solving coastal problems, manages a public access program, handles appeals, and coordinates state involvement in federal coastal projects.

The State Commission consists of 16 members representing four state agencies, the public (6 members), local government (6 members), and a staff. The State Commission meets once a month in various locations throughout the state. The State Commission is supported by a staff, organized into a Headquarters Office in San Francisco and five District Offices located in San Francisco, Santa Cruz, Ventura, Long Beach and San Diego. There is also a legislative liaison office in Sacramento. San Luis Obispo County falls under the jurisdiction of the Central Coast District Office in Santa Cruz.

Local Coastal Authority

San Luis Obispo County's local coastal program was certified by the State Commission in February of 1988. The Local Coastal Plan empowers the County. Through its Planning Department, to review projects and issue Coastal Development Permits. Unlike the State Commission, which has jurisdiction over federal activities through the Coastal Zone Management Act, the County Planning Department only reviews projects based on state law (i.e., the California Coastal Act). The Local Coastal Plan is incorporated into existing county policies and regulations through an amendment to the Land Use Element for the Coastal Zone and certification of a Land Use Ordinance for the Coastal Zone.

Jurisdiction

Any development within the coastal zone requires a coastal development permit reviewed by either the State Commission or the County Planning Department. Development outside the coastal zone may also require consistency review pursuant to the Coastal Zone Management Act if the project will provide service to the coastal zone or may impact the coastal zone.

Local Jurisdiction

Because San Luis Obispo County has an approved local coastal program, the County Planning Department can issue permits for work in the coastal zone. The County Planning Department maintains maps of the coastal zone, which generally is defined as the coastline extending inland 1,000 yards. However, there are several areas where the coastal zone extends further inland because of important habitat, recreational, and agricultural resources. These areas include the Nipomo Dunes, Hearst Ranch, the Morro Bay Watershed, and other north coast areas.

State Jurisdiction

The State Commission retains permit authority over some areas, including (but not limited to) the immediate shoreline, tidelands, submerged lands, and public trust lands. The County Planning Department can provide assistance in determining whether a project may require additional review by the State Commission. The State Commission also retains authority to determine whether federal activities that effect coastal resources are consistent with California's federally approved Coastal Management Program (CCMP) pursuant to the requirements of the federal Coastal Zone Management Act. This applies to activities both in the coastal zone as well as activities outside the coastal zone that may affect coastal resources (e.g., work in streams that drain to the coastal zone; utility or public works projects that provide service to the coastal zone. Thus, if a project involves a federal permit or funding (e.g., the U.S. Army Corps of Engineers, Federal Highway Administration, or Federal Emergency Management Agency), the State Commission must review the project for consistency with the CCMP.

Authorizing Acts

Federal Coastal Zone Management Act of 1972: Requires states to prepare a Coastal Management Program. California's program received federal approval in 1978. All federal activities must be consistent with the California Coastal Management Program.

Proposition 20 and enactment of the California Coastal Zone Conservation Act of 1972: Established the California Coastal Commission's predecessor, the California Coastal Zone Conservation Commission and the Coastal Zone. Required the Commission to prepare a Coastal Plan, which served as the basis for the subsequent California Coastal Act of 1976.

California Coastal Act of 1976 (California Public Resources Code, Section 3000, et. seq.): Established the California Coastal Commission as a permanent state coastal management and regulatory agency and created a unique state and local government partnership to assure that public concerns of statewide importance are reflected in local decisions about coastal development. The main policies established in the Coastal Act are to provide maximum public access, protect marine and land resources, maintain productive coastal agricultural lands, minimize sprawling coastal developments, protect the scenic beauty of the coastal landscape and locate necessary coastal energy facilities where they will have the least adverse impact.

Permits and Certificates

The County Public Works Department submits an application to the County Planning Department and/or the State Commission depending on their jurisdiction (as described above). Projects that are determined to be categorically exempt do not need further review. Projects that are not exempt, but are found to be consistent with local policies, are issued a waiver (meaning they do not need further review). Certifications are granted for projects that require more thorough review but are still found to be consistent with the Local Coastal Plan.

Projects with potentially significant impacts or inconsistencies with the Local Coastal Plan require a Coastal Development Permit. The following sections describe each of these possibilities in more detail.

Categorical Exemptions

Provisions for categorical exemptions are provided in the Coastal Act. The State Commission has established exemptions under the California Code of Regulations, Title 14, Subchapter 5-7 and has provided guidance in various administrative proceedings. Generally, maintenance and repair activities are exempt, provided they are not "extraordinary" as defined in these regulations. For example, substantial repair of a seawall or retaining wall requires a permit. The following activities are generally exempt from permitting under the Coastal Act:

- repair or maintenance that will not enlarge an existing structure (or road footprint)
- installation, testing, or replacement of necessary utility connections for developments approved by the Coastal Commission
- replacement of any structure (except a public works facility) which is destroyed by a disaster

Projects that pose a risk of substantial adverse environmental impact or lie within a local coastal program jurisdiction that deems a permit necessary are not exempt. The County Planning Department can provide assistance in determining whether a proposed project qualifies for an exemption.

Waivers and Certifications

If a project is not exempt, a waiver of permit requirements may be granted for projects that:

- a) have no potential for adverse effects on coastal resources and
- b) are consistent with the policies of the Coastal Act.

Waivers are recommended by the County Planning Department or State Commission staff after a preliminary review of the permit application has determined that the above criteria are met. Waivers can be contested by four or more State Commissioners. If a project is thought to have potential impacts, the local or state agency (i.e., County Planning Department or the State Commission) having jurisdiction in the area of the project will go through the provisions of the Local Coastal Plan line by line and prepare a staff report. If, after this review, the project is found to be consistent with the Local Coastal Plan, a certification may be granted. If a project is not consistent with the Local Coastal Plan, a Minor Use Permit or Coastal Development Permit is required.

Minor Use Permit (Local Jurisdiction Only)

At the local level, the County Planning Department issues Coastal Development Permits using the County's Minor Use Permit process for projects with minor impacts. The Hearing Officer

can issue Coastal Development Permits/Minor Use Permits without full review by the Planning Commission.

Conditional Use Permit (Local Jurisdiction Only)

Projects that substantially modify land or water use in the coastal zone require a Coastal Development Permit issued through the Conditional Use Permit process. Coastal Development Permit s/Conditional Use Permits require action by the County Planning Commission at a noticed public hearing.

Coastal Development Permit (State Issued)

Nearly all County decisions on Coastal Development Permits are appealable to the Coastal Commission. In addition, in certain areas, action by both agencies (the County and Coastal Commission) is required for approval of a Coastal Development Permit. The Commission considers Coastal Development Permit at regular public hearings in locations around the State.

<u>Submittal Requirements</u>

Projects located within the Coastal Zone trigger a set of procedures designed to coordinate the efforts of the Public Works Department with the requirements and responsibilities delegated to the County Planning Department. The procedures require early consultation between the departments to ensure that the objectives of the project are met while ensuring compliance with the Local Coastal Plan. Essentially, providing project information and technical data is the responsibility of the Public Works Department while the Planning Department functions in a review role. Public Works projects within the Coastal Zone are reviewed using the same standards applied to private development projects.

Processing Time

Exemption Determination: One to two weeks

Coastal Development Permit/Minor Use Permit: Four to six months

Coastal Development Permit/Conditional Use Permit: Six to eight months

Coastal Commission Waiver: 1 week to 2 months

Note: All time estimates assume no action by the Coastal Commission is required. When Commission involvement is necessary, add 6-8 months to each time frame

Enforcement

The County Planning Department has the authority, under the Local Coastal Plan, to revoke permits and fine applicants in cases where permit conditions have been violated. In practice, however, the local coastal authority generally defers enforcement actions to the State Commission.

The Executive Director of the State Commission has authority to issue Cease and Desist Orders to stop any activity that is in violation of a permit or provisions of the Coastal Act. In addition, the Executive Director may refer violations of a permit or any term, or violations of the provisions of the California Coastal Act to the California Attorney General for appropriate action. Civil penalties may be issued from not less than \$500 to a maximum of \$30,000, or a maximum of \$15,000 for each day a violation persists.

Contact Information

Coastal permit and local coastal issues

Steve Guiney California Coastal Commission Central Coast Office 725 Front Street, Suite 300 Santa Cruz, Ca 95060 (408) 427-4863

Federal consistency issues

James Raives
California Coastal Commission
Federal Consistency
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5292

E. U.S. Army Corps of Engineers

Charter

The U.S. Army Corps of Engineers (Corps) oversees construction activities and dredge and fill work in U.S. waters in order to protect navigation, the public interest and the proper use of water resources.

Background

The Corps has been regulating activities in navigable waters since the 1890's under the Rivers and Harbors Act. Until the 1970's, the primary purpose of the regulatory program was to protect navigation. Since then, as a result of environmental protection laws (most notably the Clean Water Act), the program has been broadened so that it now considers the full public interest for both the protection and utilization of water resources. The Corps oversees the

permit program for work and/or structures in navigable waters and the dredging of, and/or placement of fill in, waters of the United States.

<u>Jurisdiction</u>

San Luis Obispo County falls under the jurisdiction of two Corps districts. The Los Angeles District covers the area along the western side of the Santa Lucia and Garcia Mountains (i.e., the watershed that drains to the Pacific Ocean). The eastern side of the Santa Lucia and Garcia Mountains (i.e., the Salinas River watershed) falls under the jurisdiction of the San Francisco District.

Under Section 10 of the Rivers and Harbors Act, the Corps has jurisdiction over any work or structure in or affecting navigable waters of the United States (see Figure 2-1). The shoreward limits of the Corps' jurisdiction extends to the line on the shore reached by the plane of the mean high water in coastal areas and the ordinary high water (OHW) mark in rivers and lakes. The seaward limit of the Corps jurisdiction extends three nautical miles from the baseline. However, wider zones are recognized for certain activities occurring on the outer continental shelf. Examples of Corps jurisdiction include:

- construction of piers, wharves, marina ramps, intake structures, and overhead electric line or pipeline crossings, and
- dredging and excavation

Under Section 404 of the Clean Water Act, the Corps has jurisdiction over the discharge of dredged and fill material into waters of the United States. In tidal waters, the landward limit of the Corps jurisdiction extends to the high tide line or when adjacent wetlands are present to the limit of the wetlands. In non-tidal waters, the limits of jurisdiction extend to the ordinary high water mark and if adjacent wetlands are present, the jurisdiction extends beyond the limit of the ordinary high water mark to the limit of the adjacent wetlands. When the water of the United States consists only of wetlands, the jurisdiction extends to the limit of the wetland. Examples include, but are not limited to:

- site development fills for residential, commercial, or recreational developments
- construction of breakwaters, levees, dams, dikes, and pipeline crossings
- bank stabilization devices such as, rip-rap, groins, and seawalls
- road fills
- beach nourishment

Under Section 103 of the Marine Protection Research and Sanctuaries Act, the Corps jurisdiction extends seaward from the baseline to the limit of federal waters.

Authorizing Acts

Section 10 of the Rivers and Harbors Act of 1899 (33 V.S.C. 403): Prohibits the obstruction or alteration of navigable waters of the United States without a permit from the Corps.

Section 404 of the Clean Water Act of 1972, as amended (33 V.S.C. 1344): Requires a permit from the Corps for any discharge of dredged or fill material into waters of the United States.

Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, as amended (33 V.S.C. 1413): Authorizes the Corps to issue permits for the transportation of dredged material for the purpose of dumping it into ocean waters.

Permits and Certificates

The following activities may be exempt under Section 404 of the Clean Water Act:

- normal farming, ranching, and forestry activities, such as plowing, minor draining, and harvesting
- constructing and maintaining stock ponds or irrigation ditches, or maintaining drainage ditches
- constructing or maintaining farm, forest, or temporary roads for moving mining equipment
- maintaining or reconstructing structures that are currently serviceable
- activities regulated by an approved best management practices program authorized by Section 208(b)(4) of the Clean Water Act
- construction of temporary sedimentation basins outside waters of the United States

The above activities may be subject to regulation if they convert or impact waters of the United States.

There are no exemptions under Sections 9, 10 and 13 of the River and Harbor Act and Section 103 of the Marine Protection Research and Sanctuaries Act.

As presented below, Corps permits may take several different forms, including a Nationwide Permit, Regional General Permit, or Individual Permit.

Nationwide Permits

The Corps developed the Nationwide Permit program to simplify and expedite the permitting process for activities that have minimal impacts, individually and cumulatively, and are not contrary to the public's interest. Nationwide permits are published in the Federal Register for broad categories of activities, along with criteria and conditions. The National Environmental

Policy Act (NEPA) review has already been completed for each activity category by the Corps' Headquarters Office in Washington DC.

Typical Nationwide Permits used by San Luis Obispo County include #3 (Maintenance), #13 (Bank Stabilization), and #18 (Minor Discharges).

In all cases, the permittee must comply with the terms and conditions of the Nationwide Permit, as set forth in the regulations. In addition to the general conditions, the Corps may add activity-specific conditions to its written "verification" to ensure that the authorized activity complies with the terms and conditions of the Nationwide Permit and results in only minimal impacts on the aquatic environment. The Corps can impose mitigation measures to reduce the adverse impacts to a minimal level. However, if the project cannot adequately be mitigated to a level of minimal impact on the aquatic environment and/or is contrary to the public's interest, the Corps can assert its discretionary authority. Discretionary authority results in the project being analyzed under the Individual Permit process.

The Nationwide Permits are reissued, modified or revoked every five years. Detailed information on changes to the Nationwide Permit program is available on the Corps web page at http://www.usace.army.mil/.

Regional General Permits

The Regional General Permits are established by the Corps' district offices or division office for a category or categories of activities when those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts. Regional General Permits are also established when the general permit would avoid unnecessary duplication of regulatory control exercised by another agency, provided that the environmental consequences of the action have been determined to be individually and cumulatively minimal.

Regional General Permits must be reissued, revoked or modified every five years. Like Nationwide Permits, Regional General Permits are designed to expedite the permitting process. To establish a Regional General Permit, the Individual Permit process must be followed. This requires the Corps to prepare a combined environmental document that complies with NEPA and the 404(b) (1) Guidelines, and evaluates the probable effect of the proposed work on the public interest. Once the Regional General Permit has been issued, individual activities falling within the regional permit do not have to be further authorized by the individual permit procedures. On a case-by-case basis, the Corps can exercise discretionary authority to override the regional permit and require an individual permit.

Individual Permits

For activities that do not qualify for an exemption, Nationwide, or Regional General Permit, or activities that may have significant environmental effects, the Corps must issue an Individual Permit. An Individual Permit may be issued either as Engineering Form 1721, the

standard permit, or as a Letter of Permission. A standard permit is processed through the typical review procedures, which include public notice, opportunity for a public hearing, consideration of comments, and preparation of an environmental document. If the activity is minor or routine with minimal impacts, then it may qualify for a Letter of Permission (LOP). A LOP can be issued much more quickly since public notice is not required and LOPs are categorically excluded from NEPA. In the Los Angeles District, LOPs can only be utilized for activities subject to Section 10 of the Rivers and Harbors Act.

Each application for an Individual Permit requires a full public interest review. The public interest factors are identified in 33 CFR Part 320.4. The Corps will make a final decision only after distributing a public notice to all known interested persons or soliciting comments from the resource agencies, and evaluating all comments and information received. If requested by an interested person or agency, the District Engineer may conduct a public hearing on the application. The Corps will balance the benefits and effects of a project when deciding to issue or deny a permit. The Corps is prohibited from issuing a permit if the project is contrary to the public interest.

Under the 404(b) (l) Guidelines (40 CFR Part 230), the Corps is precluded from issuing a permit if there are less environmentally damaging practicable alternatives. If the project is proposed in a special aquatic site (i.e., wetlands) and is considered non-water dependent, practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. Furthermore, the Guidelines require impacts to be avoided and/or minimized. The Corps and EPA have developed a Memorandum of Understanding (MOU), referred to as the Mitigation MOU, which outlines the sequence of mitigation the Corps must consider: avoidance, minimization, and then compensation.

Examples of mitigation that may be appropriate and practicable include, but are not limited to:

- alternative locations
- reducing the size of the project
- establishing buffer zones to protect aquatic resource values
- replacing the loss of aquatic resource values by creating, restoring, and enhancing similar functions and values

Permittees should also consider mitigation banking and other forms of mitigation, including contributions to wetland trust funds, which contribute to the restoration, creation, replacement, enhancement, or preservation of wetlands. See the Appendix for a list of standard mitigation measures for specific impacts on typical county projects.

Compliance with Other Federal Laws

Clean Water Act Section 401

If an activity triggers Section 404 of the Clean Water Act, the Corps is precluded from issuing a permit until the required certification under Section 401 of the Clean Water Act has been obtained or waived. The Regional Water Quality Control Board has conditionally certified some of the Nationwide Permits.

Coastal Zone Management Act

For projects in or affecting coastal zone resources, Section 307 of the Coastal Zone Management Act of 1972, as amended [16 V.S.C. 1458(c)], requires the applicant to certify that the project is in compliance with an approved State Coastal Zone Management Program and that the state concurs with the applicant's certification prior to the issuance of a Corps permit. To satisfy federal consistency requirements, the California Coastal Commission must either waive federal consistency or concur with the applicant's certification. Alternately, if the applicant has already obtained a Coastal Development Permit, the Commission may consider that permit as "equivalent" to certification. See the Coastal Commission profile for further information.

Endangered Species Act

The Corps must ensure compliance with the Endangered Species Act (ESA) before issuing a permit. The ESA requires the lead federal agency (the Corps) to consult, formally or informally, with the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) if a project may affect a federally listed species or critical habitat. See the USFWS and NMFS profiles for more information.

National Historic Preservation Act

The Corps must comply with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800) any time it issues a permit for a project. Briefly, archival and field studies may need to be conducted, and cultural resources inventoried and evaluated in prescribed ways. As a general rule, any project that disturbs native soils (i.e. soils that have not been previously disturbed) will need to be evaluated for potential impacts to cultural resources. See the Appendix for more information on cultural resources compliance.

National Environmental Policy Act (NEPA)

Each application for an Individual Permit and establishment of Regional General Permits requires complete environmental review, as required under NEPA. The Corps' NEPA procedures ensure that public officials and private citizens obtain and provide environmental information before federal agencies make decisions concerning the environment. In selecting

alternative project designs, the Corps strives to choose options with minimum environmental impact.

NEPA review has already been completed for Nationwide Permits and Letters of Permission are categorically excluded from NEPA.

Submittal Requirements

Nationwide Permits

Some Nationwide Permits require notification, while others do not. For documentation purposes, the San Luis Obispo Public Works Department may send a notification letter with certain attachments, whether or not notification is required by the Corps.

Regional General Permits

Submittal and notification requirements vary for Regional General Permits. Check with the Corps engineer responsible for the jurisdiction in which the project is located (i.e., Los Angeles, or San Francisco District) to determine the specific application requirements.

Individual Permits

When a formal permit is required, Engineer Form 4345, Application for a Department of the Army Permit, must be completed. Along with the application form, the following information is usually required, depending upon the characteristics of the individual project:

- name and address of applicant
- name, address, and title of authorized agent
- detailed description of proposed activity (including a vicinity map and drawings) names and addresses of adjoining property owners, lessees, etc.
- water body and location on water body where activity exits or is proposed
- location and land where activity exists or is proposed
- information about completed activity
- information about approvals or denials by other government agencies
- signature of applicant or agent

Pre-application Consultation Meeting

Periodically, the Corps hosts interagency meetings to discuss and provide constructive comments to proposed projects before a formal application is made. These meetings can help identify the type of permit and the necessary information and level of detail needed to submit with an application. A public notice is distributed informing the public of the scheduled meeting and seeks agencies and individuals to discuss their upcoming project(s) with those in attendance. In addition, the County may schedule a pre- application meeting

with the applicable regulatory agencies. To schedule such a meeting, it is recommended that the Corps be contacted one to two months in advance. The Corps prefers that a two-page synopsis, vicinity map, and drawings be provided by the applicant prior to the meeting.

Processing Time

Some categories of activities that have been previously authorized by Nationwide or Regional Permits may not require further Corps approvals. Others may qualify for abbreviated permit processing, with authorizations in the form of Letters of Permission, in which a permit decision can be made in less than 90 days. For other activities, a public notice may be required to notify federal, state, and local agencies, adjacent property owners, and the general public of the proposal. Most applications involving public notices are completed within twelve months. Applications requiring a full Environmental Impact Statement (BIS) can require two years or more. Processing time is also longer for projects with cultural resources or threatened and endangered species. In emergencies, decisions can be made in a matter of days.

Enforcement

Any time it is determined that a permittee is in non-compliance with the terms and conditions of a Corps permit, the Corps bas the power to take enforcement action. Additionally, any discharge of fill material to waters of the United States without a permit is considered a violation of Section 301 of the Clean Water Act. This in turn gives rise to the Environmental Protection Agency's civil and criminal enforcement powers under Section 309 of the Act. Enforcement may include civil, criminal, or administrative penalties, or permit suspension and revocation sanctions authorized under the Act.

Contact Information

Los Angeles District

U.S. Army Corps of Engineers Regulatory Branch 2151 Alessandro Drive, Suite 110 Ventura, CA 93001 (805) 585-2140

San Francisco District

U.S. Army Corps of Engineers Regulatory Branch 333 Market Street, Room 1002E San Francisco, CA 94105 (415) 977-8464

F. U.S. Fish and Wildlife Service

<u>Charter</u>

The U.S. Fish and Wildlife Service (USFWS) is charged with management and protection of wild birds, mammals (except certain marine animals) and inland sport fisheries.

<u>Background</u>

The USFWS was created as an agency by the Department of the Interior in 1940 to protect the nation's fish and wildlife resources. Since the passage of the Endangered Species Act (ESA) in 1973, the USFWS acts as the primary agency responsible for overseeing the protection and conservation of all fish, wildlife, and plants found to be in serious jeopardy. Protecting endangered and threatened species and restoring them to a secure status in the wild is the primary objective of the endangered species program of the USFWS. The USFWS's endangered species responsibilities include the following:

- listing, reclassifying and delisting species under the ESA
- providing Biological Opinions to federal agencies on their activities that may affect listed species
- enforcing species protection under the ESA
- overseeing recovery activities for listed species
- providing for the protection of important habitats
- providing grants to states to assist with endangered species conservation efforts

The Secretary of Commerce, through the National Marine Fisheries Service (NMFS), is given similar authorities for commercial and marine fisheries and protected marine mammals.

The USFWS is also charged with the development and management of National Wildlife Refuges for migratory birds and endangered species; a system of fish hatcheries; management of populations of migratory game birds; acquisition and application of technical knowledge necessary for perpetuation and enhancement of fish and wildlife resources; biological monitoring of development projects; and enforcement of federal fish and game laws.

The USFWS is organized into seven regions within the United States. San Luis Obispo County falls under the jurisdiction of Region 1, which encompasses California, Hawaii, Idaho, Nevada, Oregon, Washington, and the Pacific Islands. The Region 1 headquarters are located in Portland, Oregon; however, most correspondence between the County and the USFWS is conducted with the office in Ventura.

Jurisdiction

- Any project that may jeopardize the continued existence of federally listed species.
- Any project that may adversely modify a federally listed species' critical habitat.
- Any project that crosses lands owned or managed by the USFWS.

Authorizing Acts

The Migratory Bird Treaty Act of 1918: Implements treaties between the United States and other nations that specify certain migratory bird species with protected status. The act prohibits taking of these species and authorizes the USFWS to establish regulations on hunting and management of protected species.

Marine Mammal Protection Act of 1972: Places an ongoing prohibition on taking or importing any marine mammal or product. Taking in any form is prohibited, even unintentional takings. The act provided for exceptions for scientific research, public display, and species enhancement, and has provisions for a permit for incidental take under these conditions. This act is jointly implemented by the USFWS and the National Marine Fisheries Service.

Endangered Species Act of 1973, as amended in 1988: Establishes procedures for listing species of plants and animals as threatened or endangered. The ESA further prohibits any federal agency from engaging in actions that place any listed species in jeopardy. An "action" is defined as any activity or program authorized, funded, or carried out by a federal agency. This act is jointly implemented by the NMFS and the USFWS.

Fish and Wildlife Coordination Act: This act and its later amendments establish procedures for coordination among federal agencies for the protection and mitigation of listed species during construction projects. The act directs that agencies will coordinate their efforts while meeting the requirements of the federal Endangered Species Act (ESA), California Endangered Species Act (CESA), and Clean Water Act.

Permits and Certificates

Section 9 of the ESA prohibits "take" of any federally listed endangered or threatened species. The ESA establishes two different processes to authorize take on projects that have the potential to impact listed species. If a federal agency (e.g., the Corps or FEMA) permits or funds the project, the federal agency must, to ensure protection of the species, enter into consultation with the USFWS under Section 7 of the ESA. Projects that do not involve a federal agency, but still have the potential to impact federally listed species, must obtain an incidental take permit directly from the USFWS under Section 10 of the ESA.

Section 7

Section 7 of the ESA requires federal agencies to "further the purposes of the Endangered Species Act." Towards this end, federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. If a prospective permit applicant has reason to believe that a listed species may be present in the project area and could be affected by the project, the applicant can request that the federal agency consult with the USFWS on a proposed action. This process concludes with a written "Biological"

Opinion" from USFWS detailing how the action affects listed species and critical habitat. The conclusion of this process may allow "incidental taking" through rendering of a final Biological Opinion from the USFWS in the approved federal permit.

Informal Consultation

If a project is not likely to adversely affect a listed species or critical habitat, the federal agency may conclude the consultation process informally. Informal consultation is an optional process that includes all discussions, correspondence, etc. between the USFWS and the federal lead agency, designed to assist the federal agency in determining whether formal consultation is required. If during informal consultation it is determined by the federal agency, with the written concurrence of the USFWS, that the project is not likely to adversely affect listed species or critical habitat, the consultation process is terminated and no further action is necessary. Informal consultation can also be used to gather information early in a project's permitting process to determine:

- if listed species are likely to occur in the project area
- if the project will have an effect on listed species
- if changes can be made to the project to avoid having an effect on listed species

Formal Consultation

Formal consultation with the USFWS is required if the agency's proposed action may adversely affect a federally listed species or critical habitat. The formal consultation process is initiated after the completion of a comprehensive Biological Assessment for projects defined by NEPA as major construction projects, or, for smaller projects, a habitat assessment describing the presence or absence of listed or proposed species or critical habitat. At the end of the formal consultation process, the USFWS issues a written Biological Opinion indicating whether the proposed action is likely to jeopardize the continued existence of a listed species or result in destruction or adverse modification of critical habitat.

A "No Jeopardy" Biological Opinion is issued when a proposed action is not likely to jeopardize the continued existence of listed species or habitat but is likely to cause adverse effect. The Biological Opinion will include mitigation measures that must be implemented to avoid, minimize, and mitigate the potential for take resulting from the proposed action. These measures must become conditions of approval granted by the federal agency. The Biological Opinion will also include a provision for incidental take, if appropriate. If the project is subsequently modified such that it results in new effects on listed species or if the take limit is exceeded during project implementation, the federal agency must re-initiate the consultation process.

If the USFWS determines that a proposed project is likely to jeopardize the continued existence of a listed species or habitat (i.e., a "Jeopardy" Biological Opinion) they will suggest reasonable and prudent alternatives to the proposed project.

Section 10 Incidental Take Permit

In the absence of a federal lead agency, the USFWS can issue an incidental take permit under Section 10 of the ESA. The application for a Section 10 permit must include a Habitat Conservation Plan (HCP) that specifies effects, describes mitigation measures and alternatives, and documents adequate funding for the establishment and long-term maintenance of the HCP area. To issue an incidental take permit under Section 10, the USFWS must prepare a Biological Opinion that finds a *net benefit* to the population of the listed species involved. In such cases, the USFWS may authorize the take of protected species if the take is incidental to an otherwise authorized and legal activity. The Section 10 process is typically significantly more involved than the Section 7 process, and HCPs can be time-consuming and costly to develop and implement. Because of this, most project proponents attempt to work through other federal permitting agencies and the Section 7 process.

Processing Time

Section 7 Consultation: The USFWS has a self-imposed requirement to conclude the consultation process and return its Biological Opinion within 90 days of initiation by the federal agency. Up to 150 days is allowed if the federal agency and the applicant agree to an extension. There is no penalty to the USFWS and no "automatic approval" if the time requirement is not met.

Section 7 Informal Consultation: The USFWS can usually respond to the federal agency with their no-affect confirmation within 30 days.

Section 10 Incidental Take Permit: The approval of incidental take as part of a Habitat Conservation Plan takes between 3 and 10 months, depending on the level of analysis required.

Enforcement

Under the Endangered Species Act (ESA), it is unlawful to "take" an individual of any species that is listed as threatened or endangered. Violators of the ESA may be assessed a civil penalty of not more than \$25,000 for each violation and a criminal penalty of up to \$100,000 and/or one year in jail. Violations of the Migratory Bird Treaty Act can result in fines of up to \$25,000 for each violation. It is also a violation of the ESA to allow into a stream any material or substance that may jeopardize the survival of protected aquatic plants and animals.

Contact Information

U.S. Fish and Wildlife Service 2493 Portola Road Suite B Ventura, CA 93003 (805) 644-1766 www.fws.gov

G. National Marine Fisheries Service

Charter

The National Marine Fisheries Service (NMFS) is responsible for administering the programs of the National Oceanic and Atmospheric Administration (NOAA). These programs provide support for the management and conservation of domestic and international living marine resources. The NMFS is also responsible for monitoring the social and economic effects of fishing practices and fishery regulations.

Background

The first organization that led to the development of the NMFS was founded in 1871 as the U.S. Commission of Fish and Fisheries. These early programs that led to the formation of the NMFS were organized within the Bureau of Commercial Fisheries in the Department of the Interior. President Nixon officially created the NMFS and the NOAA under the Reorganization Plan No.4 of July 9, 1970 (84 Stat. 2090), which moved the NMFS to its current position within the NOAA in the Department of Commerce. After the passage of the Endangered Species Act (ESA) in 1973, the U.S. Fish and Wildlife Service (USFWS) and the NMFS were given the responsibility of overseeing the protection of wildlife and plants found to be in serious jeopardy. Acting through the NMFS, the Secretary of Commerce, under consultation from the Secretary of the Interior, has the responsibility of protecting marine species, Pacific salmon, marine mammals, and commercial and marine fisheries. The Secretary of the Interior, through the USFWS, oversees the protection and conservation of all other forms of terrestrial and freshwater species, and plants.

The NMFS is organized into five regions within the United States. San Luis Obispo County falls under the jurisdiction of the Southwest Region, headquartered in Long Beach.

Juris<u>diction</u>

- Any project that may jeopardize the continued existence of federally listed marine species or marine mammals.
- Any project that may adversely modify a federally listed marine species or marine mammal's critical habitat.

The primary species that NMFS regulates relevant to San Luis Obispo County's operations is southern steelhead.

<u>Authorizing Acts</u>

The Magnuson Fishery Conservation and Management Act: Signed into law on April 13, 1976, the Fishery Conservation and Management Act (later renamed the Magnuson Fishery Conservation and Management Act) eight Regional Fishery Management Councils that work together with the NMFS to prepare fishery management plans (FMPs) for both commercial and recreational fisheries. It is the FMP regulations and the enforcement of this law that account for the largest segment of the NMFS's enforcement activity.

Marine Mammal Protection Act of 1972: Places an ongoing prohibition on taking or importing any marine mammal or product. Taking in any form is prohibited, even unintentional takings. The act provided for exceptions for scientific research, public display, species enhancement, and has provisions for a permit for incidental take under these conditions. This act is jointly implemented by the NMFS and the USFWS.

Endangered Species Act of 1973, as amended in 1988: Establishes procedures for listing species of plants and animals as threatened or endangered. The ESA further prohibits any federal agency from engaging in actions that place any listed species in jeopardy. An "action" is defined as any activity or program authorized, funded, or carried out by a federal agency. This act is jointly implemented by the NMFS and the USFWS.

Fish and Wildlife Coordination Act: This act and its later amendments establish procedures for coordination among federal agencies for the protection and mitigation of listed species during construction projects. The act also authorizes the NMFS to gather information on fisheries and to advise other agencies on environmental decisions that have an affect on living marine species, marine mammals, and their habitats. The act directs that agencies will coordinate their efforts while meeting the requirements of the federal Endangered Species Act (ESA), California Endangered Species Act (CESA), and Clean Water Act.

The Federal Power Act (FPA): The FPA states that hydropower project owners must obtain a license from the Federal Energy Regulatory Commission (FERC). The Act authorizes the NMFS to recommend hydropower license conditions necessary to protect and enhance anadromous fish and their habitats. The NMFS is also given the authority to issue mandatory fishway prescriptions under the FPA.

Permits and Certificates

Section 9 of the ESA prohibits "take" of any federally listed endangered or threatened species.' The ESA establishes two different processes to authorize take on projects that have the potential to affect listed species. If a federal agency (e.g., the Corps or FEMA) permits or funds the project, the federal agency must, to ensure protection of the species, enter into consultation with the NMFS under Section 7 of the ESA. Projects that do not involve a federal agency, but still have the potential to affect federally listed species, must obtain an incidental take permit directly from the NMFS under Section 10 of the ESA.

Section 7

Section 7 of the ESA requires federal agencies to "further the purposes of the Endangered Species Act." Towards this end, federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. If a prospective permit applicant has reason to believe that a listed species may be present in the project area and could be affected by the project, the applicant can request that the federal agency consult with the NMFS on a proposed action. This process concludes with a written "Biological Opinion" from NMFS detailing how the action affects listed species and critical habitat. The conclusion of this process may allow "incidental taking" through rendering of a final Biological Opinion from the NMFS in the approved federal permit.

Informal Consultation

If a project is not likely to adversely affect a listed species or critical habitat, the federal agency may conclude the consultation process informally. Informal consultation is an optional process that includes all discussions and correspondence between the NMFS and the federal lead agency, designed to assist the federal agency in determining whether formal consultation is required. If during informal consultation it is determined by the federal agency, with the written concurrence of the NMFS, that the project is not likely to adversely affect listed species or critical habitat, the consultation process is terminated and no further action is necessary. Informal consultation can also be used to gather information early in a project's permitting process to determine:

- if listed species are likely to occur in the project area
- if the project will have an effect on listed species

Formal Consultation

Formal consultation with the NMFS is required if the agency's proposed action may adversely affect a federally listed species or critical habitat. The formal consultation process is initiated after the completion of a comprehensive Biological Assessment for projects defined by NEPA as major construction projects, or, for smaller projects, a habitat assessment describing the presence or absence of listed or proposed species or critical habitat. At the end of the formal consultation process, the NMFS issues a written Biological Opinion indicating whether the proposed action is likely to jeopardize the continued existence of a listed species or result in destruction or adverse modification of critical habitat.

A "No Jeopardy" Biological Opinion is issued when a proposed action is not likely to jeopardize the continued existence of listed species or habitat but is likely to cause adverse effect. The Biological Opinion will include mitigation measures that must be implemented to avoid, minimize, and mitigate the potential for take resulting from the proposed action. These measures must become conditions of approval granted by the federal agency. The Biological

Opinion will also include a provision for incidental take, if appropriate. If the project is subsequently modified such that it results in new effects on listed species or if the take limit is exceeded during project implementation, the federal agency must re-initiate the consultation process.

If the NMFS determines that a proposed project is likely to jeopardize the continued existence of a listed species or habitat (i.e., a "Jeopardy" Biological Opinion) they will suggest reasonable and prudent alternatives to the proposed project.

Section 10 Incidental Take Permit

In the absence of a federal lead agency, the NMFS can issue an incidental take permit under Section 10 of the ESA. The application for a Section 10 permit must include a Habitat Conservation Plan (HCP) that specifies effects, describes mitigation measures and alternatives, and documents adequate funding for the establishment and long-term maintenance of the HCP area. To issue an incidental take permit under Section 10, the NMFS must prepare a Biological Opinion that finds a *net benefit* to the population of the listed species involved. In such cases, the NMFS may authorize the take of protected species if the take is incidental to an otherwise authorized and legal activity. The Section 10 process is typically significantly more involved than the Section 7 process, and HCPs can be time-consuming and costly to develop and implement. Because of this, most project proponents attempt to work through other federal permitting agencies and the Section 7 process.

Processing Time

Section 7 Consultation: The NMFS has a self-imposed requirement to conclude the consultation process and return its Biological Opinion within 135 days of initiation by the federal agency. Longer periods are allowed if the federal agency and the applicant agree to a set extension time. There is no penalty to the NMFS and no "automatic approval" if the time requirement is not met.

Section 7 Informal Consultation: The NMFS can usually respond to a request for concurrence letter from a federal agency within 30 days.

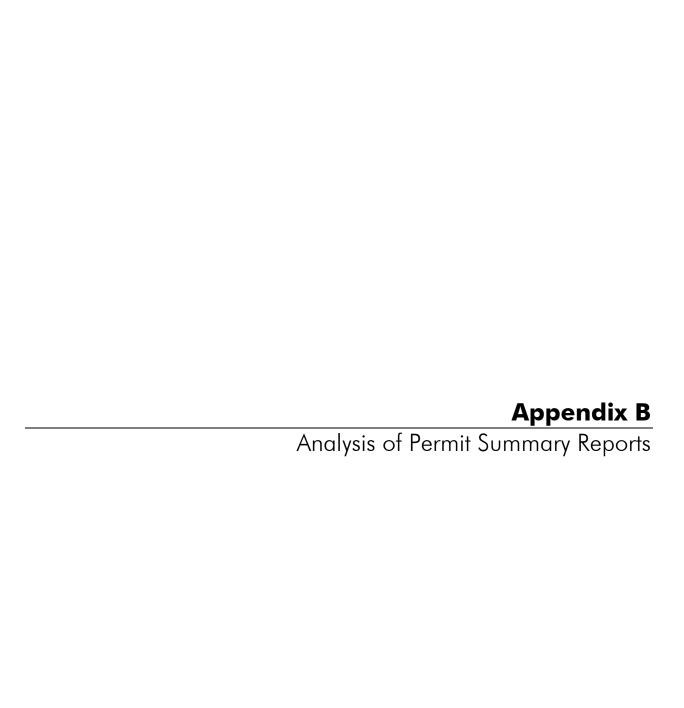
Section 10 Incidental Take Permit: The approval of incidental take as part of a Habitat Conservation Plan can take 3 months to more than a year, depending on the level of analysis required.

Enforcement

Under the Endangered Species Act (ESA), it is unlawful to "take" an individual of any species that is listed as threatened or endangered. Violators of the ESA may be assessed a civil penalty of not more than \$25,000 for each violation and a criminal penalty of up to \$100,000 and/or one year in jail.

Contact Information

Anthony Spina NMFS Southwest Regional Office 501 West Ocean Blvd., Suite 4200 Long Beach, CA 90802-4213 (562) 980-4000 www.nmfs.gov



Analysis of Permit Summary Reports

The purpose of this analysis is to identify repetition between conditions of approval and mitigation measures put forth by the County and other jurisdictional entities (e.g. CDFG, ACOE, RWQCB, Caltrans, USFWS, FHWA, NOAA Fisheries, NMFS, SWRCB). Following a review of approximately 25 permit summary reports from the County, some containing up to 80 conditions each, significant overlap of conditions was found between agencies. In many cases, the overlap illustrates the extent to which the County anticipates the policies and standards set forth by other regulatory agencies.

The second part of this appendix lists the 25 permits and the resources encountered for each.

Within each permit summary form, the County is most often cited as the source for the majority of conditions, along with significant overlap from other agencies. In many cases, the condition is required by other agencies, but is already required by the County with identical wording. For example, in the case of a condition that requires preconstruction surveys of the project site to identify sensitive plant and animal species for preservation and/or relocation, the source of the condition is often cited by more than one agency, and in some cases as many as five. The County, CDFG (the second most commonly cited agency), and USFWS frequently apply conditions with identical wording. In addition, between agencies, there are conditions that may be very similar in nature, but with different measures of stringency and specificity. For example, for one project, the ACOE requires:

"The permittee shall not remove any woody debris from the creek or channel."

For another project, the County requires:

"Large woody debris or trees within the stream channel or on the lower banks of the stream shall not be removed. If woody debris is causing erosion problems it may be relocated to another portion of the stream in consultation with a qualified biologist."

Another project includes the following CDFG requirement:

"Large woody debris or trees within the stream channel or on the lower banks of the stream shall not be removed. Oversized materials, and large woody debris, separated during the extraction operation shall be placed in a location at or near the ordinary high water mark of the channel."

In this example, the wording differs across agencies, but the intent is the same for each. A second example of significant overlap with differing specificity is of a condition that requires preconstruction training sessions for all construction personnel. The stringency differs depending on the agency and the particular project. For one project, the County simply requires:

"Prior to site disturbance, the County shall conduct a pre-construction training for crew members regarding special-status species and sensitive habitats."

For different projects, the County and CDFG require that the training be an on-site training session. For another project, the County requires:

"Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with identification of California red-legged frogs, their habitat, general provisions and protections afforded by the Endangered Species Act, measures implemented to protect California red-legged frogs, and a review of the project boundaries."

For yet another project, the County and CDFG require the following condition:

"Before any construction activities begin on a project, a Service-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the 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."

Analysis of two other permit summary reports shows that the CDFG and USFWS both require the following two conditions, differing slightly in terms of stringency from project to project.

"Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with identification of California red-legged frogs, their habitat, general provisions and protections afforded by the Endangered Species Act, measures implemented to protect California red-legged frogs, and a review of the project boundaries. The training will also be provided within 30 days of the arrival of any new worker."

"Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with identification of CRLF, and their habitat, general provisions and protections afforded by the ESA, measures implemented to protect CRLF, and a review of the project boundaries. The biologist shall also familiarize construction personnel with other sensitive species potentially occurring at the project site."

There is also an instance where the County and CDFG lay out the requirements of the training session in very specific terms:

"Prior to starting any activity within the stream, all workers shall have received training from the Operator's staff, or approved alternate trainer, on the contents of the CDFG

Agreement, the resources at stake, and the legal consequences of non-compliance. The program shall discuss sensitive species with potential to occur in the construction zone, with emphases on oak trees, wetland and riparian habitats, and roosting and nesting birds. The program shall explain the importance of minimizing disturbance and adhering to other disturbance minimizing measures."

We recommend the County formulate one uniform condition that each agency is content with, to minimize the amount of overlap and to ensure consistency across projects and across agencies.

An in-depth review of nine permit summary reports (See Appendix) reveals an average of more than 32% overlap, including the overlap between the County and other agencies, and the overlap between other agencies (excluding the County). One of the permit summary reports analyzed—the Old Creek Road at Willow Creek Culvert Repair Project—had more than 42% total overlap. The El Moro Bike Path Project had about 55% overlap between what the County requires, and what other agencies require.

It is estimated that an average of approximately one-third of all conditions overlap between agencies (total). The overlap between the County and other agencies is estimated at about 30%. While the overlap between other agencies (excluding the County) is estimated at about 3%, the in-depth review of nine permit summary reports showed a few projects that had from 5% to more than 8% overlap among other agencies, excluding the County. Please refer to the permit summary report examples, as seen in the Appendix, for more detailed ratios of overlap, specific to each project.

Repeated Conditions

Some of the most common conditions found are paraphrased below:

- Prior to commencement of construction, the site shall be surveyed by a qualified/approved biologist to identify sensitive species.
- Before any construction activities begin on a project, a qualified/approved biologist shall conduct training sessions to familiarize all construction personnel with identification of sensitive species, their habitat, general provisions and protections afforded by the Endangered Species Act, measures implemented to protect these sensitive species, and a review of the project boundaries.
- Pre-construction surveys shall be conducted to identify sensitive plant species.
- Bullfrogs and exotic crayfish, as well as invasive exotic plant species, shall be permanently removed.
- Copies of the Agreement shall be provided on-site at all times.
- Construction shall occur during the typical dry season.
- The site shall be properly sign-posted and clearly marked in such a way that all personnel recognize and abide by a precise work area.
- Work shall not occur in the waterflow.
- Should archaeological resources be unearthed or discovered, the appropriate personnel shall be notified and construction shall cease until further notice.
- Qualified archaeologists and/or biologists shall be present to monitor relevant activities during construction.
- Erosion control measures shall be implemented and monitored on a daily basis.
- Air quality shall be maintained via specific dust control measures.
- Vegetation loss and disturbance shall be minimized to the maximum extent feasible.
- The site shall be returned to pre-existing conditions to the extent possible, including, but not limited to, re-contouring the stream bottom to its pre-existing grade and original contour, and implementing measures of revegetation and replacement with native species by way of specific ratios.
- The permittee shall photograph the work area before, during and after implementation of the proposed action.

Technical Analysis of Projects with Overlapping Conditions

Each section hereafter is a technical discussion of overlap of conditions between agencies for ten different projects, including culvert repair and replacement, bridge repair and

replacement, flood mitigation, bank stabilization and repair, street enhancement and roadwork, and a bike path project. The conditions are categorized as: limits of the construction timeline, pre-construction, during construction, and post-construction – reflecting the organization of permit summary reports. As seen below, the County already requires a great deal of conditions similar to, or identical to, other agency standards. After several conditions, there is a brief discussion (in *italics*) of overlap for that particular condition that may not occur within the relevant project's conditions, but does occur across projects and across agencies. Following the technical discussion of overlapping conditions, there is a brief summary of the ratios of overlap between the County and other agencies, overlap between other agencies (excluding the County), and the total overlap.

(A330) Union Road at Dry Creek Box Culvert Replacement Project (date unknown)

Pre-construction

- Both the County and CDFG require a preconstruction survey by a biologist recognized by USWFS and CDFG, to identify the presence of San Joaquin kit fox. If the species is documented in an area likely to be impacted by the project, construction activities shall not begin until agreements addressing the kit fox have been reached between the County and the CDFG, the FHA, and the USFWS. Any such agreements shall be made available for public inspection in the Environmental Division of the County Department of Planning and Building.
- Both the County and CDFG require the construction area to be clearly marked in order to ensure the habitat is not unnecessarily disturbed.
- Both the County and RWQCB require that all construction work be conducted from the existing roadway to avoid inadvertent disturbance of existing riparian vegetation or damage to root systems.

During Construction

- Both the County and RWQCB require that all construction activities, including but not limited to, parking, fueling and maintenance of equipment, stockpiling of materials, location of office trailers, etc. shall remain within the marked construction area at all times.
- Both the CDFG and RWQCB require that debris, soil, silt, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake, by Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately.

 Both the CDFG and RWQCB require that during construction, the contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site. In addition, stockpiled materials shall not enter the creek. Appropriate setbacks must be maintained.

37 total conditions

4/37 County overlap with agency 2/37 other agencies overlap with each other 6/37 total overlap

Avila Flood Gate Replacement Project (August 26, 2003)

Limits of construction timeline

- Both the County and ACOE require that the permittee shall confine the proposed action to the period July 1 to October 15.
- Both the County and CDFG require: To avoid impacts to southern steelhead, construction shall be limited to the period of June 15 to October 15. The CDFG 1601 Lake and Streambed Alteration Agreement shall expire on December 31, 2005. If the Operator needs more time to complete the authorized activity, the work period may be extended on a day-to-day basis by Mr. Mike Hill, Associate Fishery Biologist, at (805) 489-7355, or, alternatively, to the Yountville office at (707) 944-5520.

Pre-construction

- Both the County and CDFG require: No heavy equipment shall operate in the live stream. An emergency response plan shall be prepared prior to the start of construction. The plan shall identify the actions which will be taken in the event of a spill of petroleum products, or other material harmful to aquatic or plant life, and the emergency response materials which will be kept at the site to allow the rapid containment and clean-up of any spilled material.
- Both the County and CDFG require: Preconstruction surveys consistent with protocol established by the USFWS shall be conducted to determine the presence of California red-legged frog, southwestern pond turtles, and tidewater goby. Any of these species that are found in the area prior to construction shall be relocated to a suitable area outside of the construction site by a qualified biologist with all required permits.

Pre/During Construction

Both the County and CDFG require: During construction, a qualified biologist shall
monitor construction activities including, but not limited to, installation and removal of
diversion structures and sediment/erosion control devices. Biological monitor to
monitor construction work and to inspect the installation and removal or diversion
structures and erosion/sediment control devices if applicable.

During Construction

- Both the County and CDFG require: Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with identification of California red-legged frogs, their habitat, general provisions and protections afforded by the Endangered Species Act, measures implemented to protect California redlegged frogs, and a review of the project boundaries.
- Both the County and ACOE require: The permittee shall not perform any work in flowing water or divert flowing water other than is necessary to isolate the workspace from water. If it becomes necessary to temporarily dewater the workspace, the permittee shall use only hand-placed sandbags as described in the ACOE permit application.

[Overlap: please note this permit includes a requirement, in Pre-construction, from both the County and CDFG, that no heavy equipment shall operate in the live stream]

 Both the County and ACOE require: The permittee shall employ all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter the creek during construction. This shall include the installation and maintenance of erosion control measures during the proposed action and afterwards if necessary to avoid input of material to the creek.

[Overlap: please note the permit from the Avila Flood Gate Replacement Project includes a requirement, during construction, from both the CDFG and RWQCB, that debris, soil, silt, slash, sawdust, rubbish, creosote-treated wood, raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, resulting from project related activities, shall be prevented from contaminating the soil and/or entering the waters of the state. Any of these materials, placed within or where they may enter a stream or lake, by Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately]

 Both the County and ACOE require: The permittee shall ensure that all vehicle maintenance, staging, storage, and fueling occurs in designated upland areas. The permittee shall ensure that these designated upland areas are located in such a manner as to prevent runoff from entering waters of the United States.

• Both the County and CDFG require: Access for construction equipment and workers shall be confined to ruderal, mudflats, and open water areas immediately adjacent to and surrounding the existing floodgate. Avoid expanding the work area into adjacent vegetation. Clearly mark the boundaries of the proposed work area before and during construction using highly visible flagging or fencing. Advise all construction personnel to conduct work activities within the defined area only.

[Overlap: please note that the permit from the Avila Flood Gate Replacement Project includes a requirement, during construction, from both the County and CDFG that the construction area be clearly marked in order to ensure the habitat is not unnecessarily disturbed. In addition, both the County and RWQCB require that all construction work be conducted from the existing roadway to avoid inadvertent disturbance of existing riparian vegetation or damage to root systems]

Post-construction

 Both the County and ACOE require that before the first winter rains: The permittee shall ensure that no exposed soil (excluding the naturally occurring mudflat substrata) is left at any worksite and that all areas of soil exposed by the proposed action are revegetated with native vegetation no later than three months following completion of the proposed action and prior to the onset of the first winter rains.

44 total conditions

11/44 County overlap with agency 0/44 other agencies overlap with each other 11/44 total overlap

Creston/O'Donovan Road Bridge Repair Project (July 2, 2002)

Pre-construction

• Both the County and CDFG require: A qualified biologist should perform preconstruction surveys for California red-legged frog no more than two days prior to the start of repair activities.

[Overlap: In addition to both the County and CDFG, the RWQCB, ACOE, and USFWS also have conditions related to a qualified and/or approved biologist's preconstruction surveys for particular plant and animal species]

• Both the County and CDFG require: Prior to the start of construction, use highly visible flagging to clearly mark any trees located within the proposed construction zone, and ensure that impacts to trees are minimized.

[Overlap: The RWQCB also has a similar condition. The County, CDFG, and ACOE have the following condition of Pre-construction: Prior to construction activities, the boundaries of the project areas shall be clearly delineated by flagging

or other means. All construction personnel shall be advised to conduct work activities within the defined work areas only in order to avoid unnecessary disturbance of the vegetation. Mark all environmentally sensitive areas. Vegetation removal shall not exceed the minimum necessary to gain access to the stream—Old Creek Road at Willow Creek Culvert Repair Project]

 Both the County and CDFG require: If possible, conduct all construction and repair work during the typical dry season (mid-June to mid-October).

[Overlap: In the Avila Flood Gate Replacement project, both the County and ACOE require that the permittee shall confine the proposed action to the period July 1 to October 15, while both the County and CDFG require: To avoid impacts to southern steelhead, construction shall be limited to the period of June 15 to October 15]

Both the County and CDFG require: If needed, a biological monitor should be on-site
to inspect the area prior to any work that may adversely affect CRLF. The monitor
should inspect the installation and removal of diversion structures and
erosion/sediment control devices.

[Overlap: Both the County and ACOE require: A fisheries biologist with expertise in the areas of freshwater fisheries (particularly steelhead and tidewater goby) biology and ecology, fish/habitat relationships, biological monitoring and handling, collecting and relocating species shall be retained to monitor the installation and removal of any creek diversions and placement of the rip rap—Cambria Main Street Enhancement Project-Outfall

Both the County and USFWS require: The stream diversion and dewatering plan should be conducted under the direct and continuous supervision of a qualified biologist to ensure the proper form and function of the diversion. The diversion structure should be monitored daily by the work crews, and periodically by a qualified biologist—Higuera Bridge Retrofit Project

Both the County and RWQCB require: A qualified biological monitor shall conduct morning preactivity surveys, monitor construction activities that could directly impact sensitive wildlife, inspect stream diversion/dewatering and erosion/sediment control devices, and relocate wildlife from the work area if necessary—Noyes Road Bank Repair Project]

• Both the County and CDFG require: Ensure that bank stabilization design does not transfer the erosion force of the stream to another area downstream.

[Overlap: Please note that the County, CDFG, and RWQCB have a more specific condition: Ensure that bank stabilization design does not transfer the erosion force of the stream to the opposite bank or another area downstream by ensuring that the restored stream gradient is consistent through the repair zone and that the stream cross section through the repair zone is no narrower than areas immediately upstream or downstream—Dover Canyon Road Bank Stabilization Project

Please also note that the RWQCB requires, in Post-construction, that the site shall be monitored after completion of the project and the subsequent rainy season to ensure that the new structure is not deflecting the flow of water to the opposite banks and causing more problems with erosion up or down stream. If the new project does cause such problems, the permittee shall contact the Regional Water Board staff overseeing this project. The permittees shall be responsible for creating and implementing plans for restoring and preventing further problems with erosion. These plans shall include a hydrologic and geomorphic assessment of the cause of the erosion, including factors besides the new bank protection structure. Restoration and prevention plans shall integrate the assessments findings so that the underlying cause of erosion is addressed—Dover Canyon Road Bank Stabilization Project]

• Both the County and CDFG require: Avoid excessive noise-producing and/or tree removal activities associated with construction during nesting willow flycatcher and yellow warbler breeding seasons (mid-April through mid-August). If work will occur within the typical breeding seasons for these species, retain a qualified biologist to survey the immediate vicinity for nesting birds prior to implementation of proposed activities. If nesting activity is observed within the immediate vicinity, a CDFG biologist should be contacted prior to project commencement.

During Construction

- Both the County and CDFG require: If removal of tall trees is determined to be necessary at any time within the typical raptor breeding season of February 15 through September 15, a raptor nest survey should be conducted prior to scheduled tree removal. A qualified biologist should therefore, be retained to determine if identified trees are currently being used for nesting purposes. If a tree slated for removal is being used for nesting at the time of proposed construction, either avoid tree removal until after the nesting season, or consult with CDFG.
- Both the County and CDFG require: As much construction work as possible should be conducted from the existing roadway to avoid inadvertent disturbance to existing riparian vegetation or damage to associated root systems of trees.
 - [Overlap: Both the County and RWQCB are a bit more stringent the condition requiring that: <u>All</u> construction work will be conducted from the existing roadway to avoid inadvertent disturbance of existing riparian vegetation or damage to root systems—(A330) Union Road at Dry Creek Box Culvert Replacement Project]
- Both the County and CDFG require: Avoid expanding the work area into adjacent riparian communities. Clearly mark the boundaries of the proposed work area prior to, and during construction using highly visible flagging or fencing. Advise all construction personnel to conduct work activities within the defined work area only.

[Overlap: The ACOE has a very similar condition requiring the permittee to: Clearly mark the boundaries of the proposed work area before and during construction

using highly visible flagging or fencing. Advise all construction personnel to conduct work activities within the defined area only.

The USFWS has a condition during Pre-construction for the Higuera Bridge Retrofit Project, that requires: The Area of Potential Effect (APE) will be clearly flagged or fenced so that the contractor is aware of the limits of allowable site access. Areas within the designated APE that do not require regular access will be clearly flagged as off-limit areas to avoid/discourage unnecessary damage to sensitive habitats within the APE]

 Both the County and CDFG require: Equipment should be fueled and maintained in an appropriate staging area removed from the riparian corridor and appropriate measures should be taken to prevent, contain, and cleanup hazardous material spills.

[Overlap: both the County and ACOE, in the Avila Flood Gate Replacement Project, require: the permittee shall ensure that all vehicle maintenance, staging, storage, and fueling occurs in designated upland areas. The permittee shall ensure that these designated upland areas are located in such a manner as to prevent runoff from entering waters of the United States.

The CDFG, in the Cambria Flood Mitigation Project (Bypass Channel Phase and Pressure Storm Drain Phase), requires: Staging/storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream's high water channel and associated riparian area. Stationary equipment such as motors, pumps, generators, compressors, and welders, located within the dry portion of the stream channel or adjacent to the stream shall be positioned over drip-pans. Vehicles and equipment shall be moved out of the normal high water area of the stream prior to refueling and lubricating.

The CDFG, in the Operations Center Utility Bridge & Waterline Project, requires: Staging, servicing and fueling of project materials, vehicles and equipment will use appropriate best management practices.

The RWQCB, in the (A330) Union Road at Dry Creek Box Culvert Replacement Project, requires: Cleaning and refueling equipment and vehicles will not take place where fuels can enter waterways.

[The County, ACOE, and USFWS require: The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the measures above—Higuera Bridge Retrofit Project

The County, RWQCB, and USFWS require: The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Access routes shall be clearly demarcated and should be outside of riparian and wetland areas whenever possible. There shall be no off-road traffic. Choose access routes and staging

areas that are least disruptive to the streambanks thereby avoiding erosion and sedimentation to the creek—Old Creek Road at Willow Creek Culvert Repair Project]

- Both the County and CDFG require: No heavy equipment should enter flowing water.
- Both the County and CDFG require: Best management practices should be implemented to divert stream flow around the work area (isolate the workspace from flowing water) during construction to minimize the potential for downstream sedimentation.
- Both the County and CDFG require: Trimming or removing of riparian trees should be minimized. To the extent possible, cut vegetation to ground level, leaving root systems intact.
- Both the County and CDFG require: Minimize disturbance of streambed vegetation.
 Access could be directed into the work area via the staging area along the east bank
 and would assist in minimizing disturbance of the vegetated streambed.
- Both the County and CDFG require: Minimize the area affected by RSP and consider using vegetated RSP or other bio-engineered techniques.
- Both the County and CDFG require: Check and maintain erosion control measures on a daily basis throughout the duration of work activities. If necessary, erosion control measures should be adjusted as appropriate if the work area changes.
- Both the County and CDFG require: All areas of disturbed soil should be stabilized and revegetated. Appropriate temporary erosion and sediment control measures should be installed and maintained until revegetation of the disturbed area is considered successful.

[Overlap: The County, CDFG, and RWQCB all require the permittee to: Restore all previously vegetated areas that are cleared during project activities through revegetation with appropriate indigenous native species. Disturbance of vegetation shall be kept to a minimum.

The CDFG, ACOE, and USFWS all require in Post-construction, that immediately upon completion of each repair project, all areas disturbed during construction shall be revegetated with native species local to the area and appropriate temporary erosion and sediment control measures shall be installed and maintained—Old Creek Road at Willow Creek Culvert Repair Project

The NMFS, in Post-construction of the Higuera Bridge Retrofit Project, required: The applicant shall revegetate soil exposed as a result of construction related activities using seed casting, hydroseeding, or live planting methods, no later than six months after the permit was issued. Only native plant species were to be used for revegetation!

Both the County and CDFG require: Remove all trash from the project area at the end
of each day to avoid attracting wildlife to the work area.

[Overlap: As seen below, the RWQCB and USFWS also have the same condition, but the RWQCB specifically mentions the removal of food scraps.

Both the County and the RWQCB require the applicant to: Remove all trash and <u>food scraps</u> from the work area at the end of each day to avoid attracting wildlife—Noyes Road Bank Repair Project

The County, CDFG, RWQCB, and the USFWS all require: During project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas on a daily basis—Old Creek Road at Willow Creek Culvert Repair Project

The County, for the Penman Springs Road at Huer-Huero Creek Crossing Repair Project, requires: All food related trash items such as wrappers, cans, bottles, and food scraps generated during the construction phase shall be disposed of in <u>closed containers</u> only and shall be removed from the project site on a daily basis.

For the Cypress Mountain Drive Bridge Repair Project, the County, CDFG, and ACOE all require: The construction zone shall be kept free from litter on a daily basis. All trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Upon completion of work, all trash and debris will be removed from work areas and from areas where such materials could be washed into the stream]

Post-construction

• Both the County and CDFG require: Replant two willows for each willow removed.

55 total conditions

19/55 County overlap with agency 0/55 other agencies overlap with each other 19/55 total overlap

Cypress Mountain Drive Bridge Repair Project (September 10, 2007)

Pre-construction

• Both the County and CDFG require: Prior to starting any activity within the stream, all workers shall have received training from the Operator's staff, or approved alternate trainer, on the contents of the CDFG Agreement, the resources at stake, and the legal consequences of non-compliance. The program shall discuss sensitive species with potential to occur in the construction zone, with emphases on oak trees, wetland and riparian habitats, and roosting and nesting birds. The program shall explain the

importance of minimizing disturbance and adhering to other disturbance minimizing measures.

• Both the County and CDFG require: Identify the upstream and downstream limits of the required encroachment into the stream and any required vehicle access corridors. These work area limits shall be identified with brightly-colored flagging. These limits shall be identified prior to construction. Flagging shall be maintained in good repair for the duration of the Project. All areas within the unnamed tributary, but beyond the identified work area limits, shall be considered Environmentally Sensitive Areas (ESA) and shall not be disturbed.

The amount of construction-related disturbance shall be limited to the extent practicable. Storage, parking, and laydown areas shall be clearly marked. Except as needed for construction, equipment and vehicles shall be kept out of areas identified as wetlands and waters of the United States. Construction access to the seasonal stream shall be the least disturbing to the creek banks.

Pre/During Construction

 Both the ACOE and RWQCB require: A change in the project design, materials, or construction methods, must be approved by the Corps and Regional Water Quality Control Board in writing.

During Construction

The County, ACOE, and CDFG all require: The construction zone shall be kept free
from litter on a daily basis. All trash that may attract predators will be properly
contained, removed from the work site, and disposed of regularly. Upon completion
of work, all trash and debris will be removed from work areas and from areas where
such materials could be washed into the stream.

Post-construction

• Both the County and ACOE require: Once the construction is complete, site mitigation will be accomplished by the planting of native vegetation within the 4,000 square feet immediately within the impacted area. Two years post construction a monitoring report will be submitted to the Corps demonstrating that the area has been successfully re-vegetated with plants native to California. The annual monitoring reports shall be submitted to the Corps by December 31, 2009. If re-vegetation is not deemed successful at the time of submission of the monitoring report, recommendations for improved vegetation establishment will be made by the County of San Luis Obispo Department of Public Works.

56 total conditions

4/56 County overlap with agency 1/56 other agencies overlap with each other 5/56 total overlap

Dover Canyon Road Bank Stabilization Project (August 7, 2003)

Pre-construction

- Both the County and RWQCB require: Construction and repair work should be constructed during periods of no flow during the dry season (typically April 15 to October 15).
- The County, CDFG, and RWQCB require: Ensure that bank stabilization design does
 not transfer the erosion force of the stream to the opposite bank or another area
 downstream by ensuring that the restored stream gradient is consistent through the
 repair zone and that the stream cross section through the repair zone is no narrower
 than areas immediately upstream or downstream.

During Construction

- Both the County and CDFG require: All construction work should be performed from the existing roadway to avoid unnecessary earth disturbance.
- Both the County and CDFG require: Minimize the area affected by riprap by using vegetated riprap or other bioengineered techniques.
- The County, RWQCB, and CDFG require: Install appropriate erosion control measures (i.e., silt fences, hay bales) along the base of the proposed work area and at the downstream end of the proposed construction zone and maintain erosion control mechanisms on a daily basis.
- The County, RWQCB, and CDFG require: Check and maintain erosion control measures on a daily basis throughout the duration of work activities. Erosion control measures should be re-installed appropriately as the proposed work area changes.
- Both the County and CDFG require: Fueling of construction equipment shall take place at least 100 feet beyond the project boundary and be conducted in such a manner so as to avoid fuel or other hazardous materials from reaching the creek or the adjacent riparian habitat. All project-related spills of hazardous materials shall be cleaned up immediately.
- Both the County and CDFG require: Equipment shall be fueled and maintained in an appropriate staging area removed from the drainage channel and appropriate measures shall be taken to report, prevent, contain and cleanup hazardous material spills.

- Both the County and CDFG require: On a daily basis, check and maintain all equipment and vehicles that would be operated within the identified work area to ensure proper operation and avoid potential leaks or spills.
- Both the County and CDFG require: No work will be conducted in or near any flowing water.

Post-Construction

- Both the County and CDFG require: All areas of disturbed soil shall be stabilized and revegetated. Appropriate temporary erosion and sediment control measures should be installed and maintained until revegetation of the disturbed area is considered successful.
- Both the County and CDFG require: Following project completion, all invasive exotic plant species should be removed from the immediate vicinity of the project site.
- The County, RWQCB, and CDFG require: Restore all previously vegetated areas that
 are cleared during project activities through revegetation with appropriate indigenous
 native species. Disturbance of vegetation shall be kept to a minimum.
- The County, RWQCB, and CDFG require: Ensure borrow areas are restored so that
 they drain properly and employ best management practices on the sloped to control
 erosion.

42 total conditions

14/42 County overlap with agency 0/42 other agencies overlap with each other 14/42 total overlap

El Camino Real at Carmel Road Left Turn Lane Project (November 8, 2007)

During Construction

- Both the County and Caltrans require: If necessary, tree removal or pruning may occur during the bird nesting season provided a qualified biologist verifies that no active nests are located within the project area.
- Both the County and Caltrans require: Spread of invasive species will be avoided by not exporting soil from the site and any imported fill will be specified to be weed free and clean of deleterious materials.

Post-construction

 Both the County and Caltrans require: Complete any necessary permanent erosion control measures and final cleanup prior to the rainy season after construction is complete. Soil stabilization techniques include hydro-seeding with a native seed mix to minimize any potential for other invasive species to become established.

 Both the County and Caltrans require: Provide tree mitigation planting at a ratio of 2 to 1 for each Monterey Pine tree removed and each oak tree impacted by project activities. No oak trees are proposed for removal.

6 total conditions

4/6 County overlap with agency 0/6 other agencies overlap with each other 4/6 total overlap

El Moro Bike Path Project (December 30, 2004)

Pre-construction

- Both the County and USFWS require: Prior to project commencement, the project proponent shall retain a qualified biologist to conduct a worker education seminar summarizing the life history and ecology of Morro shoulderband snail and California legless lizard. Agency regulations and protections pertaining to these species shall also be discussed. Consequences of knowingly violating such regulations shall be discussed. All workers to participate in the project shall complete the training and sign a log acknowledging completion of such training. No workers shall be allowed to work on the noted project until such time that they have completed the seminar and signed the completion log. This program must be either conducted or approved by a USFWS-approved biologist.
- Both the County and USFWS require: Prior to project commencement, the project site shall be clearly flagged or fenced so that the contractor is aware of the limits of allowable site access and disturbance. Areas within the designated project site that do not require regular access shall be clearly marked as off-limit areas to prevent unnecessary damage to sensitive species potentially occurring near the project site.
- Both the County and USFWS require: Immediately prior to commencement of ground disturbing activities (e.g., grading, surveying), the qualified biologist shall, within daylight hours, carefully survey each area to be disturbed for the presence of Morro shoulderband snail and California legless lizard. All ice plant to be removed shall be carefully removed by hand by the qualified monitor to avoid adverse impacts to sensitive species. All legless lizards found by the biological monitor during the noted survey effort shall be moved by the monitor to adjacent, similar habitats out of harms way.

The qualified monitor shall move all live snails found to adjacent, similar habitats out of harms way. The location of the living snail(s) shall be marked (e.g., with pinflags) by the qualified monitor. Project-related construction shall not be allowed within 25

feet of each marked location until such time that the monitor confirms that the snail(s) is no longer occupying the marked location and has moved from harms way.

During Construction

- Both the County and USFWS require: No Morro shoulderband snail habitat (coastal sage scrub and patches of associated iceplant) will be removed as a result of the development of the project. Construction will be confined to areas void of coastal sage scrub and iceplant associated with coastal sage scrub.
- Both the County and FHWA require: In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - a. Construction activities shall cease, and the Environmental Coordinator, Planning Department and Caltrans District 5 Local Assistance shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

Post-construction

• Both the County and USFWS require: Construct permanent signs within the action area to: educate the public about the Morro shoulderband snail and its habitat, to take precautions when using the trail, and the protections afforded to species protected by the Endangered Species Act. Not less than four signs, each no more than four square feet in size, shall be placed along the trail; the location and copy shall be reviewed and approved in advance by the Director of Planning and Building.

11 total conditions

6/11 County overlap with agency

0/11 other agencies overlap with each other

6/11 total overlap

Cambria Flood Mitigation Project - Bypass Channel Phase (September 5, 2007)

Pre-construction

- The CDFG, RWQCB, and USFWS all require: Preconstruction surveys shall be conducted to determine the presence of California red-legged frogs, two-striped garter snakes, and southwestern pond turtles. Any of these species that are found in the area prior to construction shall be relocated to a suitable area outside of the construction site by a qualified biologist with all required permits. Frog surveys shall be conducted only by Service-approved biologists less than 7 days prior to start of construction activities in the riparian zone.
- Both the CDFG and USFWS require: Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with identification of California red-legged frogs, their habitat, general provisions and protections afforded by the Endangered Species Act, measures implemented to protect California redlegged frogs, and a review of the project boundaries. The training will also be provided within 30 days of the arrival of any new worker.

During construction

- Both the CDFG and USFWS require: During construction, a qualified biologist shall
 monitor all construction activities including, but not limited to, installation and removal
 of all diversion structures and sediment control devices. If California red-legged frogs
 are found to be present during construction, all construction activities within 50 feet in
 any direction of the frogs shall cease until the frogs can be moved by a qualified
 biologist with all required permits. Only California red-legged frogs that are at risk of
 injury or death by project activities may be moved.
- Both the CDFG and USFWS require: All trash shall be removed from the site daily to avoid attracting potential predators to the site. No pets shall be permitted to be at the site during construction. All food-related trash must be kept in closed containers and removed regularly from the project area.

During/Post-construction

 Both the County and USFWS require: Within 30 days after completion of grading, all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, are to be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of noninvasive or vegetative measures, including those described in USDA Soils Conservation Service Bulletin 347.

Post-construction

 Both the ACOE and NOAA Fisheries require: Inspect the flood basin after discharge in Santa Rosa Creek has increased sufficiently to "spill" into the basin for the purpose of

- assessing presence of steelhead. This inspection shall be performed no later than 24 hours following the discovery that the creek is no longer spilling into the basin.
- Both the ACOE and NOAA Fisheries require: Notify NOAA Fisheries if a steelhead is observed in the basin. Such notification shall be made to NOAA Fisheries within a reasonable period of time, but not later than 24 hours after the discovery of a steelhead.

77 total conditions

1/77 County overlap with agency 6/77 other agencies overlap with each other 7/77 total overlap

Old Creek Road at Willow Creek Culvert Repair Project (date unknown)

Pre-construction

- Both the County and USFWS require: At least 15 days prior to the onset of activities, the applicant or project proponent shall submit the name(s) and credentials of biologist(s) who would conduct activities specified in the following measures. No project activities shall begin until proponents have received written approval from the Service that the biologist(s) is qualified to conduct the work.
- The County, USFWS, and CDFG all require: A Service approved biologist shall survey the work site two weeks before the onset of activities. If California red-legged frogs, tadpoles, or eggs are found, the approved biologist shall contact the Service to determine if moving any of these life-stages is appropriate. In making this determination the Service shall consider if an appropriate relocation site exists. If the Service approves moving animals, the approved biologist shall be allowed sufficient time to move the CRLF from the work site before work activities begin. Only Service approved biologists shall participate in activities associated with the capture, handling, and monitoring of the CRLF. Bullfrogs, centrarchid fishes and exotic crayfish observed during this survey and throughout the time of the project shall be removed by the biologist according to the California Fish and Game Code. Additionally, the results of the survey should be sent to the CDFG (1600 Program, Notification Number R3-0735-99, P.O. Box 47, Yountville, CA 94599).
- The County, USFWS, and CDFG all require: Before any construction activities begin on the project, a Service 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 importance of the CRLF and its habitat, the general measures that are being implemented to conserve the CRLF as they relate to the project, and the boundaries within which the project may be accomplished.

• The County, ACOE, and CDFG all require: Prior to construction activities, the boundaries of the project areas shall be clearly delineated by flagging or other means. All construction personnel shall be advised to conduct work activities within the defined work areas only in order to avoid unnecessary disturbance of the vegetation. Mark all environmentally sensitive areas. Vegetation removal shall not exceed the minimum necessary to gain access to the stream.

- Both the County and CDFG require: Prior to construction commencement, flag all trees located in the general vicinity of the work area with highly visible flagging. All construction personnel shall be instructed to avoid disturbing the identified trees, and their associated roots and branches, to the extent feasible.
- Both the USFWS and RWQCB require: Prior to start of the project, design and submit a plan to the Corps describing a response to any accidental spills. In case of an accidental discharge or emergency affecting waters of the State, the applicant will file a report with the Office of Emergency Services and inform the staff of applicable Regional Board within 24 hours.
- Both the County and RWQCB require: Create measures that will be implemented to protect water quality in the event that the stream diversion becomes breached during the concrete curing process. The Basin Plan stipulates that pH value not to be raised above 8.3 or below 6.5. Waters entering the creek shall be pH tested. Define washout protocol for concrete trucks to avoid concrete inadvertently being washed into the stream. Inform truck drivers and the pump truck drivers of their responsibilities.

During Construction

- The County, ACOE, and RWQCB all require: Conduct all construction activities during the typical low rainfall period and after stream flow has receded substantially. Install appropriate erosion control measures (silt fences, hay bales) along the base of the proposed work area and at the downstream end of the proposed construction zone and maintain erosion control mechanisms on a daily basis.
- Both the County and CDFG require: A silt catchment basin shall be installed. No silt
 bearing water shall enter the live stream. If the excavation site must be de-watered
 during construction, any muddy or otherwise contaminated water shall be pumped to
 a settling pond located outside the stream channel or to a stable upland site where the
 water can clear prior to re-entering the stream.
- Both the County and CDFG require: Trim in advance any branches likely to be damaged during construction related activities with appropriate hand-held equipment. No bulldozer/backhoe type equipment shall be used to remove vegetation. Trees over four (4) inches diameter at breast height (dbh) that must be removed from the project site shall be clearly marked with highly visible flagging. Only trees marked with this flagging shall be removed from the project site.

• The County, USFWS, and RWQCB all require: The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Access routes shall be clearly demarcated and should be outside of riparian and wetland areas whenever possible. There shall be no off-road traffic. Choose access routes and staging areas that are least disruptive to the streambanks thereby avoiding erosion and sedimentation to the creek.

- Both the County and CDFG require: Herbaceous and small shrubby vegetation within the clearly demarcated project boundaries that would be disturbed by subsequent project activity shall be removed by hand prior to use of the site by heavy equipment or other major construction activities in order to reduce the effect on CRLF and encourage their exodus.
- The ACOE, RWQCB, and CDFG all require: No equipment shall enter the flowing water.
- The County, ACOE, USFWS, RWQCB, and CDFG all require: Staging, storage, fueling, and maintenance of equipment and materials shall be located outside of the Corps' jurisdiction or 200 feet from any riparian habitat or water body. Discuss with workers the importance of preventing spills and of the appropriate measures that should be taken if a spill were to occur. Stationary equipment such as motors, pumps, generators, compressors, and welders, located within the dry portion of the stream channel or adjacent to the stream shall be positioned over drip-pans.
- The County, RWQCB, and CDFG all require: If feasible, use quick-set concrete to reduce time needed to pump water. If possible, line culvert with plastic while concrete cures so that stream flow can be released sooner. This plastic sheeting needs to be inspected and maintained on a daily basis. Do not use diesel, grease or any other petroleum based substance on concrete forms.
- The County, ACOE, and RWQCB all require: All necessary precautions shall be taken to avoid contact of wet cement with flowing water. Ensure that curing concrete does not come into contact with water of the State. If sheeting is used to cover the curing concrete as proposed, continuous monitoring of the site will be necessary.
- Both the ACOE and CDFG require: Silt fencing and straw bales shall be placed immediately downstream of the area in which construction activities are occurring for the purpose of trapping any sedimentation released from the construction area.
- Both the County and ACOE require: All water pumped from the construction area shall be discharged at a low rate or onto a dissipating structure (i.e. straw bales).
- The County, USFWS, and CDFG all require: A service approved biologist shall be present at the work site until such as all removal of CRLF, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a qualified biologist to monitor on-site compliance with all mitigation measures. The service approved biologist shall ensure that this individual receives training on CRLF. The monitor and the biologist shall have the authority to halt any

action that might result in impacts that exceed the levels anticipated by the Corps and Service during review of the proposed action. If work is stopped, the Corps and Service shall be notified immediately by the biologist or on-site monitor.

- The County, USFWS, RWQCB, and CDFG all require: During project activities, all trash that may attract predators shall be properly contained and removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas on a daily basis.
- The County, USFWS, and CDFG all require: A service-approved biologist shall ensure that the spread or introduction of invasive exotic plant species shall be avoided to the maximum extent possible. When feasible, exotic species shall be removed from the site. Heavy equipment and other machinery shall be inspected for undesirable species and cleaned when necessary. Any fill material hauled to the site shall be free of exotic species, and the source of the material shall be inspected by a County-approved biologist.
- The County, USFWS, and CDFG all require: If a work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than five millimeters to prevent CRLF from entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate.
- Both the RWQCB and CDFG require: No debris, soil, silt, sand, cement, concrete, or washing thereof, or other construction-related materials, equipment or wastes, oil or petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. Any of these placed within or where they may enter a stream or lake, shall be removed immediately. When operations are completed, any excess material shall be removed from the work area and any areas adjacent to the work area where such material may be washed into waters of the State. Spoil sites shall not be located within the stream channel, where spoil may be washed back into the stream, or where it will cover wetland or riparian vegetation.
- Both the CDFG and RWQCB require: Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions shall be restored to as close to their original conditions as possible.
- Both the County and CDFG require: Avoid excessive noise-producing and/or tree removal activities associated with construction during nesting willow flycatcher breeding seasons (mid-April through mid-August). If work will occur within the typical breeding season for this species, retain a qualified biologist to survey the immediate vicinity for nesting birds prior to work. If nesting activity is observed within the immediate vicinity, construction shall be delayed until the qualified biologist determines that the young have fledged.

Post-construction

 The ACOE, USWFS, and CDFG all require: Immediately upon completion of each repair project, all areas disturbed during construction shall be revegetated with native species local to the area and appropriate temporary erosion and sediment control measures shall be installed and maintained.

- Both the County and CDFG require: Restoration shall include the revegetation of stripped or exposed areas with native vegetation. Rock, rip rap, or other erosion protection shall be placed in areas where vegetation cannot reasonable be expected to become reestablished.
- Both the County and USFWS require: Stream contours shall be returned to their original condition at the end of project activities, unless consultation with the Service has determined that it is not beneficial to the species or feasible.
- Both the County and CDFG require: Replace any tree inadvertently damaged by heavy equipment or removed during proposed repair work activities at a ratio of not less than 3:1.
- Both the County and CDFG require: Replace all willows damaged during proposed work activities at a ratio of not less than 3:1.
- Both the County and CDFG require: Following project completion, remove invasive exotic plant species from the immediate vicinity of the project site. Any Vinca, Cape or German ivy, Castor bean, Arundo, or other exotic plant species shall be bagged and appropriately disposed of in a landfill. Exotic species shall not be used in composting or left otherwise exposed in or around the project site.

73 total conditions

25/73 County overlap with agency 6/73 other agencies overlap with each other 31/73 total overlap

Analysis of 25 Projects:

Relevant Resources Encountered by Project Type

* indicates technical overlap analysis included in appendix of RPP

Culvert Projects

*Union Road at Dry Creek Box Culvert Replacement Project (permit date unknown)

- Stream, riparian vegetation
- Reduce impacts to biological resources, e.g. San Joaquin kit fox
- Tree protection
- Adjacent agricultural operators
- Potential archaeological resources

*Old Creek Road at Willow Creek Culvert Repair Project (permit date unknown)

- Stream/riparian corridor, native riparian wetland and upland vegetation
- California red-legged frogs, tadpoles, or eggs
- Bullfrogs, centrarchid fishes and exotic crayfish
- SLO serpentine dudleya and other sensitive plants
- Herbaceous and small shrubby vegetation
- Potential archaeological artifacts

Flood-Related Projects

*Avila Flood Gate Replacement Project (August 26, 2003)

- Stream
- Southern steelhead
- Potential California red-legged frogs (CRLF), southwestern pond turtles and tidewater goby
- Bullfrogs and exotic crayfish
- Potential threatened or endangered species
- Potential sensitive plant species
- Herbaceous and small shrubby vegetation

*Cambria Flood Mitigation Project – Bypass Channel Phase (September 5, 2007)

- Santa Rosa Creek, riparian habitat
- Flood basin
- Provisions for the future construction of recreational trails
- California red-legged frogs (CRLF), two-striped garter snakes, southwestern pond turtles, steelhead
- Potential nesting birds, raptor and non-raptor species, migratory birds, eggs, fledglings
- Potential sensitive plants
- Tree removal and replacement, mature Monterey pine, eucalyptus trees, and other trees
- Arroyo Willow series vegetation losses
- Revegetation, replacement of any seasonal wetlands
- Herbaceous and small shrubby vegetation
- Bullfrogs and exotic crayfish
- Invasive exotic plant species
- Re-contour to blend with natural terrain
- Archaeological monitoring: overflow and bridge bypass area has potential for presence of buried or redeposited cultural resources
- California Annual Grassland areas

Cambria Flood Mitigation Project – Pressure Storm Drain Phase (April 8, 2008)

Same as above

Well & Water Line Projects

CSA 16 Shandon Loop Heights Water Line Project (October 20, 2004)

• San Joaquin Kit fox

Lopez Recreation Area Water Well Project (permit date unknown)

- Lopez Lake
- Root systems of trees
- Borrow areas
- Erosion control
- Avoid project-related spills, fuel or other hazardous materials

- Dust control
- Revegetation with appropriate indigenous native species
- Exposed ground areas
- Potential archaeological resources

Bank Stabilization & Repair Projects

*Dover Canyon Road Bank Stabilization Project (August 7, 2003)

- Riparian/stream zone, wetland area
- Erosion control
- Dust control
- Minimize the area affected by rip-rap by using vegetated rip-rap or other bioengineered techniques
- Potential archaeological resources
- Invasive exotic plant species
- Willow removal and replacement
- Revegetation
- Reconfigure channel to original state

Ocean Avenue Bank Stabilization Project (May 21, 2003)

- Stream zone, wetland area
- California red-legged frogs (CRLF), steelhead, tidewater goby
- Potential archaeological resources
- Temporary sediment controls
- All affected areas to be returned to pre-project conditions

Noyes Road Bank Repair Project (May 5, 2005)

- Noyes Road concrete channel
- Oak tree replacement
- Dust control
- Potential archaeological resources

Stream Restoration Projects

Corbett Canyon Stream Restoration Project (June 8, 2004)

- Creek channel
- Restoration crews shall prune the multi-trunked trees along the creek channel to create
 a single-trunked growth habit, following SLOWMP guidelines. Stump-sprouting willows
 along the roadside shall also be pruned to form a single-trunked habit and to grow in
 a way that avoids obstructions to overhead utility lines.
- Potential sensitive species, e.g. California red-legged frogs (CRLF)
- Bird nesting activities
- Adjacent vegetation
- Exotic plant species to be removed by hand
- Act appropriately to prevent, contain, and clean up hazardous material spills
- Erosion control
- Revegetation
- Potential archaeological resources

Bridge Repair & Replacement Projects

*Creston/O'Donovan Road Bridge Repair Project (July 2, 2002)

- Riparian/stream zone, vegetation
- Potential sensitive species, e.g. California red-legged frogs (CRLF)
- Trees (and root systems) located within the construction zone
- Avoid excessive noise-producing and/or tree removal activities associated with construction during nesting willow flycatcher and yellow warbler breeding seasons
- The applicant should investigate whether the low-lying willow branches upstream of the bridge are constricting the channel and altering flow
- Water diversion
- Tall trees, potential raptor nests
- Prevent, contain, and cleanup hazardous material spills
- Dust control
- Potential archaeological resources
- Environmentally sensitive areas
- Coast Live Oak, Cottonwood trees, and willows
- Revegetation

- Borrow areas
- Erosion control
- Return channel to original configuration

*Cypress Mountain Drive Bridge Repair Project (September 10, 2007)

- Las Tablas Creek, riparian/stream zone, riparian vegetation
- Native trees, shrubs, herbs and grasses
- Potential State- or Federal-listed Threatened or Endangered species
- Environmentally sensitive areas: nest trees, potential nesting birds, raptors
- Nesting swallows
- Bats (potentially roosting)
- Avoid disturbing night roosting bats and birds that could be affected by nighttime illumination or noise
- Water diversion
- Potential cultural or archaeological resources
- Erosion control
- Revegetation
- Stream's low-flow channel, bed or banks returned to original configuration as much as possible
- Remove and recontour slopes and stream bottom to the original contour

Higuera Bridge Retrofit Project (June 2, 2003)

- Creek/riparian corridor, wetland areas
- Southern steelhead
- Potential sensitive plant species (blooming season)
- Potential rare bird species (breeding/nesting), e.g. passerine
- Willows (pruning)
- Nests of cliff swallow and black phoebe
- Potential California red-legged frogs (CRLF), tadpoles, eggs, southwestern pond turtles, and two-striped garter snakes
- Preventing spills; take appropriate measures should a spill occur
- Herbaceous and small shrubby vegetation

- Sediment and turbidity control; erosion control
- Water diversion
- Non-native predators of the California red-legged frog (CRLF), including bullfrogs and exotic crayfish
- Avoid spread or introduction of, and remove invasive exotic plant species
- Night-roosting pallid bats
- Large woody debris and trees within the stream channel and on the lower banks
- Invasive exotic plant species to be removed
- Stream bottom to be returned to pre-existing grade; return stream contours to original condition
- Revegetation

Operations Center Utility Bridge & Waterline Project (April 5, 2007)

- Potential special-status species
- Southern steelhead
- Erosion control
- Revegetation

Picachio Road Bridge Replacement Project (February 23, 2007)

- Cayucos Creek channel, riparian vegetation, wetlands/streambed habitat
- Native rock (match rip-rap boulders)
- Demolition; removal and disposal of asbestos-containing material
- Water diversion
- Erosion control
- Eucalyptus trees, potential monarchs
- Potential California red-legged frog (CRLF), southwestern pond turtles, coast range newt; tidewater goby, steelhead, other fish
- Breeding/roosting bats
- Prevention of spills and immediate clean-up of hazardous materials
- Dust control
- Avoid spread or introduction of, and remove invasive exotic plant species
- Willow stakes/poles to maintain riparian canopy over the creek

- Return habitat contours to original configuration
- Potential archaeological resources
- Revegetation

Road Work Projects

*El Camino Real at Carmel Road Left Turn Lane Project (November 8, 2007)

- Bird nesting
- Tree pruning, removal
- Oak trees to be protected
- Sediment and erosion control
- Avoid spread of invasive species
- Monterey Pine tree replacement

Cambria Main Street Enhancement Project-Outfall (September 20, 2004)

- Drainage outfall work
- Santa Rosa Creek channel, riparian/stream zone
- Potential California red-legged frog (CRLF) and taxon
- Steelhead
- Herbaceous and small shrubby vegetation
- Water diversion
- Revegetation
- Removal of bullfrogs and exotic crayfish
- Erosion control
- Willow tree replacement
- Removal of invasive exotic plant species
- Return stream flow to its natural channel
- Potential archaeological resources

Bridge Street Repair Project (June 25, 2007)

- Stream, riparian and wetland vegetation
- Erosion control

- Nesting birds
- Tree protection
- Potential California red-legged frog (CRLF), special-status species and sensitive habitats
- Dust control
- Recontour stream bottom, low-flow channel, bed and banks to original contour
- Mitigate woody-stemmed plants/trees
- Revegetation
- Monterey pine and oak tree replacement

Gracia Street Paving and Storm Drain Project (August 6, 2001)

- Dust control
- Potential archaeological resources

Mill Road at Dry Creek Crossing Repair (October 16, 2002)

- Western spadefoot toads, tadpoles (none found)
- Potential for sensitive species
- Small mammal burrows
- San Joaquin kit fox
- Prevention of spills and immediate clean-up of hazardous materials
- Dust control
- Potential archaeological resources
- Soil stabilization
- Revegetation

Nacimiento Lake Drive Widening Project (December 10, 2003)

- Sensitive resources, e.g. oak and willow trees
- Tree protection, limited tree removal
- Specified time for tree and shrub trimming, reduce impact on nesting birds
- Erosion control
- Dust control
- Control storm water runoff (pollution prevention)

- Prevention of spills and immediate clean-up of hazardous materials
- Potential archaeological resources
- Soil stabilization
- Revegetation
- Oak tree replacement
- Weed removal and prevention

Old Creek Road at Cottontail Creek Road Repair Project (November 28, 2006)

- San Luis Creek / San Luis Obispo Creek, riparian vegetation
- Potential native reptiles and amphibians, southwestern pond turtles, California redlegged frogs (CRLF), two striped garter snake, southern steelhead trout, raptors, swallows, special-status bat species
- Features to enhance bat habitat under the San Luis Bay Drive Bridge shall be
 incorporated into the design of the bridge, to the maximum extent feasible.
 Appropriate habitat enhancement features could include the incorporation of features
 and/or the installation of bat boxes underneath the bridge to enhance bat night, day
 and nursery roosting habitat.
- Specified time for tree and shrub trimming, reduce impact on bird species: nests, eggs, nestlings, and adults
- Sensitive habitats and species
- Large woody debris or trees within the stream channel or on the lower banks
- Tree removal & protection, e.g. oak trees
- Water diversion
- Erosion control
- Herbaceous and small shrubby vegetation
- Recontour low-flow channel of streambed as nearly as possible to its natural preconstruction condition without creating a wide flat channel, sluice-like area, or possible future bank erosion problems
- Removal of invasive exotic plant species
- Soil stabilization

Penman Springs Road at Huer-Huero Creek Crossing Repair Project (October 4, 2002)

- Stream channel
- Potential sensitive species, e.g. western spadefoot toads, tadpoles

- San Joaquin kit fox
- Small mammal burrows
- Prevention of spills and immediate clean-up of hazardous materials
- Dust control
- Potential archaeological resources
- Erosion and sediment control

Bike Path Projects

*El Moro Bike Path Project (December 30, 2004)

- Sensitive species, e.g. Morro shoulderband snail and California legless lizard
- Protection of Morro shoulderband snail habitat (coastal sage scrub and patches of associated iceplant)
- Potential archaeological resources
- Erosion control
- Revegetation

	County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
Mitigation												
tification	PRE Prior to the commencement of construction, the County shall notify the adjacent agricultural operators of the expected start and completion dates of the project. In addition, the County will notify adjacent agricultural operators when project activities have the potential to impact agricultural operations (removal of fences, creation of loud noises, heavy construction traffic, etc). (County Mit. #AG-1) DURING Not less than 72 hours prior to road closures, detours, single lane traffic, temporary traffic delays, or any other activity that would halt or detour traffic, the County will notify the following: * The California Department of Forestry/County Fire Department. * The Paso Robles School District. * The California Highway Patrol. * The San Luis Ambulance Company. * The California Department of Transportation. The notification shall include the nature and duration of the anticipated traffic interruption, and the identified alternate route(s). (County Mit. #PS-2) DURING In addition to the above, standard measures to implement traffic delays or road closures would also be taken. These measures would include posting of appropriate signs, identification of alternate routes, etc.											
	DURING In the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so proper disposition may be accomplished. (County Mit. #CR-2)	ntical to County Condition										
	DURING During earth moving activities, in the event archaeological resources are unearthed or discovered, construction in the vicinity of the find shall stop, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist and disposition of artifacts may be accomplished in accordance with state and federal law. (County Mit. #CR-1)			DURING If archaeological artifacts are encountered, the permittee shall contact the Corps immediately ar shall cease construction operatio that affect the archaeological artifacts. The project shall not resume until notified by the Corps	nd ns							
	In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply: a. Construction activities shall cease, and the Public Works Environmental Programs Division (Environmental Coordinator) and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist and/or paleontologist, and disposition of artifacts may be accomplished in accordance with state and federal law. The County shall implement the mitigation as required by the Environmental Coordinator. b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Public Works Environmental Programs Division (Environmental Coordinator) so that proper disposition may be accomplished.											

County	CDFG	RWQCB	ACOE	Caltrans	USFWS FHWA	Coastal Permit	NOAA Fisheries	NMFS SWRCB	GOLE CONDI
DURING In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply: a. Construction activities shall cease, and the Environmental Coordinator, Planning Department and Caltrans District 5 Local Assistance shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law. b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the					Identical to County Condition	Identical to County Condition			
Planning Department and Environmental Coordinator so that proper disposition may be accomplished. DURING [AR-1] A qualified archaeologist will monitor all earth disturbing activities									
associated with the project. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by the archaeologist and any other appropriate individuals.									
DURING The County biologist shall be notified a minimum of two (2) days before the hydroseeding application is to take place (Contact Trevis Warner at 805-781-1430). The biologist shall be allowed to take a hydroseed mixture sample, prior to application, at the job site.									
	PRE The Operator shall submit a construction/work schedule to the Department prior to beginning any activities covered by this Agreement. The Operator shall also notify the Department upon the completion of the activities covered by this Agreement. The operator shall notify the Department at least five (5) working days prior to the commencement and again, at least five (5)								
	days prior to completion of work. Notification may be made by phone to the Yountville office at (707) 944-5520 PRE Results of any pre-construction surveys for sensitive species shall be provided to the Department for review, prior to initiating								
DURING Cease work and notify the appropriate agency for consultation if any federally- or state-listed species enter the work site.	PRE An environmental training shall be given to workers onsite to aid in recognizing sensitive species that may occur in the area. If any federally, or state-listed species enters the work site, work shall cease and the Department shall be contacted immediately for consultation.						biolo NMF 562- imme more found The conta revie resul deter prote	RING applicant's applicant applicant's applicant applicant's applicant applicant's applicant a	
DURING/POST							activ with moni mitig actio	RING ort to NMFS rities associated minimizing, itoring, and rating proposed on effects on lhead.	
Weekly monitoring reports shall be filed electronically with the Department of Planning and Building detailing the work completed in the previous week and identifying the work proposed for the next week.									

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County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITIO
DURING A Fish and Game permit and Army Corps permit must be on site at all times.			PRE/DURING A copy of the Army Corps permit No. 200200128-JCM shall be on the job site at all times during construction. The permittee shall provide a copy of the Army Corps permit to all contractor(s), subcontractor(s), foreperson(s), and construction representatives. The permittee shall require that all contractor(s), subcontractor(s), foreperson(s), and construction representatives read the referenced authorization in its entirety and acknowledge they understand its contents and their responsibility to ensure compliance with all general and special conditions contained therein.								
provided by, but not limited to: NOAA Fisheries, USFWS, ACOE, CDFG, and	DURING A copy of this Agreement must be provided to the Contractor and all subcontractors who work within the stream zone and must be in possession at the work site. (DF&G#8)										
	DURING If the Operator finds more time is needed to complete the authorized activity, the Operator shall submit a written request for a time extension to the Department for consideration at least 15 days before the permit expiration date. A time extension of the work period constitutes an amendment to the original agreement. Amendments to the original agreement are issued at the discretion of the department. (DF&G#4) DURING The Operator shall notify the Department before any modifications are made in the project plans submitted to the Department. Project modifications may require an amendment or a new application. (DF&G#5)										
	DURING This agreement is transferable to subsequent owners of the project property by requesting an amendment from the Department. (DF&G#7)										
DURING To avoid impacts to southern steelhead, construction shall be limited to the period of June 15 to October 15. If the Operator needs more time to complete the authorized activity, the work period may be extended on a day-to-day basis by Mr. Mike Hill, Associate Fishery Biologist, at (805) 489-7355, or, alternatively, to the Yountville office at (707) 944-5520.	PRE/DURING In order to protect southern steelhead, construction shall be limited to the period of June 15 to October 15, 2003. This Agreement shall expire on December 31, 2003. At least 75 percent of the project shall be completed by October 1, 2003. Project activities shall not be initiated if at least 75 percent of the project is not completed by October 1, 2003. If the Operator needs more time to complete the authorized activity, the work period may be extended on a day-to-day basis by Mr. Mike Hill at (80S) 489-7355, or, alternatively, to the Yountville office at (707) 944-5520.										
	DURING A copy of the 1601 Lake and Streambed Alteration Agreement for this project must be provided to the contractor and all subcontractors who work within the stream zone and must be in their possession at the work site. Any violation of the terms of the Agreement may result in the project being stopped, a citation being issued, or charges being filed with the District Attorney. Contractors and subcontractors may also be liable for violating the conditions of the Agreement.										

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA Coastal Permi	NOAA Fisheries NMFS	SWRCB	GOLDEN CONDITION
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Agreement. Any violation may result in PRE If any State-of Endangered stresult of Projection responsible for permits required.	of the terms of this Agreement the project being stopped, a citatic or Federal-listed Threatened or species could be "taken" as a ect activities, the Operator is or obtaining the appropriate red for both intentional (capture								
DURING Any construct pumping, or of specifically ac Agreement, is drafting or oth the Department protective fea	A coma ma mu and	E/DURING change in the project design, iterials, or construction methods, ist be approved by the Corps d Regional Water Quality introl Board in writing.	Identical to RWQCB Condition						
DURING The Operator subject to the in the Departress Sections 565 POST MONITORING (MRP): PURPOSE O The purpose protective me Department a monitor the e OBLIGATION The Operator for monitoring measures inc CDFG Agreet be implement indicated in the described bel The Operator shall ensure the Provisions of the effectiven The Operator Reports to the Construction the Agreemete In In accessary survey (Provision survey (Provision survey) (Provision surve	G AND REPORTING PROGRAM OF THE MRP of the MRP is to ensure that the easures required by the are properly implemented, and to effectiveness of those measures. NS OF THE OPERATOR or shall have primary responsibility or compliance with all protective cluded as "Provisions" in the ement. Protective measures must ted within the time periods the Agreement and the program low. or (or the Operator's designee) the implementation of the of the Agreement, and shall monitor mess of these Provisions. or shall submit the following or Department: on/work schedule (Provision 2 of								

County	CDFG	RWQCB	ACOE	Caltrans	USFWS FHW	'A Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
	 A Final Project Report to be submitted within 30 days after the Project construction is completed. The final report shall summarize the Project construction, including any problems relating to the protective measures of this Agreement. "Before and after" photo documentation of the Project site shall be required. An Annual Report with respect to revegetation shall be submitted within 30 days of the end of each calendar year for five (5) years. Photo documentation shall be part of the Annual Report. In addition to the above monitoring and reporting requirements, the Department requires as part of the MRP that the Operator: Immediately notify the Department in writing if monitoring reveals that any of the protective measures were not implemented during the period indicated in this program, or if it anticipates that measures will not be implemented within the time period specified. Immediately notify the Department if any of the protective measures are not providing the level of protection that is appropriate for the impact that is occurring, and recommendations, if any, for alternative protecti 									
	The operator is liable for compliance with the terms of the CDFG agreement, including violations committed by the contractors and/or subcontractors. The Department reserves the right to suspend construction activity described in the CDFG agreement if the Department determines any of the following has occurred: Failure to comply with any of the conditions of the CDFG agreement, information provided in support of the agreement is determined by the Department to be incomplete or inaccurate, information becomes available to the Department that was not known when preparing the original conditions of the agreement (including but not limited to, the occurrence of State or federally listed species in the area or risk to resources not previously observed), the project as described in the agreement has changed or conditions affecting fish and wildlife resources change. Any violation of the terms of the agreement may result in the project being stopped, a citation being issued, or charges being filed with the District Attorney. Contractors and subcontractors may also be liable for violating the subcontr									
PRE The construction and maintenance easement for the bypass channel area s include provisions for the future	hall									
DURING Each EM and/or ES shall fill out and sub a daily log report to the MCC, when appropriate. The daily log report will be used to record and account for the monitoring activities. Weekly status repowill be generated from the daily logs and compliance reports and will include supplemental material (i.e., memorandatelephone logs, letters). This type of feedback is essential for the County of Stuis Obispo and other agencies to confirt the implementation and effectiveness of mitigation measures imposed on the project. The MCC will incorporate the findings of the monitoring effort into a fin comprehensive construction monitoring report to be submitted to the County of Stuis Obispo. This report will describe the major accomplishments of the Program, summarize problems encountered in achieving the goals of the Program, and evaluate solutions developed to overcomproblems.	orts I Can rm the al Can e									
PRE The County shall obtain any necessary California statewide portable equipment registration or APCD permits for portable equipment used during construction, including but not limited to the following: • Power screens, conveyors, diesel engines, and/or crushers; • Portable generates greater than 50 horsepower; • IC engines; • Unconfined abrasive blasting operation • Concrete batch plants; • Rock and pavement crushing; • Tub grinders; and Trommel screens. PRE Prior to initiation of construction activities the County shall obtain all required equipment use permits from the APCD.	ns;									

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
		The Water Board requires visual monitoring and three reports for this project: Visually inspect the site (at least one reach upstream and downstream of project) after completion of the project and for two subsequent rainy seasons to ensure that the new structures are not causing excessive erosion or other water quality problems. If the project does cause water quality problems, contact the Water Boar staff member overseeing the project. You will be responsible fo obtaining any additional permits necessary for implementing plans for restoration to prevent further water quality problems. First Report: Within 30 days of project completion, submit a project completion report that contains a summary of daily activities, monitoring observations and problems incurred and action taken; include properly identified			n addition to the measures included in the USFWS' programmatic BO for FHWA-funded projects (April 24, 2003), the County shall implement the following Reasonable and Prudent Measures and the associated Terms and Conditions, and other terms included in the USFWS BO for California red-legged frog: 1. The FHWA and Caltrans must ensure that the level of incidental take during project implementation is commensurate with the analysis contained in the BO (i.e., that few California red-legged frogs will be taken through injury or mortality during the project construction). a. If a California red-legged frog is found dead are injured. EHWA or						CONDITION
		post-project photos									
DURING To achieve best recruitment of plant stock, and to avoid bird nesting activities, conduct pruning and plant installation during the period from late October to early December, but to avoid potential impacts to											
CRLF, avoid construction activity during											
DURING If possible, conduct all construction and repair work during the typical dry season (mid-June to mid-October).	Identical to County Condition	DURING Construction is limited to dry season. No water diversion or dewatering will be necessary (RWQCB#2).	DURING All work occurring below the plane of ordinary high water shall be confined to the low-flow period, during early summer months of								
DURING Conduct all construction activities during the typical low rainfall period and after stream flow has receded substantially. Install appropriate erosion control measures (silt fences, hay bales) along the base of the proposed work area and at the downstream end of the proposed construction zone and maintain erosion control mechanisms on a daily basis.		Identical to County Condition	Identical to County Condition								
DURING Construction and repair work should be constructed during periods of no flow	DURING The work period for the construction of this project shall be confined to the period of no flow, May 1 to October 15, 2002, or 2003. If the operator needs more time to complete the authorized activity, the work period can be extended on a day-to-day basis by the local Department of Fish and Game representative who reviewed the project.										

County	CDFG	RWQCB	ACOE Caltrans	USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	GOLDEN CONDITION
	DURING Construction shall be confined to the period between April 15 and October 15 of 2003, 2004, and 2005. This agreement shall expire on December 31, 2005. The ACOE agreement expires on February 26, 2005 PRE Work within the stream/riparian corridor shall be confined to the period of April 15 to October 15, 2002. Re-vegetation is not confined to this time period. This agreement shall expire on December 31, 2002. The work may be extended on a day to day basis by the local CDFG representative.		Identical to CDFG Condition	PRE Work activities shall be completed between April 1 and November 1. Should the proponent or applicant demonstrate a need to conduct activities outside this period, the Corps may authorize such activities after obtaining the Service's approval.				
PRE To avoid impacts to southern steelhead, construction shall be limited to the period of June 15 to October 15. The Department of Fish & Game 1601 Lake and Streambed Alteration Agreement shall expire on December 31, 2005. If the Operator needs more time to complete the authorized activity, the work period may be extended on a day-to-day basis by Mr. Mike Hill, Associate Fishery Biologist, at (805) 489-7355, or, alternatively, to the Yountville office at (707) 944-5520.	f					Identical to CDFG		
Confine the proposed action to 15, lune	period of June 15 to November 1.					Condition		
Confine the proposed action to 15 June - 15 October	Identical to County Condition		Identical to County Condition					
DURING Construction and repair work will be conducted during periods of no or low flow in the stream								
DURING Work activities shall be completed between April 1 and November 1. Should the proponent or applicant demonstrate a need to conduct activities outside this period, the Corps may authorize such activities after obtaining the Service's approval. DURING	t l			Identical to County Condition		DURING The applicant shall confine the construction activities occurring within the creek and riparian corridor to the period 1 July to 15 November 2003.		
Project construction should occur after higher spring flows have subsided to a point where efficient dewatering can be accomplished.				Identical to County Condition				
		DURING To the maximum extent possible, work shall occur when the creek is dry. To the maximum extent possible, work shall not occur during the rainy season. If it is unavoidable, temporary erosion/sedimentation control devices shall be used. Such devices include silt fencing, hay bales, jute matting, etc.						
DURING Avoid excessive noise-producing and/or tree removal activities associated with construction during nesting willow flycatcher and yellow warbler breeding seasons (mid-April through mid-August). If work will occur within the typical breeding seasons for these species, retain a qualified biologist to survey the immediate vicinity for nesting birds prior to implementation of proposed activities. If nesting activity is observed within the immediate vicinity, a CDFG biologist should be contacted prior to project commencement.	Identical to County Condition	DURING To the maximum extent possible, construction shall occur when the channel is dry.						
DURING During construction, work under the bridge structure shall not occur between the hours of 10 pm and sunrise to avoid impacting night-roosting pallid bats.				Identical to County Condition		DURING In order to avoid impacts to pallid bats, work shall not take place between the hours of I0 pm and sunrise. If bats are found to use the site as a day roost, a bat expert shall be consulted to insure that swallow exclusion devices also prevent roosting by bat species Exclusionary netting shall be put in place when bats are not present.		

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN
DURING											CONDITION
During construction grading and construction activities after dusk shall be prohibited.											
Construction activities will be limited to											
daylight hours to avoid disturbing night											
roosting bats and birds that could be affected by nighttime illumination or noise											
in the vicinity of the work area.											
Nighttime illumination, including that used for security, shall be maintained at the											
lowest levels practicable during project construction. Night roosting bats could be											
affected by nighttime illumination in the vicinity of the bridges.											
	PRE/DURING Swallows: If work cannot be avoided on the										
	bridges when it would disturb nesting swallows (March 1 through September 1), then prior to										
	February 28 of each year, the Operator shall										
	remove all existing nests which would be destroyed by the Project. The Operator shall										
	continue to discourage new nest building in places where they would be disturbed, using										
	methods developed in consultation with the Department. Following the initial nest removal,										
	continued removal of new nests and hazing must be repeated as long as the swallows										
	continue to attempt to build nests, or until a swallow exclusion device is installed. Where										
	disturbance will occur, nesting must be discouraged throughout the Project term.										
	PRE										
	Swallow nests are presumed to be active between February 15 and September 1. If the										
	existing bridge is scheduled to be demolished										
	prior to September 1, a swallow exclusionary device shall be installed prior to February 1 to										
	prevent nest construction from being completed, or alternatively, all swallow nests										
PRE/DURING	on the bridge shall be removed prior to Februar	r <u>,</u>									
Land clearing operations shall be conducted prior to the initiation of nesting											
or after the completion of nesting to avoid any potential impact to migratory birds.											
Clearing should be conducted between August and March.											
, tagaet en a maren					PRE/DURING						
	PRE/DURING To avoid impacts to steelhead, construction				Construction activities in Santa Rosa Creek and the						
	along any portion of the banks of Santa Rosa Creek shall be limited to the period beginning			t	iparian habitat will be med to occur during the						
	June 15 and ending October 15.				atter part of the dry season late August to October 15).						
	DURING If the Operator needs more time to complete										
	the authorized activity, the work period may be extended on a day-to-day basis by DFG										
	Biologist Bob Stafford at 528-8670, or										
	alternatively, by the Yountville office at (707) 944-5520.										
	DURING To prevent harming mobile western spadefoot,										
	construction shall not occur within seven days following any measurable rainfall in the project										
PRE	area.										
Ground disturbance shall not begin until written approval is received from the											
USFWS that the biologist is qualified to conduct the work.											
Prepare (and implement) plans/reports											
	PRE The Operator shall develop a Construction	PRE/DURING	OLIDINO.								
	Period Erosion Prevention and Contingency Plan to be completed and approved prior to		ermittee shall prepare and								
	commencement of activities within the stream. Department-approved plan features shall be	control plan to reduce impacts to a faccide	ental discharge of concrete to								
	fully implemented prior to commencement of activities within the stream.	less-than- significant level, This plan shall be kept on site.	eek.								
PRE											
An emergency response plan shall be prepared prior to the start of construction.											
The plan shall identify the actions which will	ı										
be taken in the event of a spill of petroleum products, or other material harmful to	Identical to County Condition										
aquatic or plant life, and the emergency response materials which will be kept at the											
site to allow the rapid containment and clean-up of any spilled material.											
							I				

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
	*Revegetation Plan *A Final Project Report to be submitted within 30 days after the Project construction is completed. The final report shall summarize the Project construction, including any problems relating to the protective measures of this Agreement. "Before and after" photo documentation of the Project site shall be required. *An annual report with respect to vegetation	POST Develop a revegetation plan that includes mitigation monitoring, success criteria (maintaining the current 80% coverage or more), and remedial action upon failure.									
	POST The Operator shall develop a revegetation plan for the site and submit it to the Department for approval prior to commencement of proposed revegetation activities. The plan shall specifically address planting of native trees, shrubs, herbs and grasses removed, and include monitoring and maintenance so that 80 percent of the plantings survive after 5 years. The Operator shall plant riparian vegetation, or other plants as appropriate, on the recontoured slopes and all other cleared areas. Restoration shall include the revegetation of all disturbed soils and new fill.										
	PRE The Operator shall develop a Revegetation Plan for the site and submit it to the Department for approval prior to commencement of the proposed work. The plan shall specifically address plantings of native trees, shrubs, herbs and grasses removed, and include maintenance and monitoring of the Project site so that at least 70 percent of the plantings survive after five (5) years. The Operator shall plant riparian vegetation on the recontoured slopes and all other cleared areas. Restoration shall include the revegetation of all disturbed soils and new fill.										
PRE To offset the removal of mature Monterey	PRE Prior to the beginning of construction, the operator shall provide a detailed revegetation plan to the Department for approval. At a minimum, the plan shall identify the number, species, and sizes of vegetation damaged or removed at all project locations during project construction and shall proved for revegetation within the project site at a ratio of not less than 3:1. The revegetation plan shall provide for revegetation using appropriate locally-obtained native species in densities proportionate to the densities of species removed. Revegetation may take place after October 15 to take advantage of the winter rains.			M cc bi pr fc U su ar cc	Tithin 90 days of project ompletion, the qualified ological monitor shall repare a completion report r submittal to the SFWS. The report shall immarize all monitoring and mitigation activities onducted during the roject, as they pertain to orro shoulderband snail.						
pine and other trees, prior to construction the contractor shall prepare a tree replacement plan as specified in the "Cambria Flood Mitigation Project Final Environmental Impact Report" dated September 14, 2001 and incorporated in the Lake and Streambed Alteration Agreement by reference.	Identical to County Condition										
	PRE A wetland delineation plan shall be developed to include replacement of any seasonal wetlands lost as a result of the project. The wetlands shall be created by excavating a series of depressions within the bypass channel at varying depths as specified in the "Cambria Flood Mitigation Project Final Environmental Impact Report" dated September 14, 2001 and incorporated in the Lake and Streambed Alteration Agreement by reference.										

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDI CONDIT
PRE Prior to construction, a Tree Replacement Plan shall be prepared for trees removed as part of the project. The tree replacement plan shall identify all trees to be removed by any phase or component of the project by size and species, and shall identify the species, location and size of tree for replacement. In particular, any trees removed from along the north side of Highway 1 shall be replaced to restore the visual screen for Highway 1. The tree replacement plan shall conform to Section 23.05.060 of the Coastal Zone Land Use Ordinance regarding tree removals.											
Prior to construction, submit landscape, irrigation and landscape maintenance plans in accordance with Section 23.04.180 through 23.04.186 of the Coastal Zone Land Use Ordinance, for review and approval to the Department of Planning and Building. Plans shall be prepared by a landscape professional and shall include location, species and container size of all proposed plan materials and method of irrigation. All proposed material shall be of a drought tolerant variety. The landscaping plan shall provide the following: a. Clearly identify trees to remain and trees to be removed b. Location, size, species of replacement trees c. Location, material and heights of all existing and proposed fencing d. The location of all trees existing within 50 feet of the area proposed for grading or other construction, that are eight inches or larger in diameter four feet above natural grade. Trees to be removed are to be											
identified. Planning Commission: Development Plan D010211 1) County of San Luis Obispo				From the second of second	Provide to USFWS four eports on the impacts of the project to California redegged frogs. The reports must provide the results of iological surveys and ighting records, and also ocument the following: the umber of California redegged frogs relocated from the action area or killed or injured during the project; the dates and times of apture, mortality or injury; pecific locations of apture, mortality or injury; pproximate size and age of individuals; and a escription of relocation ites. The report shall also ontain a discussion of the roblems encountered in implementing the terms and conditions and other rotective measures, ecommendations for						
				F III III P F (A S F A O III f f	n addition to the measures included in the USFWS' rogrammatic BO for HWA-funded projects. April 24, 2003), the County hall implement the following Reasonable and Prudent Measures and the associated Terms and conditions, and other terms included in the USFWS BO for California red-legged rog:						
				p tl fc p rc n C rc a rc	. FHWA or Caltrans must rovide a written report to the USFWS within 90 days ollowing completion of the roposed project. The eport must document the umber and size of california red-legged frogs elocated form the action rea, the date and time of elocation, and a escription of relocation itse. The roport must also						

PRE-POST Out-off the following service and the proposed adding it in previous and the proposed adding it is a proposed adding it is in previous and the proposed adding it is in the proposed adding it is in previous and the proposed adding it is in previous and the	The applicant dails and control days of connection completion advantage earth of the control of
PRE Prior to site disturbance, a Habitat Prior to site disturbance, a Habitat Mitigation and Monitoring Plan' (prepared by the Morro Group, and dated May 18, 2001) no Mitigation Monitoring Plan (HMMP) shall be approved by the CDFG. The HMMP shall be to implemented to compensate for the loss and/or disturbance of vegetation in the streambed and banks; areas cleared for access, and construction stating areas. The restoration plan elements will be graphically depicted on final construction plans, including the location and extent of the dirp-line for all trees; type and location of any fencing; and equipment storage and stagging areas outside of drip-line areas. The restoration plan elements will be approved by the CDFG. The HMMP shall be the Morro Group, and dated May 18, 2001) no Mitigation and Monitoring Plan' (prepared by the Morro Group, and dated May 18, 2001) no Mitigation and Monitoring Plan' (prepared by the Morro Group, and dated May 18, 2001) no Mitigation and Monitoring Plan' (prepared by the Morro Group, and dated May 18, 2001) no Mitigation and Monitoring Plan' (prepared by the Morro Group, and dated May 18, 2001) no Mitigation and Monitoring Plan' (prepared by the Morro Group, and dated May 18, 2001) no Mitigation and Monitoring Plan' (prepared by the Morro Group, and dated May 18, 2001) no Mitigation and Monitoring Plan' (prepared by the Morro Group, and dated May 18, 2001) no Mitigation and Monitoring Plan' (prepared by the Morro Group, and dated May 18, 2001) no white drop the the Department for three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the three (3) years thereafter. At the end of the th	POST The Operand shall important the Heistel Mitigation and Montrorip that (presence by the CDTG. The IMMS shall be improved b
	The applicant shall provide a written report describing results of the revogetation task to NMFS within 15 working days following completion of every etation. The respectation. The respectation of the locations planned or seeded, the area (12) revegetated, a plant palette, planting or seeded, in area (12) revegetated, a plant palette, planting or segment of the methods, proposed methods to mention and the revogetated area, performance or success criteria, and per success criteria.

	County	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
		DDE/DI IDINO							The applicant shall provide a written monitoring report to NOAA Fisheries (Anthony Spina, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802) within 15 working days following completion of the proposed action. The report shall include the number of steelhead killed or injured during the proposed action and biological monitoring; the number and size of steelhead relocated; any effect of the proposed action on steelhead that was not previously considered (reinitiation of consultation would be required); and, photographs taken		
		PRE/DURING Prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) in compliance with the National Pollutant Discharge Elimination System (NPDES) Storm Water General Permit. The SWPPP will focus on controlling storm water runoff.								ntical to RWQCB	
		PRE Prior to start of the project, design and submit a plan to the Corps describing a response to any accidental spills. In case of an accidental discharge or emergency affecting waters of the State, the applicant will file a report with the Office of Emergency Services and inform the staff of applicable Regional Board within 24 hours. PRE A monitoring program for all planned mitigation shall be developed and submitted to the Regional Boards for review. Copies of monitoring reports will be routinely forwarded to the appropriate Regional Board office as soon as they are prepared.			dentical to RWQCB Condition						
	PRE Create measures that will be implemented to protect water quality in the event that the stream diversion becomes breached during the concrete curing process. The Basin Plan stipulates that pH value not to be raised above 8.3 or below 6.5. Waters entering the creek shall be pH tested. Define washout protocol for concrete trucks to avoid concrete inadvertently being washed into the stream. Inform truck drivers and the pump truck drivers of their responsibilities.	Identical to County Condition									
		PRE Ensure that plans for repair do not create or exacerbate downstream impacts due to possible increase in water velocity through the culverts. POST A monitoring program for all planned mitigation shall be developed and submitted to the Regional Boards for review. Copies of monitoring reports will be routinely forwarded to the appropriate Regional Board office as soon as they are prepared.									
Inspection & Mo	onitoring (general)										
	DURING Department of Fish & Game personnel or its agents may inspect the work site at any time. (DF&G#10)	The applicant shall freely allow staff inspectors from the Regional Boards or Corps to visit project sites within 24 hours of a verbal request to a representative of the applicant's choosing within California. A knowledgeable project spokesperson shall be available during such a visit to answer State and federal inspectors' questions, and to discuss construction procedures pertaining to water quality concerns.									

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
	DURING If, in the opinion of the Department, conditions arise, or change, in such a manner as to be considered deleterious to the stream or wildlife, operations shall cease until corrective measures are taken. (DF&G#6)				DAILY (DUKING)						
					California red-legged frog nabitat between 100 feet downstream and 100 feet downstream of the project site shall be surveyed for California red-legged frogs by the Service-approved piologist prior to work activities each day. Preconstruction surveys shall follow protocol or survey guidelines established for his species. If California red-legged frogs are found within the project area and are thought to be in danger of injury, the approved piologist shall be allowed sufficient time to move these individuals before work at the site begins. All California red-legged frogs shall be relocated out of narm's way to a location putside of the project boundaries. The size, age-						
DURING During construction, a qualified biolog shall monitor construction activities including, but not limited to, installation removal of diversion structures and sediment/erosion control devices. Biological monitor to monitor construct work and to inspect the installation are removal or diversion structures and erosion/sediment control devices if applicable. The biological monitor shall be fully empowered to halt work as necessary the purpose of minimizing adverse efforts and the purpose of minimizing adverse efforts are removal.	ction nd Identical to County Condition (First)								DURING The applicant's biologist shall continuously monitor construction activities, instream habitat, and performance of sediment control/detention devices for the purpose of identifying and reconciling any condition that could adversely affect steelhead or their habitat. The biologist shall be empowered to halt work activity and to recommend measures for avoiding adverse effects to steelhead and their habitat.		
DURING The stream diversion and dewatering should be conducted under the direct continuous supervision of a qualified biologist to ensure the proper form an function of the diversion. The diversion structure should be monitored daily by work crews, and periodically by a quabiologist. DURING A qualified biological monitor shall comorning preactivity surveys, monitor construction activities that could direct impact sensitive wildlife, inspect streat diversion/dewatering and erosion/sect control devices, and relocate wildlife for the work area if necessary.	t and nd on by the palified and onduct ctly am diment	Identical to County Condition			dentical to County Condition						
PRE Prior to site disturbance, the County seretain an agency-approved biological monitor to ensure compliance with age issued conditions of approval within penvironmental documents and/or pern Monitoring shall be at a frequency and duration determined by the FHWA's at the County's consultation with affecte natural resource agencies (e.g., NMF USFWS and CDFG, ACOE and RWG respectively). DURING If needed, a biological monitor should site to inspect the area prior to any withat may adversely affect CRLF. The monitor should inspect the installation removal of diversion structures and erosion/sediment control devices.	gency- project mits. ad and ed FS, QCB, d be on- ork Identical to County Condition										

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA Coastal P	NOAA Fisheries	NMFS PRE/DURING	SWRCB	COND
installation, pile driving, excavation/fill and pouring concrete). The biologist shall monitor potential impacts to water in the channel of the seasonal stream and to aquatic and riparian habitats. The biological monitor shall have the authority to halt construction should any federally-listed species be encountered within or adjacent not limit diversion devices.	r all construction activities including, but ted to, installation and removal of all on structures and sediment control s. If California red-legged frogs are to be present during construction, all action activities within 50 feet in any of the frogs shall cease until the frogs moved by a qualified biologist with all d permits. Only California red-legged that are at risk of injury or death by		DURING A fisheries biologist with expertise in the areas of freshwater fisheries (particularly steelhead and tidewater goby) biology and ecology, fish/habitat relationships, biological monitoring and handling, collecting and relocating species shall be retained to monitor the installation and removal of any creek diversions and placement of the rip rap.		Identical to CDFG Condition		The County shall implement the following Reasonab and Prudent Measu and the associated Terms and Condition included in the NOA Fisheries BO for steelhead: Employ a fishery biologist for the purposes of monitor the affected area are for removing and relocating steelhead from the affected area. The County shall retain a fishery biologist with experting the areas of residure or anadromous salmonid biology are ecology; fish-habita	The applicant shall retain a fisheries biologist with expertise in the areas of resident or anadromous salmonid biology and ecology; fish/habitat relationships; biological monitoring; and, handling, collecting, and relocating salmonid species. The biologist will continuously monitor installation and removal of the diversion, the workspace, and construction activities. isee ent Employ a fisheries biologist for the purposes of monitoring		
DURING A Service-approved biologist shall be present at the work site until such time as all removal of California red-legged frogs, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor on-site compliance with all minimization measures. The Service-approved biologist shall ensure that this individual receives training outlined above in measure 3 and in the identification of California red-legged frogs. The monitor and the Service-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by the Corps and Service during review of the proposed action. If work is stopped, the Corps and Service shall be notified immediately by the Service-approved biologist or on-site biological monitor.					Condition An USFWS-approved biologist shall be present at the work site until all California red-legged frogs have been removed, workers have been instructed, and disturbance of the habitat has been completed. After this time, the state or local sponsoring agency shall designate a person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this monitor receives the training outlined in mitigation measure 4 above and in the identification of California red-legged frogs. If the monitor or the USFWS-approved biologist recommends that work he			from the affected area		
remove monitor DURING	sion structures are to be installed, and ed, the Operator shall hire a biological r to inspect their installation/removal.									
the sub	ling and earth disturbing activities on ject property shall be monitored by a d archaeologist and Native American r.					activities, the of will retain a quarchaeologist, approved by the Environmenta Coordinator, to all earth disturnactivities asso with the project any archaeologist any archaeologist. It is a subject to the result of the result	county alified ne o monitor bing ciated t site. If gical found ing work in 50 burce as the be as the be in Upon all gation prior to final ichever e shall			
DURING Check and maintain erosion control measures on a daily basis throughout the duration of work activities. If necessary, erosion control measures should be adjusted as appropriate if the work area changes.	al to County Condition	Identical to County Condition				submit a lottor				

The side that the monitored at life completion of the project has been according to the project has been acc	
DURING Conduct archaeological monitoring during the grading phases of the project. Monitoring should include an archaeological workshop for workers prior to construction and outline methods of	
DURNO DURNO DURNO The overlow and trigge typass area retains same potential for the presence of buried or redeposited cuthar lessurces. For this redeson, this part of the study area shall have intermittent archaeological monitoring during excavation and construction. The terrace and sloping hillside on the sast side of the bytes base area from Main Street to the defendant basin located southwast of the bank cild not have enough visibility for the archeeological survey. The area requires full archaeological monitoring during excavation of the busin. PREDIORINGSPOST Protos shall be staten before, during, and advines and compliance of militagation measurus. Pricos will be sent to: Streambout Alloration Notification Number 1600-2001-3001-3001 California Department of Faith and Game, Cummal Coast Region Vountile, CA 94599 PREDIORIST California Department of Faith and Game, Cummal Coast Region Vountile, CA 94599	
POST Inspect the revegetated area in spring and fall for a period of no less than two years for the purposes of monitoring the performance of the planted or seeded area and the amount of exposed soil, and of determining whether additional revegetation is necessary	
PRE Removal of vegetation and existing nests shall be conducted in the presence of a qualified biologist during the fall and winter (between September 15 and February 15) after fledging and before the initiation of breeding activities. The timing of nest removal may differ due to variations in breeding activity.	
DURING A qualified biologist shall ensure compliance with all regulatory permit conditions and to ensure that all practicable measures are employed to avoid incidental disturbance of aquatic habitats and disturbance to special-status species. Monitoring shall be at a frequency and duration determined during consultation with responsible agencies (e.g., National Marine Fisheries Service (NOAA Fisheries), USFWS, and CDFG]. The biologist shall be a liaison between state and federal agencies and the construction contractor regarding compliance with mitigation requirements.	
DURING All significant, native vegetation adversely affected during site construction shall be inventoried by the qualified biologist, and the nature of impact characterized (e.g., removed, trimmed, root zone compacted, root zone excavated). Survey site for species	

County	RWQCB ACOE	Caltrans USFWS	FHWA Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
Within 60 days prior to the start of construction activities, the project site will be surveyed by staff of the Environmental Division of the County Department of Planning and Building. If any kit fox sign are noted (i.e., dens), the County will contract a biologist recognized by the U.S. Fish and Wildlife Service and the California Department of Fish and Game as a person having special expertise in the San Joaquin kit fox to formally survey the site for kit fox. If the species is documented in an area likely to be impacted by the project, construction activities shall not begin until agreements addressing the kit fox have been reached between the County of San Luis Obispo and the California Department of Fish and Game the Federal Highway Administration and the U.S. Fish and Wildlife Service. Any such agreements shall be made available for public inspection in the Environmental Division of the County Department of Planning and Building. (County Mit #BR-1, DF&G#3)							
PRE Prior to the initial disturbance of natural vegetation types within the project LOD, a qualified wildlife biologist shall survey the areas to be disturbed for the presence of sensitive wildlife. Trees and shrubs within the LOD that are scheduled to be trimmed or removed between February 1 and September 30 shall be carefully searched for nests prior to disturbance. The Migratory Bird Treaty Act protects active nests, eggs, nestlings, and adults on the nests of nearly all bird species. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest shall be estimated. No additional measures shall be implemented if active nests are more than the following distances from the nearest work site: (a) 100 yards for raptors; or (b) 25 yards for other bird species. If active nests are closer than those distances to the nearest work site, a plan to monitor the behavior of the nesting birds during construction shall be prepared and submitted to CDFG for review and approval.							
PRE A County approved biologist shall survey the area the night before and the morning of work activity to ensure no sensitive species are within the project site. The county approved biologist shall monitor work activity to ensure no sensitive species are killed or harmed. If any individuals are sighted, within four (4) hours the biologist shall contact the Department of Fish and Game staff biologist Bob Stafford at (805) 528-8670 for consultation on further avoidance measures. ACOE: The surveys shall focus on the following species: CRLF, steelhead, tidewater goby. If any listed species are observed, the biological monitor shall immediately contact the Corps. Work shall not be initiated until the Corps has completed the appropriate level of consultation pursuant to section 7 of the federal Endangered Species Act.	Identical to County Condition	Prior to the onset of earthmoving or vegetation clearing activities, a biologist authorized to survey for the California red- legged frog would conduct one daytime and one nocturnal survey fro the taxon. An additional daytime survey would be conducted within the project footprint on the morning construction activities begin. Any CRLF found in the project area prior to construction would be relocated to a suitable area outside of the construction site by a biologist authorized by the Service to conduct such activities. If CRLF are found to be present during construction, all construction activities would cease until the frogs					
PRE Prior to any project-related site disturbance, focused botanical surveys will be conducted those sensitive plant species noted in Section V.B. of the NES. Surveys will be conducted a qualified biologist/botanist during the respective flowering periods for the species noted. If any of these species are observed within the project APE, county staff will be notified immediately to determine the appropriate action. Such action may include erecting exclusion fencing around individual plants for the duration of the project. Appropriate actions will be determined by the affected agencies in consultation with the County. Preconstruction surveys shall be conducted determine the presence of sensitive plants. sensitive plant species are determined to be present within the project site, construction shall be delayed and the contractor shall contact the Department before proceeding	for n by	Identical to CDFG Condition					

County	CDFG	RWQCB	ACOE Calt	rans USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	GOLDEN CONDITION
PRE A qualified biologist shall conduct a preconstruction survey for nesting sensitive bird species, including Cooper's hawk, within the project impact area. If active nests are observed, construction shall not commence until either: 1) nesting birds fledge and leave the project impact area; or 2) consult with CDFG and secure impact authorization prior to site disturbance.	PRE Prior to project-related site disturbance, a qualified biologist will conduct rare bird surveys during the respective breeding/nesting seasons for the species noted in Section V.B. of the NES. If breeding/nesting within the APE is observed, the county will be advised, and appropriate measures implemented to avoid disturbance of or injury to sensitive nesting birds. Measures may include exclusion fencing and worker education programs. Appropriate measures will be determined through consultation with the affected agency.			Identical to CDFG Condition				
	PRE Preconstruction surveys shall be conducted to determine the presence of [serpentine dudleya and other] sensitive plants by a qualified biologist. If sensitive plant species are determined to be present within the project site, construction shall be delayed and the contractor shall contact the Department of Fish and Game before proceeding.							
PRE Preconstruction surveys consistent with protocol established by the US Fish and Wildlife Service shall be conducted to determine the presence of California redlegged frog, southwestern pond turtles and tidewater goby. Any of these species that are found in the area prior to construction shall be relocated to a suitable area outside of the construction site by a qualified biologist with all required permits.								
PRE A qualified biological monitor shall survey the project site for the presence of southwestern pond turtles immediately prior to any riparian vegetation or instream disturbance. If pond turtles are detected, work shall stop and CDFG shall be contacted.								
PRE Prior to site disturbance, the County shall conduct a pre-construction survey for California red-legged frog within the project area and a 100-zone within riparian habitat. If California red-legged frog is observed, the U.S. Fish and Wildlife Service shall be contacted for consultation. No construction activities shall occur within 100 feet of the species occurrence.	with all required permits. If movement of CRLF							
	PRE Raptors: Survey for nesting activity of raptors within a 0.5 mile radius of the construction site. Surveys shall be conducted at appropriate nesting times and concentrate on mature trees. If any active nests are observed, these nests and nest trees shall be designated an ESA and protected (while occupied) during Project construction. Other Avian Species: Survey riparian areas for nesting activity within a 0.25 mile radius of the defined work area 2 to 3 weeks before construction begins. If any nesting activity is found, the Operator shall contact the Department and mitigation, specific to each incident, shall be developed.							
	PRE Preconstruction surveys shall be conducted to determine the presence of California red-legged frogs, two-striped garter snakes, and southwestern pond turtles. Any of these species that are found in the area prior to construction shall be relocated to a suitable area outside of the construction site by a qualified biologist with all required permits. Frog surveys shall be conducted only by Service-approved biologists less than 7 days prior to start of construction activities in the riparian zone.	Identical to CDFG Condition		Identical to CDFG Condition				
PRE A qualified biological monitor shall conduct preconstruction surveys for California redlegged frog and halt work if individuals are observed.		Identical to County Condition						

County	CDFG	RWQCB	ACOE	Caltrans USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITIO
PRE A Service approved biologist shall survey the work site two weeks before the onset of activities. If California red-legged frogs, tadpoles, or eggs are found, the approved biologist shall contact the Service to determine if moving any of these life-stages is appropriate. In making this determination the Service shall consider if an appropriate relocation site exists. If the Service approves moving animals, the approved biologist shall be allowed sufficient time to move the CRLF from the work site before work activities begin. Only Service approved biologists shall participate in activities associated with the capture, handling, and monitoring of the CRLF. Bullfrogs, centrarchid fishes and exotic crayfish observed during this survey and throughout the time of the project shall be removed by the biologist according to the California Fish and Game Code. Additionally, the results of the survey should be sent to the CDFG (1600 Program, Notification Number R3-0735-99, P.O. Box 47, Yountville, CA 94599).	Identical to County Condition			PRE 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 is found and these individuals are likely to be killed or injured by work activities, the approved biologist shall be allowed sufficient time to move them from the site before work activities begin. The USFWS-approved biologist shall relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and shall not be affected by the activities associated with the proposed project. The USFWS-approved						
DURING Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.				hiologist shall maintain						
PRE To the extent practicable, necessary tree and shrub trimming and removal shall occur between October 1 and January 31 to reduce impacts to nesting birds. If vegetation must be removed outside of the October-January period, a qualified biologist shall conduct pre-construction surveys for nests. During the period from February 1 to September 30, prior to the initial disturbance of natural vegetation types, the biologist shall survey the areas to be disturbed for the presence of nesting birds. All trees and shrubs in the project area shall be carefully searched for bird nests. If an active nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest shall be estimated. No additional measures shall be implemented if active nests are more than the following distances from the nearest work site: (a) 100 yards for raptors; or (b) 25 yards for other birds. If active nests are closer than those distances to the nearest work site, a plan to monitor the behavior of the nesting birds shall be prepared and submitted to CE										
	PRE If construction is scheduled to occur during the nesting season of February 15 to August 1, preconstruction surveys shall be conducted by a qualified biologist to determine the presence of nesting birds within the riparian zone. If active raptor nests are found to be present, construction within 100 yards of the active nests shall be delayed until the qualified biologist determines that the young have fledged. If active nests of non-raptor species are found to be present, construction within 25 yards of the active non-raptor nests shall be delayed until the qualified biologist determines that the young have fledged.			PRE If construction is scheduled to occur during the nesting season of February 15 to August 1, preconstruction surveys shall be conducted by a qualified biologist to determine the presence of nesting birds in the riparian zone. If nests are found to be present, construction shall be delayed until the qualified biologist determines that the young have fledged.						
PRE Immediately prior to tree removal, a preconstruction survey shall be conducted by a qualified biologist to ensure that no raptor or migratory bird nests containing viable eggs or fledglings will be disturbed during the tree removals. If active raptor or migratory birds are found during the preconstruction survey, the tree removals will be postponed until the nest no longer contains viable eggs or fledglings.										
	PRE/DURING Preconstruction surveys shall be conducted to determine the presence of sensitive plants. If sensitive plants are determined to be present within the project site, all construction activities within 50 feet in any direction of the plants shall be delayed and the Department shall be notified before proceeding. Plants shall be encircled with prominently-colored ESA fencing to prevent damage to such plants.									

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
			PRE The permittee shall photograph the work area before, during and after implementation of the proposed action and provide a written report to NMFS (501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802) within 30 working days following completion of the proposed action. The report shall include the following: identification of the area affected by the proposed action; a description of any problem encountered during the action or when implementing special conditions; and the color photographs of the work area.						PRE/DURING The applicant shall photograph the action area during and immediately before and after construction activities are completed for the purpose of developing a reference library of instream and riparian habitat characteristics.		
fish shall be captured by nets or by hand. The fish shall be temporarily placed in five- gallon buckets and shall be relocated to appropriate upstream and downstream locations.	DURING The Operator/Contractor shall take every precaution to ensure that fish or other aquatic life are not stranded due to construction activities. The Operator/Contractor shall check daily for stranded aquatic life in any area in which construction activities occur. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the project areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. [Consideration shall be given to daytime temperatures, water temperatures, and other factors that may affect the survival of captured aquatic life. Extreme care shall be taken to ensure that aquatic life is not injured or killed during relocation efforts.] [This condition does not allow for the take or disturbance of any state or federally listed species, or state listed species of special concern.]										
PRE A qualified biologist should perform preconstruction surveys for CRLF no more than two days prior to the start of repair activities.	e Identical to County Condition										
	PRE US Fish and Wildlife preconstruction protocollevel surveys shall be conducted to determine the presence of California red-legged frogs (CRLF). The results of the surveys shall be sent to the Department. If CRLF are found, construction shall not begin, and the Operator shall consult with the Department and the US Fish and Wildlife Service. If California red-legged frogs are found during preconstruction surveys, the Operator shall contact the Department biologist, Mike Hill at (805) 489-7355. If CRLF are found either during preconstruction surveys, or during construction, the Department shall be contacted and the Agreement will need to be amended, and potential environmental review conducted before the project proceeds.										
If removal of tall trees is determined to be necessary at any time within the typical raptor breeding season of February 15 through September 15, a raptor nest surve should be conducted prior to scheduled tree removal. A qualified biologist should therefore, be retained to determine if identified trees are currently being used for nesting purposes. If a tree slated for removal is being used for nesting at the time of proposed construction, either avoid tree removal until after the nesting season or consult with CDFG.	Identical to County Condition										
netting shall be installed during a time when no bats are observed to be roosting under the existing bridge. If exclusion	PRE Bats: Bats shall not be disturbed without specific notice to and consultation with the Department. Preconstruction surveys by a qualified biologist shall be performed to determine if bat species are utilizing the bridge for roosting. If bats are using the existing bridge as a roosting site, exclusion of bats shall take place prior to construction. If exclusion measures are unsuccessful and bat species still utilize the bridge for roosting, the Operator shall contact the Department and mitigation shall be developed in consultation with the Department.										

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
Immediately prior to commencement of ground disturbing activities (e.g., grading, surveying), the qualified biologist shall, within daylight hours, carefully survey each area to be disturbed for the presence of Morro shoulderband snail and California legless lizard. All ice plant to be removed shall be carefully removed by hand by the qualified monitor to avoid adverse impacts to sensitive species. All legless lizards found by the biological monitor during the noted survey effort shall be moved by the monitor to adjacent, similar habitats out of harms way.					Identical to County Condition						
The qualified monitor shall move all live snails found to adjacent, similar habitats out of harms way. The location of the living snail(s) shall be marked (e.g., with pinflags) by the qualified monitor. Project-related construction shall not be allowed within 25 feet of each marked location until such time that the monitor confirms that the snail(s) is no longer occupying the marked location and has moved from harms way.											
					A USFWS approved biologist shall inspect all equipment stored outside in the staging area each morning prior to use for the presence of Morro shoulderband snails. Any live snails found in harms way shall be moved per the authorizations and procedures outlined above.						
					The biologist must monitor the action area daily during work activities. Less frequent monitoring may be approved by the USFWS depending on the project timing and the environmental conditions at the project site. The biologist must have the authority to halt the work if Morro shoulderband snails are found. The biologist must collect any living						
	PRE/DURING If any sensitive species are observed in project surveys, submit Natural Diversity Data Base (NDDB) forms to the NDDB for all preconstruction survey data within five working days of the sightings, and provide DFG Region 4 with copies of the NDDB forms and survey maps.				enails and relocate them to						
					A Service-approved biologist must conduct protocol preconstruction surveys for California red-legged frogs that involve the work areas for the revegetation and 3-year vegetation monitoring programs, including the periodic removal of vegetation from the bypass channel, mowing of annual grasses, periodic cleanout of debris and sediments, and the spraying of herbicides. These surveys must be conducted within 2 days of the start of activities.						
					A Service-approved biologist must monitor activities that involve revegetation and the 3-year vegetation monitoring programs, including the						
POST Project sites shall be revegetated with an appropriate assemblage of native riparian wetland and upland vegetation suitable for the area. A species list and restoration and monitoring plan shall be included with the project proposal for review and approval by the Service and the FHWA. Such a plan must include, but not be limited to, location of the restoration, species to be used, restoration techniques, time of year the work will be done, identifiable success criteria for completion, and remedial actions if the success criteria are not achieved.					Identical to County Condition						

	County	CDFG RWQCB	ACOE	Caltrans	USFWS FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITIO
			POST Inspect the flood basin after							CONDING
			discharge in Santa Rosa Creek has increased sufficiently to "spill"							
			into the basin for the purpose of assessing presence of steelhead.							
			This inspection shall be performed							
			no later than 24 hours following the discovery that the creek is no				Identical to ACOE			
			longer spilling into the basin.				Condition			
			Notify NOAA Fisheries if a							
			steelhead is observed in the basin. Such notification shall be made to							
			NOAA Fisheries within a reasonable period of time, but not							
			later than 24 hours after the							
			discovery of a steelhead.							
	PRE Prior to beginning construction, and									
k	between the months of October-April, the									
S	County will conduct surveys for western spadefoot toads. Surveys will be									
	conducted after the requisite amount of rain has fallen. If spadefoot toads are located									
a	at the project site, the County will, in									
	consultation with the Department of Fish and Game, implement the following									
r	measures, as necessary:									
f	a. Relocate adults and/or tadpoles away from the construction area									
	b. Establish fenced exclusion zones to protect spadefoot toads and their habitat									
	c. Modify the project to avoid or reduce									
ļi	impacts to spadefoot toads.									
	Within two weeks prior to beginning									
ŗ	construction, the County will re-survey the project site for the presence of sensitive									
	species. If any State or Federally listed species are discovered, the appropriate									
5	State and Federal resource agencies will									
	be notified immediately and the necessary consultations will be initiated.									
	PRE If eucalyptus trees are removed during the									
r	monarch overwintering period (September									
C	 March), the trees shall be surveyed by a qualified biologist to ensure that monarchs 									
8	are not present. If monarchs are detected, tree removal shall be postponed until after									
	the monarchs have departed.									
	PRE									
\\	If, prior to construction, flowing or pooled water is present in the project site, a									
F	preconstruction survey for tidewater goby shall be conducted by a qualified biologist.									
	PRE									
l l	A qualified biological monitor shall survey									
	the project site for the presence of coast range newt immediately prior to any									
	riparian vegetation or instream disturbance. If coast range newt is detected, work shall									
	stop and CDFG shall be contacted.									
					In addition to the measures					
					included in the USFWS' programmatic BO for					
					FHWA-funded projects (April 24, 2003), the County					
					shall implement the					
					following Reasonable and Prudent Measures and the					
					associated Terms and Conditions, and other terms					
					included in the USFWS BO					
					for California red-legged frog:					
					2. Biologists must be authorized by the USFWS					
					before they survey for,					
					capture, and move California red-legged frogs					
					from work areas. a. FHWA must require					
					Caltrans to request USFWS					
					approval of any biologist it wishes to employ to survey					
					for, capture, and move California red-legged frogs					
					from work areas. The					
ve/Relocate	<u> </u>	DDE/DLIDING								
	Herbaceous and small shrubby vegetation	PRE/DURING In order to minimize the possibility of injuring								
	within the clearly demarcated project	California red-legged frogs and other wildlife, herbaceous and small shrubby vegetation			Identical to County					
	DOMINATION WITH WOMEN AND COMMISSION OF THE		Identical to County Condition		Condition					
k	subsequent project activity shall be	within the project boundaries that would be			Condition					
k s r	subsequent project activity shall be removed by hand prior to clearing and	within the project boundaries that would be disturbed by subsequent project activities shall be removed by hand prior to the use of heavy			Condition					

County DURING	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB
Herbaceous and small shrubby vegetation within the clearly demarcated project boundaries that would be disturbed by subsequent project activity shall be removed by hand prior to use of the site be	Identical to County Condition									
heavy equipment or other major construction activities in order to reduce t effect on CRLF and encourage their exodus.	Ју									
	If California red-legged frogs are found to be present during construction, all construction activities shall cease until the frogs can be moved by a qualified biologist with all required permits.									
	DURING Nothing in the 1601 Streambed Alteration Agreement authorizes any person to handle, move or disturb California red-legged frogs or other species designated as threatened or endangered under either the State or federal Endangered Species Acts unless that person is specifically authorized to move, handle or relocate species by the appropriate federal agency(ies).									
DURING Large woody debris or trees within the stream channel or on the lower banks of the stream shall not be removed. If woody debris is causing erosion problems it may be relocated to another portion of the stream in consultation with a qualified biologist.	shall not be removed. Oversized materials, and		DURING The permittee shall not remove any woody debris from the creek or channel.							
No steelhead may be trapped or relocated	d.		Identical to County Condition DURING The permittee shall not capture steelhead without prior written approval from NMFS.							
	DURING Bullfrogs and exotic crayfish that are observed during the project shall be captured and permanently removed from the wild.			DUR All no the O frog, bullfr the p destr shall to en activ	tical to CDFG dition RING on-native predators of California red-legged including crayfish and rogs captured during project shall be royed. The County I have the responsibility insure that their rities are in compliance the California Fish and ne Code.					
	DURING We recommend that any non-native predators of the California red-legged frog be permanently removed from the wild if they can be captured while monitoring project activities. Anyone conducting such removal should be in compliance with the California Fish and Game Code and any other applicable federal and State laws.				tical to CDFG dition					
	DURING In no instance shall captured aquatic life be relocated to another watershed or taken home for personal use by construction crews or biological monitors. Consideration shall be given to daytime temperatures, water temperatures, and other factors that may affect the survival of captured aquatic life. Extreme care shall be taken to ensure that aquatic life is not injured or killed during relocation efforts.			captorelocion water for process biolo de la captorelocion de la ca	o instance shall ured aquatic life be cated to another ershed or taken home ersonal use by struction crews or ogical monitors. RING and translocation, dling time of individuals alifornia red-legged is shall be kept to the test duration ticable. Standard nods for handling and sporting sensitive hibian species shall be					
DURING The restoration planting crew shall remove any exotic plant species in a 3-foot area around each pin flag. If species identification is in question, the restoration monitor shall be notified to identify and approve removal. All exotic species shall be removed by hand or hand tool, such a a hoe, McCloud, or Pulaski. Herbicide shout be used for exotic species removal. DURING Restoration crews shall prune the multitrunked trees along the creek channel to create a single-trunked growth habit, following SLOWMP guidelines. Stumpsprouting willows along the roadside shall also be pruned to form a single-trunked habit and to grow in a way that avoids	n I s nall									

County	CDFG	RWQCB	ACOE Caltrans	USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	GOLDEN CONDITION
PRE Prior to access way construction near the Highway 101 onramp, willows will be pruned back to the extent possible to discourage subsequent passerine nesting during the planned work window. Such pruning will occur during the late winter, prior to the arrival of spring migrant birds. If the project schedule is not complimentary with this measure, willows will be trimmed immediately under the supervision of a qualified biologist following performance of the following MM-5.				Identical to County Condition				
PRE During the late winter season preceding project implementation, vacant, existing nests of cliff swallow and black phoebe should be removed from the bridge understructure by a County qualified biologist. Following this removal of existing nests, an approved contractor should periodically and frequently remove all bird nests beneath the bridge as adult birds are constructing them. Doing so will prevent successful nesting of birds within the SHSB understructure and inevitable nest harm during project construction. Section 3503 of the Fish and Game Code protects active bird nests and bird eggs.				Identical to County Condition				
POST Following project completion, all invasive exotic plant species should be removed from the immediate vicinity of the project site.	Identical to County Condition							
DURING A Service-approved biologist shall ensure that the spread or introduction of invasive exotic plant species shall be avoided to the maximum extent possible. When practicable, invasive exotic plants in the project areas shall be removed.				Identical to County Condition				
DURING A service-approved biologist shall ensure that the spread or introduction of invasive exotic plant species shall be avoided to the maximum extent possible. When feasible, exotic species shall be removed from the site. Heavy equipment and other machinery shall be inspected for undesirable species and cleaned when necessary. Any fill material hauled to the site shall be free of exotic species, and the source of the material shall be inspected by a County-approved biologist.	Identical to County Condition			Identical to County Condition				
	PRE/DURING All invasive exotic plant species shall be removed from the project site. Any Vinca, Cape or German ivy, pampas grass, castor bean, Arundo or other exotic plant species removed during any phase of construction shall be bagged and appropriately disposed of in a landfill. Exotic species shall not be used in composting or left otherwise exposed in or around the project site. Heavy equipment and other machinery shall be inspected for the presence of undesirable species prior to onsite use and cleaned to reduce the risk of introducing exotic plant species into the project site.							
Following project completion, remove invasive exotic plant species from the immediate vicinity of the project site. Any Vinca, Cape or German ivy, Castor bean, Arundo, or other exotic plant species shall be bagged and appropriately disposed of in a landfill. Exotic species shall not be used in composting or left otherwise exposed in or around the project site. DURING If necessary, tree removal or pruning may occur during the bird nesting season provided a qualified biologist verifies that no active nests are located within the project area.	Identical to County Condition		Identical to County Condition					
DURING No Morro shoulderband snail habitat (coastal sage scrub and patches of associated iceplant) will be removed as a result of the development of the project. Construction will be confined to areas void of coastal sage scrub and iceplant associated with coastal sage scrub.				Identical to County Condition				

County	RWQCB	ACOE	Caltrans USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
			Only Service-approbiologists will partice activities associated capture, handling a monitoring of Califolegged frogs. The sapproved biologist minimize the time of red-legged frogs are handled and in capturing relocation effor avoid transferring disease or pathoge biologist must follow Declining Amphibia Populations Task Fieldwork Code of Fieldwork Code	ipate in d with and rnia red-Service-must california e tivity forts. g ns, the v the n orce Practice. g ns bitats f ng of ed frogs, ed					
			PRE/DURING If California red-legger frogs are found, the approved biologist of contact the Service determine if moving appropriate. If the sives approval for relocation, the Service approved biologist of allowed sufficient time move the California legged frogs from the site before construct activities begin.	Service- will to y them is Service ice- will be me to red- ne work					
PRE To avoid impacts to nesting swallows and phoebes, one or more of the following measures shall be taken: 1) Swallow and phoebe nests shall not be disturbed during the nesting season (March 1-Aug. 15) 2) Old nests shall be removed from the project site prior to March 1, and exclusion netting shall be installed before swallows return and begin nesting activity. Netting shall remain in place until construction begins, and during construction period new nesting material will b removed at least weekly. 3) If active nests are to be removed, a permit shall be obtained from the USFWS.									
						The biologous place rem diver purpany wou affer shall strate wetter resultive work and steel instructions work work biologous affer affer shall strate immedow work and steel instructions work and steel instructions work work shall strate immedow work shall strate instructions work affer shall strate in the shall strate in th	e applicant's ogist shall tinuously monitor cement and loval of the ersion for the pose of removing steelhead that ald be adversely ected. The biologist all capture steelhead inded in residual ted areas as a all tof streamflow ersion and expace dewatering, a relocate the elhead to a suitable ream location enediately what is a suitable ream of the expace. The logist shall note the enber of steelhead erved in the ected area, the		
DURING Care should be taken in handling injured animals to prevent additional injury. Injured animals may be released to the wild after receipt of concurrence from the Service. Care shall be taken in handling dead specimens to preserve biological material in the best possible state for later analysis. The remains of intact CRLF shall be placed with California Academy of Sciences Herpetology Department.							ahar of staalbaad		

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
DURING Other native amphibians and reptiles found within the project site will be relocated to suitable habitat near the affected areas.				We Coorep fou to r suc Sta hel	RING recommend that the unty relocate any native tiles and amphibians nd within the action area nearby suitable habitat, if ch activities comply with the laws. This would p conserve California legged frogs in the ion.						
PRE Prior to project implementation, all fish within the project site shall be captured and relocated. In the event of a tidewater goby death, USFWS shall be contacted and their instructions followed. In addition, the qualified biologist shall immediately contact Caltrans District 5.											
DURING All captured and relocated fish shall be counted and classified into the appropriate age class. In the event of a steelhead take, NOAA Fisheries shall be contacted and the steelhead shall be removed from the project site and kept in a freezer until further direction from NOAA Fisheries.											
g/Orientation											
Joaquin kit fox). This program shall include a review of the mitigation measures to reduce impacts to biological resources,	to starting any activity within the stream,										
PRE Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with identification of California red-legged frogs, their habitat, general provisions and protections afforded by the Endangered Species Act, measures implemented to protect California red-legged frogs, and a review of the project boundaries. PRE Prior to construction, a qualified biologist implementation of California red-legged frogs, and a review of the project boundaries.	to construction, a qualified biologist shall duct training sessions to familiarize all struction personnel with identification of fornia red-legged frogs, their habitat, eral provisions and protections afforded by Endangered Species Act, measures emented to protect California red-legged s, and a review of the project boundaries. training will also be provided within 30 s of the arrival of any new worker.				ntical to CDFG ndition th)						
PRE Before any construction activities begin on a project, a Service-approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog and its habitat, the importance of the California red-legged frog and its habitat, the general measures that are being implemented to conserve the California red-legged frog as they relate to the 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.	tical to County Condition				ntical to County						

County	CDFG	RWQCB	ACOE Caltra	ns USFWS	FHWA	Coastal Permit NOAA Fisheries	NMFS SWRCB	GOLDEN CONDITION
If, prior to construction, flowing or pooled water is present in the project site, a qualified biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the various special-status species potentially present within the area (e.g., tidewater goby, steelhead, etc.) and their habitats, the importance of the species and their habitats, the general measures that are being implemented to conserve the species as they relate to the project, and the boundaries within which the project may be accomplished. Workers shall be required to sign a training sheet stating that they have attended the training session, and understand the regulatory implications of "take" as it is defined within the ESA. Workers shall also be instructed on what actions to take in the event that special-status species are observed in the project site during construction. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions. PRE Prior to site disturbance, the County shall conduct a pre-construction training for crew members regarding special-status species and sensitive habitats.								
sensitive species that may occur in the project area. Conduct on-site environmental training to	An environmental training shall be given to workers onsite to aid in recognizing sensitive species that may occur in the area. If any federally, or state-listed species enters the work site, work shall cease and the Department shall be contacted immediately for							
PRE Prior to starting any activity within the stream, all workers shall have received training from the Operator's staff, or approved alternate trainer, on the contents of the CDFG Agreement, the resources at stake, and the legal consequences of noncompliance. The program shall discuss sensitive species with potential to occur in the construction zone, with emphases on oak trees, wetland and riparian habitats, and roosting and nesting birds. The program shall explain the importance of minimizing disturbance and adhering to other disturbance minimizing measures.	Identical to County Condition							
	PRE Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with identification of California red-legged frogs, their habitat, general provisions and protections afforded by the Endangered Species Act, measures implemented to protect California red-legged frogs, and a review of the project boundaries. The training will also be provided within 30 days of the arrival of any new worker.			Identical to CDFG Condition				
PRE Prior to project commencement, the project proponent shall retain a qualified biologist to conduct a worker education seminar summarizing the life history and ecology of Morro shoulderband snail and California legless lizard. Agency regulations and protections pertaining to these species shall also be discussed. Consequences of knowingly violating such regulations shall be discussed. All workers to participate in the project shall complete the training and sign a log acknowledging completion of such training. No workers shall be allowed to work on the noted project until such time that they have completed the seminar and signed the completion log. This program must be either conducted or approved by a USFWS-approved biologist.				Identical to County Condition				
PRE A pre-construction meeting will take place between all the agencies and individuals involved to initiate the Mitigation Monitoring Program and establish the responsibility and authority of the participants. Mitigation measures, which need to be defined in greater detail, will be addressed prior to any project plan approvals in follow-up meetings designed to discuss specific monitoring efforts.								

County	CDFG	RWQCB	ACOE	Caltrans USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITIO
PRE										CONDITIO
Prior to any monitoring efforts, all parties involved must have a clear understanding of the mitigation measures as adopted and										
these mitigations must be distributed to the										
participants of the monitoring effort. Those that will have a complete list of all the										
mitigation measures adopted by the Count include the County of San Luis Obispo, the										
Mitigation Compliance Coordinator (MCC) and the Construction Manager (CM), or the										
contractor. The MCC will distribute to each Environmental Specialist (ES) and										
Environmental Monitor (EM) a specific list of mitigation measures that pertain to his continuous										
her monitoring tasks and the appropriate time frame that these mitigations are										
anticipated to be implemented.										
onstruction area										
PRE Prior to commencement of construction,		PRE Fencing shall be erected around al								
trees that are located within the proposed construction zone will be clearly marked for		environmentally sensitive areas to avoid impacts during construction.								
protection with highly visible flagging to ensure trees not marked for removal are		This would involve placing fencing outside the drip-line of Coast Live								
avoided (County Mit. see N.D.).		Oak and Cottonwood trees within the construction areas.								
PRE										
All trees to remain on-site that are within fifty feet of construction or grading activitie	s									
shall be marked for protection (e.g., with flagging) and their root zone fenced prior to										
any grading. The outer edge of the tree root zone is 1-1/2 times the distance from										
the trunk to the drip line of the tree. Grading, utility trenching, compaction of										
soil, or placement of fill shall be avoided within these fenced areas. If grading in the										
root zone cannot be avoided, retaining walls shall be constructed to minimize cut										
and fill impacts. Care shall be taken to avoid surface roots within the top 18 inche	S									
of soil. If any roots must be removed or exposed, they shall be cleanly cut and not										
left exposed above the ground surface.										
PRE/DURING Clearly mark the boundaries of the	PRE	PRE/DURING Clearly mark the boundaries of the								
proposed work area before and during construction using highly visible flagging o fencing, particularly around the existing oa	The boundaries of the proposed area will be clearly marked prior to construction using	proposed work area before and during construction using highly								
fencing, particularly around the existing oa trees to be protected. Advise all	construction personner will be advised to	visible flagging or fencing. Advise								
construction personnel to conduct work activities within the defined area only.	conduct work within the defined work area only (DF&G #2).	conduct work activities within the defined area only.								
PRE Prior to construction activities, the										
boundaries of the project areas shall be clearly delineated by flagging or other										
means All construction personnel shall be										
advised to conduct work activities within the defined work areas only in order to avoid unnecessary disturbance of the vegetation			Identical to County Condition							
Mark all environmentally sensitive areas.	•									
Vegetation removal shall not exceed the minimum necessary to gain access to the stream.										
PRE										
Prior to site disturbance, the project site shall be clearly flagged or fenced so that										
the contractor is aware of the limits of allowable site access and disturbance.										
Areas within the designated project site the do not require regular access shall be	at									
clearly flagged as off-limit areas to avoid and discourage unnecessary damage to										
sensitive habitats and species [or existing vegetation] within and near the project site										
PRE Prior to construction commencement, flag										
all trees located in the general vicinity of the work area with highly visible flagging.	Identical to County Condition									
All construction personnel shall be instructed to avoid disturbing the identified										
trees, and their associated roots and branches, to the extent feasible.										
PRE Prior to construction, flagging shall be use										
to delineate the wetland and construction shall be limited to outside the delineated	Identical to County Condition		Identical to County Condition							
wetland area.	PRE/DURING									
	The limits of the work site and all environmentally sensitive areas shall be									
	marked or fenced with exclusionary fencing to prevent equipment and worker access and to									
I .	prevent inadvertent damage to riparian									

County	CDEC	DWOCD	A COF	LICEMC	Coastal Parmit	NOAA Fisharias	NIMES SWIDER	GOLDEN
County	CDFG	RWQCB	ACOE Caltran	S USFWS FHWA	Coastal Permit	NOAA Fisheries	NMFS SWRCB	CONDITIO
DURING The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Routes and boundaries shall be clearly demarcated, and these areas shall be outside of riparian and wetland areas. Where impacts occur in these staging areas and access routes, restoration shall occur as identified in the measures above.			Identical to County Condition	Identical to County Condition				
DURING The number of access routes, number and size of staging areas, and the total area of the activity shall be limited to the minimum necessary to achieve the project goal. Access routes shall be clearly demarcated and should be outside of riparian and wetland areas whenever possible. There shall be no off-road traffic. Choose access routes and staging areas that are least disruptive to the streambanks thereby avoiding erosion and sedimentation to the creek. PRE/DURING The number of access routes, size of staging areas, and the total area of activity.		Identical to County Condition		Identical to County Condition				
staging areas, and the total area of activity shall be limited to the minimum necessary to achieve the project goal. Environmentally Sensitive Areas shall be established to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to California red-legged frog habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.								
				PRE/DURING Exclusion fences comprised of silt fence material will be installed at the margins of the work area to prevent workers from encroaching into adjacent habitat and to prevent California red- legged frogs from entering the construction area. The fence will be monitored periodically.				
				PRE The Area of Potential Effect (APE) will be clearly flagged or fenced so that the contractor is aware of the limits of allowable site access. Areas within the designated APE that do not require regular access will be clearly flagged as off- limit areas to avoid/discourage unnecessary damage to sensitive habitats within the APE.				
							DURING The applicant shall ensure and maintain a corridor for unimpeded passage of steelhead during construction activities.	
PRE Prior to the commencement of construction, construction notification signs shall be placed on roads surrounding the project area. Construction areas shall be marked with highly visible (i.e., bright orange) construction fencing.								
Location of operation (general)		DUDING						
Identical to RWQCB Condition		DURING All construction work will be conducted from the existing roadway to avoid inadvertent disturbance of existing riparian vegetation or damage to root systems (RWQCB#3,Co.Mit #BR-3)						
DURING As much construction work as possible should be conducted from the existing roadway to avoid inadvertent disturbance to existing riparian (streambed) vegetation or damage to associated root systems of trees.		J).						
DURING All construction work should be performed from the existing roadway to avoid unnecessary earth disturbance.	Identical to County Condition							

County	CDFG	RWQCB	ACOE Caltrans	USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	
PRE Construction areas should be delineated to ensure habitat is not disturbed unnecessarily (County Mit. #BR-2).								
DURING Access for construction equipment and workers shall be confined to ruderal, mudflats, and open water areas immediately adjacent to and surrounding the existing floodgate. Avoid expanding the work area into adjacent vegetation. Clearly mark the boundaries of the proposed work area before and during construction using highly visible flagging or fencing. Advise all construction personnel to conduct work activities within the defined area only.	al to County Condition							
DURING Avoid expanding the work area into adjacent riparian communities. Clearly mark the boundaries of the proposed work area prior to, and during construction using highly visible flagging or fencing. Advise all construction personnel to conduct work activities within the defined work area only.	al to County Condition							
DURING All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.								
DURING Work shall be completed in the dry. DURING As much as possible, restrict equipment to the existing roadway to avoid disturbance to existing vegetation. PRE Prior to the start of construction, use highly		DURING Access routes shall be limited and stabilized.						
visible flagging to clearly mark any trees located within the proposed construction zone, and ensure that impacts to trees are minimized.	al to County Condition							
PRE Prior to project commencement, the project site shall be clearly flagged or fenced so that the contractor is aware of the limits of allowable site access and disturbance. Areas within the designated project site that do not require regular access shall be clearly marked as off-limit areas to prevent unnecessary damage to sensitive species potentially occurring near the project site.				Identical to County Condition				
DURING Minimize the area affected by RSP and consider using vegetated RSP or other bioengineered technique.	al to County Condition							
DURING All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.								
DURING Avoid the removal of willows for staging. Stage pumping truck from the road or in grassland or ruderal vegetation types, if possible.								
operation (stream)			DUDING					
location of office trailers, etc. shall remain	G g materials and/or construction ent shall not be stockpiled or stored they could be washed into the water or they will cover aquatic or riparian	Identical to County Condition and DURING Stockpiles shall be kept far from the banks of the active channel to prevent material from entering the creek bed.	DURING					
Times. (County With #DIX-4, IXVVOQD# 4)		Shall not enter the creek bed.	No material shall be placed in a manner that will be eroded by normal or unexpected high flows (properly anchored trees and treetops may be used in low energy areas).					

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	C
DURING No work will be conducted in any flowing water.											
No work will be conducted in or near any flowing water.											
No work shall occur in flowing water.			Identical to County Condition								
NO WORK WILL TAKE PLACE IN STANDING OR FLOWING WATER AND NO DIVERSIONS WILL BE PLACED IN THE CREEK. ALL WORK IS TO TAKE PLACE WHEN THE AREA CAN BE ACCESSED COMPLETELY IN THE DRY.			(bottom two conditions)								
	DURING No equipment shall enter the flowing water.	Identical to CDFG Condition	Identical to CDFG Condition								
Identify the upstream and downstream limits of the required encroachment into the stream and any required vehicle access corridors. These work area limits shall be identified with brightly-colored flagging. These limits shall be identified prior to construction. Flagging shall be maintained in good repair for the duration of the Project. All areas within the unnamed tributary, but beyond the identified work area limits, shall be considered Environmentally Sensitive Areas (ESA) and shall not be disturbed. The amount of construction-related disturbance shall be limited to the extent practicable. Storage, parking, and laydown areas shall be clearly marked. Except as needed for construction, equipment and vehicles shall be kept out of areas identified as wetlands and waters of the United States. Construction access to the seasonal stream shall be the least disturbing to the creek banks.	Identical to County Condition										
	of the Operator, shall be removed immediately. (DF&G 11, RWQCB#5) Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish or wildlife resulting from Project related activities, shall be prevented from contaminating the soil and/or entering the Waters of the State.	Identical to 1st CDFG Condition									
	DURING All concrete shall be isolated from water for periods of not less than 30 days except that if a sealant is used on the concrete, the concrete shall be isolated from water for not less than 15 days. If a sealant is used, the project information and MSDS sheet shall be provided to the Department representative who prepared the agreement not less than two weeks prior to application of the sealer. Any and all environmentally-oriented precautions on the MSDS sheet shall be followed when applying the sealer.	5									
DURING The permittee shall ensure that all vehicle maintenance, staging, storage, and fueling occurs in designated upland areas. The permittee shall ensure that these designated upland areas are located in such a manner as to prevent runoff from entering waters of the United States.	DURING Staging/storage areas for equipment, materials, fuels, lubricants, and solvents shall be located outside of the stream's high water channel and associated riparian area. Stationary equipment such as motors, pumps, generators, compressors, and welders, located within the dry portion of the stream channel or	and vehicles will not take place where fuels can enter waterway (RWQCB#8).	Int Identical to County Condition Identical to CDFG Condition								
	DURING Staging, servicing and fueling of project materials, vehicles and equipment will use appropriate best management practices.										

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
DURING Prior to, during, and following grading and construction activities, no construction vehicles will be staged or serviced (i.e. cleaning, refueling, repaired) within the creek channel. Staging and servicing areas shall be located above the bank of the creek in areas approved by the CDFG. Staging and servicing areas shall also be shown on all plans and delineated within the project site. All cleaning and refueling of equipment during site construction shall be conducted in clearly designated staging areas. Designated staging areas shall be constructed to sufficiently/completely contain all effluents and pollutants generated from washed or refueled vehicles/equipment. Staging areas shall be located in areas that will not drain to the San Luis Creek corridor. All staging and servicing of construction vehicles will be in accordance with Caltrans' "Construction Site Best Management Practices."											
DURING Staging, fueling, maintenance, and storage of equipment and materials shall be located outside of the waterway.			Identical to County Condition								
DURING Fueling of construction equipment shall take place at least 100 feet away from the high water mark of Lopez Lake and be conducted in such a manner so as to avoid fuel or other hazardous materials from reaching the lake. All project-related spills of hazardous materials shall be cleaned up immediately. During project activities, all project-related spills of hazardous materials within or adjacent to the project site shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during construction. If a hazardous spill is discovered prior to or during bridge replacement activities, soil samples shall be analyzed and recommended additional actions to further characterize potential problems shall be completed and implemented in accordance with federal, state, and local requirements.		related spills of hazardous materials must be cleaned up immediately. The contractor must have spill prevention and cleanup materials on-site at all times during construction.	be conducted in such a manner so as to avoid fuel or other hazardous materials from reaching Santa								
PRE/DURING All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 20 meters from any riparian habitat or water body. The Corps and permittee shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the Corps shall ensure that the permittee has prepared a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.		DURING All fueling of equipment and fuel storage must be performed at least 65 feet from the riparian habitat or waterway in a designated fueling area away from storm drain inlets, drainage systems, and watercourses. No staging or storage of equipment and materials shall occur within areas of the Corps' jurisdiction. The monitor shall ensure contamination of habitat does not occur during such operations. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take shall a spill occur.	Identical to RWQCB Condition		entical to County Indition						
DURING Staging, storage, fueling, and maintenance of equipment and materials shall be located outside of the Corps' jurisdiction or 200 feet from any riparian habitat or water body. Discuss with workers the importance of preventing spills and of the appropriate measures that should be taken if a spill were to occur. Stationary equipment such as motors, pumps, generators, compressors, and welders, located within the dry portion of the stream channel or adjacent to the stream shall be positioned over drip-pans.	cal to County Condition	Identical to County Condition	Identical to County Condition		entical to County Indition						

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN
	Work must be performed in isolation from the flowing stream. If there is any flow when the work is done, the operator shall construct coffer dams upstream and downstream of the excavation site and divert all flow from upstream of the upstream dam to downstream of the downstream dam. The coffer dams may be constructed with clean river gravel or sand bags, and may be sealed with sheet plastic. Sand bags and any sheet plastic shall be removed from the stream upon project completion. Clean river gravel may be left in the stream upon completion of construction. If the DURING Operator prefers a different method of isolating the work site from the flowing stream, the operator shall consult with and obtain the Department's approval prior to initiating the construction.										CONDITION
	placed within or where they may enter a stream or lake, shall be removed immediately. When operations are completed, any excess material shall be removed from the work area where and any areas adjacent to the work area where	s, soils, silt, sand, bark, wdust, cement, concrete, s, petroleum products or anic or earthen material									
	DURING An exception to the rule: Such activities shall be allowed in waters of the State only when removal on non-mobile or low mobility equipment out of and away from waters of the State would result in unnecessary and unavoidable additional damage to the environment. Under such circumstances, the applicant shall take extraordinary care not to discharge fuel, oil, or other materials that may harm beneficial uses of water. The applicant shall use appropriate devices (commercially available mats) to prevent fuel and oil from reaching underlying soils. In accepting certification for this project, the applicant agrees that this allowance may be revoked at any point and a prohibition applied by the Regional Board or Corps against fueling or maintenance in waters of the State of the United States, for example if discharges of fuel or oil occur. The applicant shall, on request, arrange to demonstrate a re-fueling procedure to State or federal agents visiting a project site.										
	DURING Spoil sites shall not be located within the stream channel, where spoil may be washed back into the stream, or where it will cover wetland or riparian vegetation/habitat. DURING Spoil storage sites shall not be located within the stream, where spoil will be washed into the stream, or where it will cover aquatic or riparian vegetation. Rock, gravel, and/or other materials shall not be imported into or moved within the bed or banks of the steam, except as otherwise addressed in the Agreement.										
	PRE Prior to starting any activities in the stream, the Operator shall identify the limits of the required access routes and encroachment into the stream. These "work area" limits shall be identified with brightly-colored flagging/fencing. Work completed under this Agreement shall be limited to this defined area only. Flagging/fencing shall be maintained in good repair for the duration of the Project. All areas beyond the identified work area limits and within the streambed, bank or channel, shall be considered Environmentally Sensitive Areas (ESA) and shall not be disturbed. DURING The use of sacked concrete, asphalt pieces, or asphalt containing pavement grindings on the embankments is prohibited.		Identical to County Condition								
	DURING Structures and associated materials, not designed to withstand high seasonal flows, shall be removed to areas above the highwater mark before such flows occur. DURING In order to ensure that no effects occur to southern steelhead, all work will be confined to the top of the creek bank.										

												GOLDEN
	County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	CONDITION
Dumping/debris/waste/trash/	spīlls	DURING During construction, the contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site. In addition stockpiled materials shall not enter the creek. Appropriate setbacks must be maintained. (DF&G 12, RWQCB#6)	Identical to CDFG Condition									
wrappers, ca generated du shall be dispo only and shal	ed trash items such as ns, bottles, and food scraps ring the construction phase osed of in closed containers I be removed from the project by basis. (County Mit. #BR-5)	No litter or construction debris shall be deposited, or allowed to remain, in the riparian/stream zone. All such material shall be picked up daily.	DURING All Construction materials and debris will be removed from site and disposed of properly (RWQCB#9). Remove all trash and food scraps from the work area at the end of each day to avoid attracting wildlife.									
from litter on may attract p contained, re disposed of r work, all trasl from work are	tion zone shall be kept free a daily basis. All trash that redators will be properly moved from the work site, and egularly. Upon completion of and debris will be removed eas and from areas where is could be washed into the	Identical to County Condition	wildlife.	Identical to County Condition								
including con will be compl Creek stream approved fac debris shall b remain, in the such materia	project-related debris, crete from bent cap grouting, etely removed from the SLO abed and disposed of at an ility. No litter or construction e deposited, or allowed to e riparian/stream zone. All I shall be picked up daily.					Identical to County Condition						
attract predat contained, re disposed of r construction,	all trash and construction e removed from work areas	Identical to County Condition	Identical to County Condition			Identical to County Condition						
		DURING No rubbish shall be deposited within 150 feet fo the high water mark of any stream or lake.										
	et activities, no pets shall be e construction site.	DURING All trash shall be removed from the site daily to avoid attracting potential predators to the site. No pets shall be permitted to be at the site during construction. All food-related trash must be kept in closed containers and removed regularly from the project area.				Identical to CDFG Condition						
		Identical to USFWS Condition DURING Any material imported for any phase of construction of the impoundment shall be free of pollutants, noxious weed seeds, or other materials that may be deleterious to fish, wildlife, or native vegetation. Any material excavated from the site that is not used to backfill excavated areas shall be disposed of at an appropriate offsite location where it cannot reenter the stream channel.		DURING/POST After construction completion, any installed by-pass pipe, cofferdam, or other related construction materials installed below ordinary high water shall be removed in its entirety. Excavated substrate consisting of coarse sand, gravel, and cobble may be used as backfill material for construction purposes; all other material excavated below ordinary high water, including debris, mud, silt and organic matter, shall be hauled off-site and disposed of at an upland location not subject to Corps' regulatory authority.		DURING Any excavated material remaining after backfilling the trench shall be disposed of at an appropriate offsite upland area where it cannot reenter the stream channel.						
	ash from the project area at ch day to avoid attracting	DURING All trash shall be removed from the site daily to avoid attracting potential predators to the site. DURING The contractor shall not dump any litter or construction debris within the riparian/stream zone. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.										
		DURING Soil and other materials excavated from the bypass basin that are not used for construction on the site shall be removed and distributed at an appropriate offsite location where they cannot reenter the stream channel. The outlet of the bypass channel may be armored with rock slope protection (RSP) or other materials, but may be planted with willows and other appropriate native riparian vegetation to help reduce the potential for erosion at the site. If RSP is used, all RSP shall be keyed into the bed and shall be of sufficient size to withstand anticipated flows without being dislodged. Geotextile fabric shall be placed under any RSP to prevent fine sediments from entering the stream channel. "Fine sediment" is defined as material that is able to pass through a #20 sieve.										

County	CDFG	RWQCB	ACOE Caltr	ans USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	
	Identical to County Condition							
	DURING Fill shall be limited to the minimal amount necessary to accomplish the agreed activities. Excess fill material shall be moved off-site at Project completion. Fill material shall be free of any pollutants. Broken pieces of used concrete shall have all pieces of rebar removed or cut-off flush prior to placement.							
	DURING Excess material and debris shall be removed from the Project site. DURING All Project generated debris, building materials and rubbish shall be removed from the stream and from areas where such materials could be washed into the stream.							
DURING Act appropriately to prevent, contain, and clean up hazardous material spills.								#
	All material removed from the CADH piling holes shall be removed and disposed of at an appropriate offsite location.	DURING No activity shall create a nuisance or pollution as defined in Water Code section 13050 or cause a violation of any water quality standard applicable to regional water bodies.						
heavy equipment						DUKING		
Identical to ACOE Condition DURING No heavy equipment shall operate in the live stream. No heavy equipment should enter flowing water. No heavy equipment shall enter water.	Identical to 1st County Condition No heavy equipment shall operate in the live stream. An emergency response plan shall be prepared and submitted to the Department of Fish and Game prior to the start of construction. The plan shall identify the actions which will be taken in the event of spill of petroleum products, or other material harmful to aquatic or plant life, and the containment and clean-up of any spilled material. No heavy equipment shall enter water. (Identical to County Condition)	Equipment shall not enter flowing water. (RWQCB#3) At no time shall equipment be allowed to enter flowing or standing water. No heavy equipment shall enter water. (Identical to County	DURING The workspace shall be isolated from flowing water for the purpose of avoiding heavy equipment in flowing water, sedimentation, turbidity, and direct effects to steelhead. Prior to construction activities, sandbag cofferdams or straw bales and culverts shall be installed to divert streamflow away or around the workspace. The diversion shall remain in place during the project, then removed immediately after the work is completed.			DURING/POST The County shall implement the following Reasonable and Prudent Measures and the associated Terms and Conditions included in the NOAA Fisheries BO for steelhead: Avoid working in flowing water. DURING/POST The applicant shall isolate the workspace from flowing water for the purpose of avoiding heavy equipment in flowing water, sedimentation, turbidity, and direct effects to steelhead. Prior to construction activities, sandbag cofferdams, straw bales, visqueen, or culvert (diversion) shall be installed to divert stream flow away or around the workspace. The diversion shall remain in place during the project, then removed immediately after work is completed.		
DURING Servicing and fueling of vehicles shall be accomplished with the use of the following best management practices: a. Servicing and fueling shall take place as far as practical from the seasonal streams. b. When fueling, tanks shall not be "topped off." c. A secondary containment, such as a drain pan or drain cloth, shall be used wher fueling to catch spills or leaks. d. All fluid spills shall be reported immediately. e. Storage of hazardous materials shall be as far as practical from the seasonal streams. f. A contingency plan for possible leaks and spills of hazardous materials into the seasonal streams shall be developed and implemented as appropriate.	a d							
	DURING Vehicles shall not be driven, or equipment operated, in water-covered portions of the stream or where wetland vegetation, riparian vegetation, or aquatic organisms may be destroyed, except as otherwise provided for in the Agreement, and as necessary to complete the authorized work.							

DURING All heavy equipment work shall take place from road.	Identical to County Condition		Identical to County Condition			1
nom rough						
	DURING Construction vehicle access to the streambanks and bed shall be limited to predetermined ingress and egress corridors on existing roads. All other areas adjacent to the work site shall be considered and ESA and shall remain off-limits to construction equipment. Vehicle corridors and the ESA shall be identified by the Operator's resident engineer in consultation with the Department representative.				DURING When practical, the applicant shall use existing ingress or egress points, or perform work from the top of the creek banks, for the purposes of avoiding work and heavy equipment in flowing water, and disturbing creekbank vegetation and	
The equipment and vernoles will be effected	DURING Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life. Staging/storage areas for equipment and materials shall be located outside of the stream.	Identical to County Condition All vehicles and mechanical equipment to be used on the project site must be maintained regularly to prevent leaks and contaminants from entering the waterway.			instream habitat.	
DURING All fossil-fueled equipment shall be properly maintained and tuned according to manufacturer specifications.	/					
DURING Fuel and maintain equipment in an appropriate staging area removed from sensitive habitat areas.						
DURING Fueling of construction equipment shall take place at least 100 feet beyond the project boundary and be conducted in such a manner so as to avoid fuel or other hazardous materials from reaching the creek or the adjacent riparian habitat. All project-related spills of hazardous materials shall be cleaned up immediately.	Identical to County Condition	All construction materials and mechanical equipment shall be stored, fueled and serviced in designated staging areas located outside the creek bed. These staging areas shall be kept far enough from the banks to prevent materials from entering the creek. Fueling or maintenance of equipment shall not take place within 25-feet of the channel banks. No construction debris or materials shall be allowed to enter the creek, either directly or indirectly.				
DURING Fueling of construction equipment shall take place at least 100 feet beyond the project boundary.		Identical to County Condition				
DURING Equipment should be fueled and maintained in an appropriate staging area removed from the riparian corridor (and drainage channel) and appropriate measures should be taken to prevent, contain, and cleanup hazardous material spills.	Identical to County Condition					
DURING On a daily basis, check and maintain all equipment and vehicles that would be operated within the identified work area to ensure proper operation and avoid potential leaks or spills. DURING Heavy equipment and other machinery	Identical to County Condition					
shall be cleaned when necessary to reduce the risk of introducing any weedy species into the project area. DURING 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, shall be fueled exclusively with CARB motor vehicle diesel fuel.			Identical to County Condition			
DURING The County shall require installation of oxidation catalysts on the two pieces of diesel-fueled equipment projected to generate the greatest emissions.						
DURING Engines used to power pumps shall be certified to meet the 1996 Federal and ARE clean air standards (0.015 pounds per horsepower-hour NOR) to reduce NO, emissions by approximately 50 percent. However, NO, emissions would remain above the 25 pound per day significance threshold. Based on the CEQA Air Quality Handbook (APCD, 1997), it appears that the Tier 3 threshold of 25 tons per year is applicable if all feasible mitigation is applied.	3					

County	CDFG	RWQCB	ACOE Caltrans	USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	GOLDEN CONDITION
DURING In accordance with the CZLUO, weekday construction shall be confined to the period between 7:00 a.m. and 9:00 p.m. Weekend construction, if required, will be confined to the period between 8:00 a.m. and 5:00 p.m. Further, all large construction equipment will be equipped with "critical" grade noise mufflers, which reduce noise levels by as much as 5 dBA over stock mufflers. Engines will be tuned to insure lowest possible noise levels. Occupational Safety and Health Administration (OSHA)-required back-up beepers on equipment will be turned to the lowest setting to minimize noise levels.				DUDINO				
DURING Prevent grading equipment from crossing, depositing excavated material in or near, storing in or near, or otherwise disturbing, the Santa Rosa Creek channel.			Identical to County Condition	DURING Grading equipment will be prevented from crossing Santa Rosa Creek and from the deposition or stockpiling of excavated materials in or near the creek channel.				
Erosion Control			DURING					
DURING To control erosion during and after project implementation, the applicant shall implement best management practices, as			No material shall be placed in excess of the minimum needed for erosion protection.	Identical to County Condition				
identified by the appropriate Regional Water Quality Control Board. DURING Best Management Practices shall be installed to control erosion and	DURING BMP's will be employed to ensure that vegetation, soil, rock and man-made material including concrete or petroleum products	Identical to County Condition		Condition				
	generated during construction will be prevented from entering the stream. DURING Work crews and monitors will ensure that construction activity minimizes creek bank erosion (a minor amount of soil raveling may occur where existing utilities are cut off at the top of bank).							
The permittee shall employ all standard Best Management Practices to ensure that toxic materials, silt, debris, or excessive erosion do not enter the creek during construction. This shall include the installation and maintenance of erosion control measures during the proposed action and afterwards if necessary to avoid	DURING No phase of the project may be started if that phase and its associated erosion control measures cannot be completed prior to the onset of a storm event if that phase may cause the introduction of sediments into the stream. Seventy-two-hour weather forecasts from the National Weather Service shall be consulted prior to start up of any phase of the project that may result in sediment runoff to the river.			Identical to CDFG Condition				
	enter the stream channel and no debris from concrete work shall be disposed of at the	DURING Under no circumstances shall water from equipment washing or concrete wash-water enter the channel.						
DURING All necessary precautions shall be taken to avoid contact of wet cement with flowing water. Ensure that curing concrete does not come into contact with water of the State. If sheeting is used to cover the curing concrete as proposed, continuous monitoring of the site will be necessary.		Identical to County Condition	Identical to County Condition					
	The contractor shall take every necessary precaution to ensure that no concrete or concrete products enter the stream channel. No concrete washings shall be permitted to enter the stream channel and no debris from concrete work shall be disposed of at the project site. Concrete in the bridge abutments shall be allowed to completely cure before the forms are removed. All concrete chips and debris from removal of the forms shall be cleaned up and removed from the stream channel immediately and no construction activities shall occur until the debris is removed. In the event that any concrete or concrete product inadvertently enters the stream channel, all construction activity shall immediately cease and shall not resume until the concrete or concrete products are completely cleaned up and removed from the stream channel.		Identical to CDFG Condition					

County	CDFG DURING	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB
	In the event that any concrete or concrete product inadvertently enters the stream channel, all construction activity shall immediately cease and shall not resume until the concrete or concrete products are completely cleaned up and removed from the stream channel.									
PRE/DURING/POST Prior to site disturbance, the County shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following: a. Silt fencing shall be placed along the down-slope side of the construction zone. b. A spill and clean-up kit shall be stored onsite at all times. c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).	To prevent barren soil from eroding and being	Erosion shall be controlled as outlined in the Mitigation Measures of the Project's Final EIR. The contractor must implement erosion control measures such as silt fencing and barriers. Silt fencing must be placed between	DURING All construction work shall incorporate best management practices, including stabilizing and seeding exposed upland slopes, to control and minimize bank erosion, sediment input, and turbidity in the affected creek.						DURING Implement sediment and turbidity control measures.	
	DURING Silt fencing and straw bales shall be placed immediately downstream of the area in which construction activities are occurring for the purpose of trapping any sedimentation released from the construction area.		Identical to CDFG Condition							
PRE Directly below the limits of fill, place staked orange safety fencing with silt fencing on the limit of disturbance to prevent movement of fill material down road shoulder slope during the grading, fill, compaction and paving phases.										
	DURING Prior to construction, silt fencing or other suitable sediment prevention devices shall be installed between the CADH piling holes and the stream. The sediment prevention devices shall be inspected daily and shall remain in sound working condition until completion of construction. If the sediment prevention devices are found to be in need of repair or not in proper working order for any reason, construction shall immediately cease until the sediment prevention devices are repaired.	rt							DURING Erosion control and sediment detention devices shall be incorporated into the applicant's project and implemented at the time of construction. These devices shall be in place during construction activities, and after if necessary, for the purpose of minimizing fine sediment/water slurry input to flowing water. The devices shall be placed at all locations where the likelihood of sediment input exists.	
DURING During construction, slope surface stabilization measures, such as temporary mulching, seeding, and other suitable stabilization measures to protect exposed erodible areas shall be implemented, and installation of earthen or paved interceptors and diversions at the top of cut or fill slopes where there is a potential for erosive surface runoff. Selection of stabilization measures will be based on the design of the project's flood control features, site conditions, predevelopment erosion rates, environmental sensitivity of adjacent area, and operation and maintenance costs.										
DURING Silt fence shall be installed to protect existing culverts as shown on Figure 4a of the Stream Restoration Plan. All silt fence shall be removed immediately upon completion of planting activities in such a manner that no loose soil enters the creek channel.										
DURING Install appropriate erosion control measures (i.e., silt fences, hay bales) along the base of the proposed work area and at the downstream end of the proposed construction zone and maintain erosion control mechanisms on a daily basis.										

maintained to ast and shall not cau flows that advers upstream or dow contours or incre cause significant streambed, streat streambed, streat Operator's ability the subject of pre feature implement minimize siltation site be isolated ast materials, are no downstream read structure or mate purpose, not includescription, shall Department. If it resulting from Pre constitute a threat associated with the until effective Dedevices are instationare initiated. DURING Silty/turbid water storm drains. Sufiltered, or otherw The contractor st barriers, such as filter fabric silt fer inlets until the threat surrounding drain shall remove sit barriers as neces water from flowin during storm eve	all be designed, constructed and o assure resistance to washout to cause long-term changes in water liversely modify the existing downstream stream bed/bank increase sediment deposition or cant new erosion of the stream banks and/or fill. The hall not be discharged into the reated within the stream. The bility to minimize siltation shall be of preconstruction planning and ementation. Precautions to ation may require that the work red so that silt, or other deleterious e not allowed to pass to					
barricades shall be installed around the perimeter of each construction zone with the potential to drain to San Luis Obispo Creek. Erosion control devices shall be checked on a daily basis by construction personnel, and periodically by a county monitor to ensure proper form and function. Unless otherwise authorized, site earthwork (e.g., grading) shall be limited to those months within the established dry weather season (typically June 15th through October 15th). This will reduce surface water runoff and sedimentation into San Luis Obispo Creek. PRE/DURING/PC Structure shall be maintained to assand shall not cau flows that advers upstream or down contours or increase significant streambed, streating the subject of prefeature implement minimize sitation site be isolated so materials, are no downstream each structure or mate purpose, not includescription, shall Department. If it resulting from Preconstitute a three associated with tuntil effective Dependevices are instituted. DURING Silty/turbid water storm drains. Su filter fabric silt fer inlets until the thr surrounding drain shall remove silt barriers as neces water from flowin during storm eve	all be designed, constructed and o assure resistance to washout to cause long-term changes in water liversely modify the existing downstream stream bed/bank increase sediment deposition or cant new erosion of the stream banks and/or fill. The hall not be discharged into the reated within the stream. The bility to minimize siltation shall be of preconstruction planning and ementation. Precautions to ation may require that the work red so that silt, or other deleterious e not allowed to pass to					
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Structure shall be maintained to ast and shall not cau flows that advers upstream or dow contours or incre cause significant streambed, stread DURING Silty water shall r stream, or create Operator's ability the subject of pre feature implemer minimize sittation site be isolated s materials, are no downstream read structure or mate purpose, not includescription, shall Department. If it is resulting from Preconstitute a thread associated with the until effective Department are initiated. DURING Silty/turbid water storm drains. Sufiltered, or otherw The contractor is barriers, such as filter fabric silt fer inlets until the the surrounding drain shall remove silt barriers as neces water from flowind during storm ever during and follow	all be designed, constructed and o assure resistance to washout to cause long-term changes in water liversely modify the existing downstream stream bed/bank increase sediment deposition or cant new erosion of the stream banks and/or fill. The hall not be discharged into the reated within the stream. The bility to minimize siltation shall be of preconstruction planning and ementation. Precautions to ation may require that the work red so that silt, or other deleterious e not allowed to pass to					
Silty water shall r stream, or create Operator's ability the subject of pre feature implemer minimize siltation site be isolated s materials, are no downstream read structure or mate purpose, not includescription, shall Department. If it resulting from Pre constitute a threa associated with t until effective De devices are insta are initiated. DURING Silty/turbid water storm drains. Su filtered, or otherw The contractor sh barriers, such as filter fabric silt fer inlets until the thr surrounding drair shall remove silt barriers as neces water from flowin during storm eve	reated within the stream. The bility to minimize siltation shall be of preconstruction planning and ementation. Precautions to ation may require that the work ed so that silt, or other deleterious e not allowed to pass to					
until effective De devices are insta are initiated. DURING Silty/turbid water storm drains. Su filtered, or otherw The contractor sh barriers, such as filter fabric silt fer inlets until the thr surrounding drair shall remove silt barriers as neces water from flowin during storm eve DURING/POST All disturbed soils be stabilized to reduring and follow	reaches. The placement of any materials in the stream for this included in the original Project shall be coordinated with the If it is determined that silt levels in Project related activities threat to aquatic life, activities					
filter fabric silt fer inlets until the thr surrounding drair shall remove silt barriers as neces water from flowin during storm eve DURING/POST All disturbed soils be stabilized to reduring and follow	vith the siltation shall be halted e Department-approved control installed, or abatement procedures vater shall not be discharged into . Such water shall be settled, herwise treated prior to discharge. or shall place and maintain silt h as straw bales, straw wattles, or					
All disturbed soils be stabilized to reducing and follow	Ilt fencing, around the storm drain e threat of erosion from drainage ceases. The contractor e silt collected around the silt ecessary to prevent silty/turbid owing around the silt barriers events.					
soils with native so ther species apply the specific site. cannot be reasonestablished, non-used for such state non-erodible mat original Project described with the Department.	soils within the Project site shall to reduce erosion potential, both ollowing construction. Restoration the revegetation of all disturbed tive species, sterile grasses, or s approved by the Department for site. Where suitable vegetation asonably expected to become non-erodible materials shall be th stabilization. Any installation of materials not described in the ect description shall be coordinated artment. Coordination may negotiation of additional Agreement					
Install and maintain appropriate temporary erosion and sediment control measures until revegetation is successful. measures during measures will incomplete temporary measures during measures will incomplete temporary measures during measures will incomplete temporary measures during measures will incomplete temporary measures and the second during measures during measures and the second during measures during measures and the second during measure	DURING Erosion control used along the base of the proposed work area and a downstream portion of the construction and sedimentation ses. DURING Erosion control used along the base of the proposed work area and a downstream portion of the construction zone. These measures shall be maintain daily basis.	the did not be a second of the				
DURING Temporary sediment controls shall be used and maintained in functional order. DURING Ensure that bank stabilization design does not transfer the erosion force of the stream	daily basis.	Identical to County Condition				

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA Coastal Pe	mit NOAA Fisheries	NMFS	SWRCB	GOI CONI
DURING Ensure that bank stabilization design does not transfer the erosion force of the stream to the opposite bank or another area downstream by ensuring that the restored stream gradient is consistent through the repair zone and that the stream cross section through the repair zone is no narrower than areas immediately upstream or downstream.	entical to County Condition	Identical to County Condition								
If just cor	JRING ute netting or similar erosion control fabric is ed to stabilize banks, the material shall be mposed of degradable, loose-weave fabric avoid ensnaring two-striped garter snakes id other reptiles.				DURING Jute netting will be used for temporary erosion control during construction and restoration activities.					
POST		The site shall be monitored after completion of the project and the subsequent rainy season to ensure that the new structure is not deflecting the flow of water to the opposite banks and causing more problems with erosion up or down stream. If the new project does cause such problems, the applicant shall contact the Regional Water Board staff overseeing this project. The applicants shall be responsible for creating and implementing plans for restoring and preventing further problems with erosion. These plans shall include a hydrologic and geomorphic assessment of the cause of the erosion, including factors besides the new bank protection structure. Restoration and prevention plans shall integrate the assessments findings so that the underlying cause of erosion is addressed. POST Areas of bare soil shall be seeded, or other erosion protection measures implemented to prevent bank erosion.								
Ensure all borrow areas are restored so that they drain properly and employ best management practices on the slopes to control erosion.	entical to County Condition		DURING Authorized discharges of fill material occurring below ordinary high water shall consist solely of							
PRE/DURING Flood walls of the basin shall be of natural looking structural materials and screened with climbing vegetation (such as stone facades with climbing vines/lianas) in order to reduce, and avoid, impacts to scenic and visual resources that may be inconsistent with the County Local Coastal Plan (LCP) Policy Document – Visual and Scenic			sand, gravel, cobble, boulder, rock or other inert rip rap materials that are free of toxic pollutants.							
PRE/DURING The contours, elevations, and shapes of cut and fill areas shall be blended with the natural terrain to achieve consistent grade and natural appearance. The borders of any cut slopes and fills shall be rounded off to a minimum radius of 10 feet, to blend with the natural terrain.										
To pol devinle	JRING prevent introduction of petroleum based allutants into the stream, hydrocarbon filtering evices shall be installed in all new storm drain ets installed as part of this project.									
PRE/DURING If necessary due to stream velocity and volume, install outlet protection at the downstream end of the diversion to prevent scour and streambed erosion. PRE/DURING										
Implement erosion control BMP's during dewatering operations, ensuring that discharged water does not flow over the surface to jurisdictional waters.										

	County	CDFG	RWQCB	ACOE Caltrans	USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	GOLDEN
	DURING The rip-rap boulders shall be interplanted with willow stakes to maintain riparian		DURING	Califalis		Ocusiai i Ciniit			CONDITION
	canopy over the creek. This work may need to be done during rip-rap construction to ensure that proper depth of willow stakes is achieved.		During riprap construction, the Contractor must plant willow poles in the interstitial spaces of the						
	An energy dissipater shall be installed downstream of the rip-rap wall (i.e. root wads, baffles, rocks).		riprap to maintain a riparian canopy over the creek.						
Water Diversion	·								
		To avoid increasing turbidity or suspended sediment concentration within the stream, the	DURING Water shall be diverted around work areas to prevent increased						
		Prior to construction, cofferdams shall be constructed around the culvert outlet to isolate the site. The coffer dams may be constructed			Identical to CDFG Condition				
		with clean river gravel or sand bags, and may be sealed with Visqueen or sheet plastic. PRE	be performed in a manner that prevents increased turbidity.						
		The concrete layer on the bottom of the CMP shall be installed in a manner that will concentrate flow in the center of the culvert to facilitate fish passage.							
		DURING Prior to the start of construction, the stream shall be diverted around or through the work area and the work area shall be isolated from							
		the flowing stream. To isolate the work area, water-tight cofferdams shall be constructed upstream and downstream of the work area and water diverted, through a suitably sized							
		pipe, from upstream of the upstream cofferdam and discharge downstream of the downstream cofferdam. The pipe shall be adequately sized to contain the highest level of flow anticipated							
		during the project. DURING							
		Cofferdams shall be constructed of a non- erodible material which does not contain soil or fine sediment. Coffer dams and, the stream diversion system shall remain in place and							
		functional throughout the construction period. If the cofferdams or stream diversion fail, they shall be repaired immediately. Sufficient water shall at all times be allowed to pass							
		downstream to maintain aquatic life below the diversion.							
	Minimize the area affected by riprap by using vegetated riprap or other bioengineered techniques. DURING	Identical to County Condition							
	Best management practices should be implemented to divert stream flow around the work area (isolate the workspace from flowing water) during construction to minimize the potential for downstream sedimentation.	Identical to County Condition							
	Standard measures for the control of project generated runoff water should work well at this site, provided that measures are								
	taken to convey concentrated runoff over the stream banks and into the existing water channels. These measures include: * Placement of rock riprap below the bridge								
	abutments to protect stream banks from scouring (these are shaded areas where natural vegetation cannot gain a vigorous foothold).								
	* Placement of culverts or armored ditches where roadside drainage ditches "break-over" steam banks. * Seeding and hydromulching of exposed								
	soil areas as soon as possible after completion of construction. * Commencing permanent revegetation as soon as possible after completion of								
	construction. * Lining drainage ditches with asphalt or concrete where flow velocities are high.								
	* Placement of energy dissipating devices at the downstream end of culverts and ditches where water velocities are high. * Placement of drainage control structures and devices where peops are to control.								
	DURING						DURING When dewatering any area, with a pump shall		
	from water. If it becomes necessary to temporarily dewater the workspace, the	If the executation site must be downtored during		Identical to County Condition			remove water to an upland disposal site, or a filtering system shall be used to collect and then to return clear water to the creek for the purpose of avoiding input of		
	number Zuuzuu1zö-JUM.						sediment/water slurry to flowing water.		

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
	DURING/POST Sandbags and any sheet plastic shall be removed from the stream upon project completion. Clean river gravel may be left in the stream, but the cofferdams must be breached to return the stream flow to its natura channel.	waters of the State. Diversion									
DURING A silt catchment basin shall be installed. No silt bearing water shall enter the live stream. If the excavation site must be dewatered during construction, any muddy or otherwise contaminated water shall be pumped to a settling pond located outside the stream channel or to a stable upland site where the water can clear prior to re-	Identical to County Condition										
entering the stream DURING All water pumped from the construction area shall be discharged at a low rate or onto a dissipating structure (i.e. straw bales).			entical to County Condition								
		DURING The applicant should investigate whether the low-lying willow branches upstream of the bridge are constricting the channel and altering flow.									
		DURING If work occurs in areas that have water perennially, it shall be during low flow or low-level periods only. Diversion of low water flow shall be performed in a manner that prevents increased turbidity or contamination. A plan for water diversion must be created and a									
		copy sent to this office before the commencement of work. If it is not possible to divert water around construction areas, a plan for controlling turbidity and contamination shall be submitted to this office before the commencement of work.									
	PRE/DURING When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code Section 5937.										
	PRE/DURING Any temporary stream diversion shall be coordinated with the Department. Coordination may include the negotiation of additional Agreement provisions but, as a minimum, includes the following: a) Flow diversion shall be done in a manner that shall prevent pollution and/or siltation, and which shall provide flows to downstream reaches; b) Flows to downstream reaches; b) Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life; c) Said flows shall be of sufficient quality and quantity, and of appropriate temperature to support aquatic life, both above and below the diversion; and d) Normal flows shall be restored to the affected stream immediately										
	upon completion of work at that location. PRE/DURING/POST Bridge and other structure(s) shall be designed, constructed and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life or cause an avoidance reaction by fish that impedes their up stream or down stream movement. This includes but is not limited to, the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any aspect of										
	the proposed Project results in a long ¬term reduction in fish or other aquatic life movement, the Operator shall be responsible for all future activities and expenditures necessary (as determined. by the Department) to secure passage of fish across the structure.										

	County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
		DURING/POST Temporary diversion structures used to isolate the work area shall be constructed in a manner that prevents seepage from the work area. Said structures shall be constructed of nonerodible materials unless enclosed by sheet piling, rock riprap, or other protective material. The structure, including all fill, enclosure material, and trapped sediments, shall be removed when the Project is completed.							DURING/POST The County shall implement the following Reasonable and Prudent Measures and the associated Terms and Conditions included in the NOAA Fisheries BO for steelhead: a. The diversion shall be removed immediately after work is completed. b. All work within the stream channel shall be conducted within the boundaries of the dewatered construction area.			
	DURING During construction periods that involve concrete work, the water-containing portion of the seasonal stream shall be culverted to prevent debris, soil or concrete from entering the water. The culvert shall to be left in place until all in-stream work is completed.	DURING If concrete grout is used to secure rock slope protection in place or for any other reason, the contractor shall take precautions to ensure that no concrete, concrete grout, or mortar enters the stream channel. At a minimum, the project site shall be isolated from the stream and surrounding area using filter fabric silt fencing, straw bales, straw wattles or other acceptable measures. If any concrete products enter the stream channel at any time, construction shall immediately cease and the concrete product cleaned up immediately. The operator shall take every precaution necessary to ensure that no concrete, concrete grout of mortar enters flowing water at any time. DURING The diversion shall remain in place and functional while concrete is being poured and set, and shall remain in place for a minimum of fourteen days after pouring until the concrete has cured. Runoff from concrete shall not be										
	DURING Prior to any site disturbance, the streambed of San Luis Obispo Creek within the project site shall be dewatered. The form and function of the diversion and all pumps included in the dewatering strategy shall be checked twice-daily, at a minimum, to ensure a dry work environment and minimize impingement/entrainment impacts to aquatic species. All pumps used shall include mesh intake baskets with screen sizes no larger than 0.5 cm to prevent entrainment of steelhead or other sensitive aquatic species through the pump system.	allowed to enter the stream channel.										
Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate. The rip-rap shall be designed with gaps maintained	DURING If a work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than five millimeters (mm) to prevent California red legged frogs from entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate.					ntical to County						

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
During project activities, if pumps are											
incorporated to assist in temporarily dewatering the site, intakes shall be											
completely screened with wire mesh of larger than 0.2-in wire mesh to prevent	10										
tidewater goby steelhead young-of-year											
and California red-legged frog from entering the pump system. Pumps shall											
release the additional water to an uplan location allowing the water to filter out in											
the bank vegetation prior to re-entering											
Cayucos Creek downstream of the isola area. The outlet of the pump shall be	ted										
relocated to various locations to limit ba											
saturation and to allow for proper sedim filtration prior to the water re-entering	ent										
Cayucos Creek. Water shall be released pumped downstream at an appropriate											
to maintain downstream flows during											
construction. The methods and material used in any dewatering shall be determined as a second construction.											
by the FHWA in consultation with the											
USFWS on a site-specific basis. Upon completion of construction activities, and	,										
diversions or barriers to flow shall be removed in a manner that would allow f	DW.										
to recume with the least disturbance to											
DURING If dewatering of the area behind any											
diversion is necessary, either a pump sh											
remove water to an upland disposal site a filtering system shall be used to collect			Identical to County Condition								
then return clear water to the creek for t	ne										
purpose of avoiding input of sediment/w slurry to flowing water.	ater										
PRE											
If construction occurs when there is surf water flow, the construction area will be											
isolated from the flow by a silt fence key	ed	Identical to County Condition									
into the stream bank at both ends and it base.											
DURING											
If feasible, use quick-set concrete to rectime needed to pump water. If possible											
line culvert with plastic while concrete constant stream flow can be released											
sooner. This plastic sheeting needs to l		Identical to County Condition									
inspected and maintained on a daily base Do not use diesel, grease or any other	is.										
petroleum based substance on concrete											
forms. DURING											
Any fueled equipment necessary for stre	am										
diversion will be placed in an adequate containment area lined with plastic.											
<u>'</u>		DURING									
		Dewatering activities will result in only clean, silt free water being	n								
		released into the creek.									
	DURING										
	Any temporary dam (coffer dam) constructed shall only be built from a non-erodible material	al									
	which does not contain soil or fine sediment.										
Prior to any site disturbance, the stream											
of Cayucos Creek within the project site shall be dewatered. The dewatering shall be developed to the control of the control o											
occur according to a stream Diversion a	nd										
Dewatering Plan, prepared for the revie and approval of the County of San Luis	V										
Obispo Environmental Coordinator, the											
NMFS, and other affected agencies. The monitoring biologist may assist the											
contractor with construction of the necessary dams and the fishway, at the											
contractor's request. The form and func	ion										
of the diversion and all pumps included the dewatering strategy shall be checke											
throughout project construction by a											
qualified biologist to ensure a dry work environment and minimize impacts to											
aquatic species. An appropriate stream diversion system must be approved by											
NOAA Fisheries. The Stream Diversion											
Dewatering Plan shall be conducted und the direct and continuous supervision of											
qualified biologist to ensure the proper f	orm										
and function of the diversion. The divers											
project construction by the work crews,											
DURING Unless approved by the USFWS, water											
shall not be impounded in a manner that											
				T.		I	T. Control of the Con		T. Control of the Con		
may attract California red-legged frogs.											

County	CDFG	RWQCB	ACOE Cal	altrans USF	WS FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	G CO
During construction/ground disturbing						construction/ground				
activities, the contractor shall implement						disturbing activities,				
the following particulate (dust) control measures. These measures shall be						the contractor shall implement the				
shown on the construction plans. In						following particulate				
addition, the contractor shall designate a						(dust) control				
person or persons to monitor the dust						measures. These				
control program and to order increased						measures will be				
watering, as necessary, to prevent						included in the				
transport of dust off site. Their duties shall						contract special				
include holiday and weekend periods when						provisions. In addition,				
work may not be in progress. The name and telephone number of such persons						the contractor shall designate a person or				
shall be provided to the APCD prior to						persons to monitor the				
commencement of construction.						dust control program				
a. Reduce the amount of disturbed area						and to order increased				
where possible						watering, as				
b. Use water trucks or sprinkler systems in						necessary, to prevent				
sufficient quantities to prevent airborne dust from leaving the site. Increased watering						transport of dust off site. Their duties shall				
frequency will be required whenever wind						include holiday and				
speeds exceed 15 mph. Reclaimed (non-						weekend periods when				
potable) water should be used whenever						work may not be in				
possible.						progress. The name				
c. All dirt stockpile areas should be sprayed						and telephone number				
as needed to control dust.						of such persons shall				
6.Ptmanent dust control measures						he provided to the				
identified in the approved project										
revegetation (i.e. hydro seeding) and										
landscape plans shall be implemented as										
soon as possible following completion of any soil disturbing activities.										
e. Exposed ground areas that are planned										
to be reworked at dates greater than one										
month after initial grading shall be subject										
to dust control measures (watering, etc.) or										
shall be sown with a fast germinating native										
grass seed and watered until a temporary										
vegetative cover is established.										
f. All disturbed soil areas not subject to revegetation must be stabilized using										
approved chemical soil binders, jute										
netting, or other methods approved in										
advance by APCD.										
g. All roadways, driveways, sidewalks, etc.										
to be paved should be completed as soon										
as possible. In addition, building pads										
should be laid as soon as possible after										
grading unless seeding or soil binders are										
used.										
h. Vehicle speed for all construction										
vehicles shall not exceed 15 mph on any unpaved surface at the construction site.										
cont										
i. All trucks hauling dirt, sand, soil, or other										
loose materials are to be covered or should										
										1
maintain at least two feet of freeboard			•							
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County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	GOLDEN CONDITION
DURING During construction and ground-disturbing activities, the County shall implement the following dust control measures. These measures shall be shown on project plans. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent the transport of dust off site. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to commencement of construction. • Reduce the amount of disturbed area where possible. • Unpaved areas subject to vehicle traffic must be stabilized by being kept adequately wetted, treated with a chemical dust suppressant, or covered with material that contains less than 0.25 percent asbestos. cont									
Use water trucks or sprinkler systems in sufficient quantity to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible. Storage piles and disturbed areas not subject to vehicular traffic must be stabilized by being kept adequately wetted, treated with a chemical dust suppressant, or covered with material that contains less than 0.25 percent asbestos. Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil-disturbing activities. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating native grass seed and watered until vegetation is established.									
Disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD. Roadways, driveways, sidewalks to be paved shall be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used. Construction vehicle speed shall not exceed 15 mph on any unpaved surface at the construction site, unless the road surface and surrounding area is sufficiently stabilized to prevent vehicles and equipment traveling more than 15 miles per hour from emitting dust that is visible crossing the project boundaries. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between the top of the load and the top of the trailer) in accordance with California Vehicle Code Section 23114. Activities shall be conducted so that no									
track-out from construction is visible on Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible. Equipment and operations shall not cause the emission of dust that is visible outside of the project area. DURING During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving									
the site and to create a crust after each day's activities cease. DURING During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.									

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
DURING During construction, stockpiled earth material shall be sprayed as needed to minimize dust generation. DURING Grading and scraping operations shall be suspended when wind speeds exceed 20 mph (one hour average).											
DURING Engines used to power pumps shall be certified to meet the 1996 Federal and ARB clean air standards (0.015 pounds per horsepower-hour NOR) to reduce NO, emissions by approximately 50 percent. However, NO, emissions would remain above the 25 pound per day significance threshold. Based on the CEQA Air Quality Handbook (APCD, 1997), it appears that the Tier 3 threshold of 25 tons per year is applicable if all feasible mitigation is applied. DURING/POST After clearing, grading, earth moving, or excavation is completed, the entire area of disturbed soil shall be treated immediately by watering or revegetating or spreading soil binders to minimize dust generation until the area is paved or otherwise developed so that dust generation will not											
PRE Prior to the initiation of demolition activities, the County shall complete the following: Notify the APCD. Submit an asbestos survey conducted by a Certified Asbestos Inspector to the APCD. Implement applicable APCD removal and disposal requirements of identified asbestos-containing material. PRE Prior to the initiation of demolition activities, the County shall implement lead abatement pursuant to the California Division of Occupation and Health requirements											
Vegetation											
DURING Project related disturbance will be minimized to the greatest extent feasible. Vegetation outside of the project limits will not be removed or impacted in any way.	DURING Vegetation or material removed from the stream shall not be stockpiled in the streamber or on its bank. DURING The disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations and shall only occur with the defined work area. Precautions shall be taken to avoid other damage to vegetation by people or equipment	DURING The disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations and shall only occur within the defined work area. Precautions shall be taken to avoid							DURING Minimize the amount and extent of temporary and permanent changes to quality and quantity of instream and riparian habitat.		
Vegetation will be removed or trimmed only as necessary. DURING Trim in advance any branches likely to bo damaged during construction related activities with appropriate hand-held equipment. No bulldozer/backhoe type	DURING Vegetation loss and disturbance will be minimized to the maximum extent feasible. Identifical to County Condition	Identifical to County Condition									
	PRE Prior to construction, a qualified biologist shall clearly mark/flag trees within the designated construction corridor that should be avoided o will be trimmed only as directed by the arboris Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. Vegetation outside the construction corridor shall not be removed or damaged without prior consultation and approval of a Department representative.	r it.									
	DURING Where feasible, hand tools (chain saw, etc.) shall be used to trim vegetation to the extent necessary to gain access to the work sites. Al cleared material/vegetation shall be removed out of the riparian/stream zone. Any trees which must be cut are to be cut at ground leve and the root mass left in place to maintain bar stability. The perimeter of the work site shall be adequately flagged to prevent damage to adjacent riparian habitat.	el nk									
Wildlife (general)											

	County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
	DURING No deliberate feeding of wildlife shall be allowed. (County Mit. #BR-6)					DURING Wildlife shall not be fed.						
	allowed. (County Will. #BR-6)	DURING If any wildlife is encountered during construction, said wildlife shall be allowed to leave the construction area unharmed.										
-ox												
	DURING To reduce the likelihood of mortality of the kit fox, construction vehicle speeds on the project site shall be limited to 15 mph or lower. In addition, vehicular activity between dusk and dawn shall be kept to a minimum. (County Mit. #BR-7)											
	DURING To prevent entrapment of the kit fox during the site-disturbance and/or construction phase of the project, all excavation, steep walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to the onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovere shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded. (County Mit #BR-8) DURING DURING DURING DURING DURING The project and pipes, any pipes, culverts, or similar structures with a											
	diameter of four inches or greater that are stored at the project site for one or more overnight periods shall be thoroughly inspected for trapped San Joaquin kit foxed before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary will be moved only once to remove it from the path of activity, until the kit fox has escaped. (County Mit. #BR-9)											
	DURING Any contractor or employee that inadvertently kills or injures a kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County Resident Engineer supervisor overseeing the project. (County Mit. #BR-10)											
	DURING Fenced exclusion zones shall be established by a County of San Luis Obispo qualified biologist around all kit fox dens that can be avoided but may be inadvertently impacted by project activities Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances: * Potential kit fox den: 50 feet * Known kit fox den: 100 feet * Kit fox pupping den: 150 feet											
	DURING Only essential vehicle operation on existing roads (if the exclusion zone intersects a road) and simple foot traffic shall be permitted within these exclusion zones. Otherwise, all project activities such as vehicle operation, material storage, etc., shall be prohibited. Exclusion zones shall be maintained until all project related disturbances have been terminated, and then shall be removed. If specified exclusion zones cannot be observed for any reason, the California Department of Fish and Game shall be contacted for guidance prior to ground disturbing											

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA Coastal	Permit NOAA Fisherie	es NMFS	SWRCB	GOLDEN CONDITION
DURING c. If any known or potential San Joaquin kit fox dens are discovered within the project site and such dens must be destroyed by the proposed project, excavation of kit fox dens shall not proceed without authorization from the California Department of Fish and Game. (County Mit #BR-11)										
PRE The project will contribute \$625.00 to the Kit Fox mitigation fund to be used towards the purchase and/or preservation of habitat in order to offset any potential temporary impediment to the movement of kit fox through the construction zone.										
PRE Within 30 days prior to initiation of site disturbance, a qualified biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and will record the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.										
PRE/DURING Prior to or during project activities, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall reassess the probability of incidental take (e.g. harm or death) to kit fox. Before commencing with project activities, the qualified biologist shall contact the U.S. Fish and Wildlife Service for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.										
DURING The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, discing, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required mitigation measures. Site- disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason. When weekly monitoring is required, the biologist shall prepare weekly monitoring reports.										
If incidental take of kit fox during project activities is possible, before project activities commence, the County will consult with the U.S. Fish and Wildlife Service. The results of this consultation may require the county to obtain a Federal and/or State permit for incidental take during project activities.										
In addition, the qualified biologist shall implement the following measures: Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:										
Potential kit fox den: 50 feet Known or active kit fox den: 100 feet Kit fox pupping den: 150 feet DURING If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.										
DURING The County shall clearly delineate as a note on the project plans or specifications that: Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox.										

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN
DURING Prior to commencement of any site-disturbing and/or construction activities, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.											CONDITION
DURING During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.											
DURING During the site-disturbance and/or construction phase, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.											
DURING Prior to, during and after the site- disturbance and/or construction phase, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.											
DURING During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the County. In the event that any observations are made of injured or dead kit fox, the County shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone. In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.											
Tree Removal/Replacement											

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDE CONDITIO
shall be from in-kind one-gallon or larger container sizes. All newly planted oak	DURING/POST It will be necessary to remove one blue oak at the northeast corner to conform the bank to the new culvert. The tree will be replaced in kind at a 4:1 ratio and maintained until well established. Four other blue oak trees will be protected from damage during the construction. (DF&G #1)										
DURING No more than one oak tree having a sixinch diameter or larger at four feet from the ground shall be removed as a result of the development of the project. All oak trees that are within the APE shall be marked for protection (e.g., with flagging) and their roce zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the dripline of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface. (County Mit. #BR-12)	r ot ot e										
POST Within 90 days of completion of construction, the County will replace, in kind at a 4:1 ratio, all oak trees removed as a result of the development of the project.(County Mit. #BR13)	S										
POST Location of newly planted trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, leach lines). (County Mit. #BR-14)											
POST Newly planted trees shall be maintained until successfully established. This shall include protection (e.g., tree shelters, caging) from animals (e.g., deer, rodents), regular weeding (minimum of once early Fall and once early Spring) of at least a three-foot radius out from plant and adequate watering (e.g., drip irrigation system). Watering should be controlled so only enough is used to initially establish the tree, and reducing to zero over a three-year period. If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard-planting procedures (e.g., plantin tablets, initial deep watering) shall be used	o e ar										

	County	CDFG	RWQCB	ACOE Caltrans	USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	GOLDEN CONDITION
		POST Prior to completion of the project, the County shall replace, in kind at a 4:1 ratio all oak trees removed as a result of the development of the project, and in addition, shall plant at a 2:1 ratio for each oak tree impacted but not removed. The County shall also replace, in kind at a 1:1 ratio, the impacted Monterey pine tree. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). Location of newly planted oak trees should adhere to the following, whenever possible: on the north side of and at the canopy/dripline edge of existing mature native trees; on northfacing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g. lawns, leach lines).							
POST Provide tree mitig 2 to 1 for each Mo and each oak tree activities. No oak removal.	gation planting at a ratio of conterey Pine tree removed impacted by project trees are proposed for	TINOV ARA ACTANIICHAA IT A NAW NIANT AAAC NAT	POST If trees were removed, they shall be mitigated to a minimum 2:1 ratio. The minimum success rate for re-establishment of vegetation shall be 2:1. The site shall be monitored to ensure that this ratio is achieved.	Identical to County Condition					
removed as a resthe project, and in 2:1 ratio for each removed. No mo trees shall be remdevelopment of the shall be completed (e.g. irrigation was done in replant and be either in native native topsoil has latter, top soil shall and stockpiled for areas to be replant 6-12" layer). Location of newly adhere to the follopossible: on the recanopy/dripline en native trees; on not drainage swales (habitat present); and away from collawns, leach lines to the follopossible: DURING Trimming or remosshould be minimized.	north side of and at the dge of existing mature orth-facing slopes; within (except when riparian where topsoil is present; ontinuously wet areas (e.g.s). Eving of riparian trees zed. To the extent etation to ground level,								
POST	ws for each willow		POST Mitigation shall be developed and implemented to achieve an adequate replacement ratio for any willow removal.						
6 eucalyptus trees removal. Every expension in trees are removed as a resimprovements. DURING Limit tree removal (7) trees having a larger at four feet more than two (2) Construction plans trees within 50 feet and shall show were removal.	ns shall clearly delineate a et of the proposed project hich trees are to be cted, and which trees are								
Replacement (general)									
POST Complete any new erosion control multiple prior to the rainy sis complete. Soil include hydro-see mix to minimize a		POST All areas outside of the road shoulders that are disturbed as a result of this project will be seeded with a native seed mix. (DF&G #2)		Identical to County Condition					
	il areas as soon as npletion of earth moving.								

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	CON
Removal of vegetation shall be mitigated by replacement plantings. The new plantings of willow and other riparian species are expected to grow to screen the majority of the exposed concrete bridge. The following elements of revegetation shall be implemented by the County: Prior to construction: Prior to construction, a detailed revegetation plan, including planting, maintenance, and monitoring plans, shall be prepared. The revegetation plan shall include the following: • Appropriate riparian species consistent with existing species found in adjacent riparian areas. Plant material for mitigation shall be propagated from seed and cuttings of plants along Cayucos Creek. • Measures to ensure that all plant materials are checked to confirm that they are not root-bound and are free of diseases and pests. • Measures to ensure that replacement plantings are appropriately maintained for a											
period of five years or until the plantings are established in the landscape such that they can survive without additional care,											
	DURING Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions shall be restored to as close to their original conditions as possible.	Identical to CDFG Condition									
POST Erosion control plantings will consist of a hydroseed mix composed of native coastal scrub plant species only.											
POST Pursuant to the County guidelines, the Plan shall re-establish riparian vegetation at a replacement ratio of 2:1		Any disturbed wetland or riparian shall be fully restored or replaced using a minimum 2:1 mitigation-to-impact-area ratio, unless another local, State of federal agency requires a higher ratio. If mitigation is required, the applicant shall provide a compensatory mitigation plan to the Regional Boards that includes a schedule and location for all restoration and replacement planned and a monitoring plan to ensure compensatory mitigation project success. The applicant shall employ a monitoring specialist who shall report to the Regional Boards per a schedule established in the in the monitoring plan. Any mitigation plan shall include success criteria, mitigation monitoring, and remedial action upon failure. Permanent impacts to wetlands/streambed habitat shall	Identical to County Condition								
		POST The mitigation area must be planted with cuttings, 2-inch liners, and one-gallon containers of riparian, wetland, and upland vegetation suitable for the area. Riparian species must be either found within the project area or grown from seed stock from within the watershed. In addition, a native riparian seed mix must be hand-cast along both banks to help provide rapid soil stabilization within the excavated portion of the project site. Only hand tools may be used for planting the mitigation area. Plant materials must be installed in the existing bank contours and the proposed riprap wall throughout the mitigation site.									
DURING/POST Within 30 days after completion of grading, all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, are to be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of noninvasive or vegetative measures, including those described in USDA Soils Conservation Service Bulletin 347.		THE THINGSHOTT SILE.			Identical to County Condition						
· ·											

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN
County OST Lestore all previously vegetated areas that re cleared during project activities through evegetation with appropriate indigenous ative species. Disturbance of vegetation hall be kept to a minimum. Lestore all previously vegetated areas other than actively farmed land) that are leared during project activities through evegetation with appropriate indigenous pecies.		Identical to County Condition (First)	ACOE	Calualis	OGFWG	FITANA	Gudstal Fermit	NOAA FISHERIES	NIVIFO	SWINGE	CONDITION
OST Ill impacted areas will be revegetated with ative species. Low growing vegetation will be planted above and within the voids of the rock slope protection.		Identical to County Condition									
	POST Immediately upon completion of each repair project, all areas disturbed during construction shall be revegetated with native species local to the area and appropriate temporary erosion and sediment control measures shall be installed and maintained.		Identical to CDFG Condition		ntical to CDFG ndition						
OST Indication to permanent and temporary inpacts to riparian area shall be at a 1:1 atio. 0.023 acre of riparian habitat shall be evegetated and restored to reconstruction conditions.		Identical to County Condition									
OURING/POST To reduce impacts related to grading and e-contouring of the proposed bypass hannel, all exposed areas shall be evegetated to prevent erosion and edimentation and to restore the visual nvironment of the meadow area.											
OURING/POST To compensate for the permanent loss of egetation resulting from project enplementation, California Annual Grassland areas within the proposed expass and outlet channel areas will be expected with a mix of native grasses and herbaceous species tolerant of periodic nundation.											
URING/POST Troyo Willow series vegetation losses recurred from widening of the drainage itches will be compensated at a eplacement ratio of 3:1 with a mix of native parian shrubs and trees endemic to the cambria area. The replacement plants will e installed along the top bank of Santa											
cosa Creek in areas currently dominated y California Annual Grassland cover djacent to the proposed outlet channel. Leplacement riparian trees and shrubs will e installed along the south side of the ypass channel adjacent to Highway 1 right-f-way.											
OST stall and maintain appropriate temporary rosion and sediment control measures ntil revegetation is successful.											
	POST The stream bank shall be returned as nearly as possible to its natural preconstruction condition without creating future bank erosion problems. The gradient of the streambed shall be as nearly as possible as the gradient that existed prior to construction.										
	DURING The low-flow channel of the stream bed shall be returned as nearly as possible to its natural preconstruction condition without creating a wide flat channel, sluice-like area, or possible future bank erosion problems. The stream margin shall be returned as nearly as possible to its natural preconstruction condition without creating future bank erosion problems. The gradient of the streambed shall be as nearly as										

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	
POST The permittee shall ensure that no exposed soil (excluding the naturally occurring mudflat substrata) is left at any worksite and that all areas of soil exposed by the proposed action are revegetated with native vegetation no later than three months following completion of the proposed action and prior to the onset of the first winter rains.	count. Locally native wildflower and/or shrub	POST After completion of the work, no areas shall have exposed soil. Upon completion, all areas disturbed by construction related activities shall be re-vegetated with locally adapted native plant species. Planting, seeding and hydromulching of exposed soil areas shall occur as soon as possible after completion of construction.	Identical to County Condition						POST The applicant shall revegetate soil exposed as a result of construction related activities using seed casting, hydroseeding, or live planting methods, no later than 30 December 2003 [Permit dated June 2, 2003). Only native plant species shall be used for revegetation.		
POST All areas of disturbed soil should be stabilized and revegetated. Appropriate temporary erosion and sediment control measures should be installed and maintained until revegetation of the disturbed area is considered successful.	Identical to County Condition										
	DURING The disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations and shall only occur within the defined work area. Precautions shall be taken to avoid other damage to vegetation by people or equipment. No vegetation outside of the flagged/fenced work area shall be disturbed. The disturbed portions of the stream channel within the normal high water mark of the stream shall be restored to as near their original condition as possible. POST Where possible, roots and stumps shall be left to facilitate growth.	n f									
	POST The Operator shall remove and recontour any Project-constructed access corridors to the stream bottom to the original contour.		POST Upon completion of the project, the temporary stream diversion shall be completely removed and the original streambed contours shall be restored immediately.								
	POST Upon completion of construction, the stream bottom shall be returned to its preexisting grade. The stream bottom and gravel bars shall be smooth and free of any potholes or depressions. Upon completion of construction, the access road shall be decommissioned. All barren soil shall be vegetated with appropriate native annual grass seeds.		Identical to CDFG Condition								
DURING Stream contours shall be returned to their original condition at the end of project activities, unless consultation with the Service has determined that it is not beneficial to the species or feasible. Habitat contours shall be returned to their original configuration at the end of the project activities. This measure shall be implemented in all areas disturbed by activities associated with the project, unless the USFWS and FHWA determine that it is not feasible or modification of original contours would not benefit the California red-legged frog.					itical to County dition st)						
to pre-project conditions. Vegetation will be restored/enhanced as specified within the	POST Upon completion of construction, the topography of the stream channel within the construction site shall be restored to reflect its preconstruction condition.				itical to County dition						
	POST If the stream's low flow channel, bed or banks have been altered, these shall be returned as nearly as possible to their original configuration and width, without creating future erosion problems. The disturbed portions of the stream channel within the normal high-water mark of the stream shall be restored to as near their original condition as possible.										

County	CDFG	RWQCB	ACOE	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDEN CONDITION
POST Following construction activities, All temporarily disturbed areas shall be returned to the original, pre-construction contours. Soil stabilization measures shabe performed in these areas to stabilize the exposed slopes. Such control measures may include, but not limited to mulching, hydro-seeding and/or blankets/mats.	all he	POST Restoration to disturbed areas, if applicable, will include restoring surface to original contours and installation of erosion control measures, including seeding and mulching. Disturbed areas must be fully mitigated. A revegetation plan shall be developed that includes success criteria, mitigation monitoring, and remedial action upon failure.									
POST Once the construction is complete, site mitigation will be accomplished by the planting of native vegetation within the 4,000 square feet immediately within the impacted area. Two years post construction a monitoring report will be submitted to the Corps demonstrating that the area has been successfully revegetated with plants native to California. The annual monitoring reports shall be submitted to the Corps by December 31, 2009. If re-vegetation is not deemed successful at the time of submission of the monitoring report, recommendations for improved vegetation establishment will be made by the County of San Luis Obispo Department of Public Works.	e e		Identical to County Condition								
	POST All damaged or removed woody-stemmed plants/trees with a dbh of 4 inches or greater shall be mitigated at a 3:1 ratio. Mitigation for heritage tress 24 in dbh or greater shall be replaced at a 10:1 ratio. Removed riparian habitat acreage shall be mitigated on site at a 3:1 ratio with native species.								DURING/POST The applicant shall minimize disturbance to riparian and upland vegetation. The applicant shall replace vegetation affected by the proposed action and ensure a revegetation success ratio of no less than 1.3:1.		
POST Replace any tree inadvertently damaged to heavy equipment or removed during proposed repair work activities at a ratio of not less than 3:1. Replace all willows damaged during proposed work activities at a ratio of not less than 3:1.	Willows greater than four inches diameter at breast height that are removed form the project site shall be replaced at a ration of not less than 2:1 using locally obtained native vegetation. Where possible, any trees which										
	All damaged or removed woody-stemmed plants/trees with a diameter measured at breast height (DBH) greater than four (4) inches shall be mitigated at a 3:1 ratio (replaced to lost). Mitigation for heritage trees greater than 24 inches DBH shall be replaced at a 10:1 ratio. No vegetation outside of the flagged/fenced work area shall be disturbed. The Operator shall document the number and species of all woody-stemmed plants/trees in excess of four (4) inches DBH that are to be removed or damaged. This documentation shall be used as the basis for replacement mitigation (see Restoration below).										
	POST The Operator shall develop a revegetation plan for the site and submit it to the Department for approval prior to commencement of proposed revegetation activities. The plan shall specifically address planting of native trees, shrubs, herbs and grasses removed, and include monitoring and maintenance so that 80 percent of the plantings survive after 5 years. The Operator shall plant riparian vegetation, or other plants as appropriate, on the recontoured slopes and all other cleared areas. Restoration shall include the revegetation of all disturbed soils and new fill.										
	DURING/POST All disturbed soils within the Project site shall be stabilized to reduce erosion potential, both during and following construction. Planting, seeding with native species, and mulching is conditionally acceptable. Where suitable vegetation cannot reasonably be expected to become established, non-erodible material shall be used for such stabilization. Any installation of non-erodible material, not included in the original Project description, shall be coordinated with the Department. Coordination may include the negotiation of additional Agreement provisions for this activity (see Restoration below).										

	County	CDFG	RWQCB	ACOE Caltrans	USFWS	FHWA Coastal Permit	NOAA Fisheries NMFS	SWRCB	GOLDEN CONDITION
		POST Plantings of removed native trees, shrubs, herbs and grasses shall be maintained and monitored so that at least 70 percent of the plantings survive after 5 years.							
		POST The project site shall be monitored and maintained for three years following completion of construction to ensure a survival rate of at least 80 percent for replanted vegetation. If an 80 percent success rate is not realized at the end of three years, additional planting shall be required and monitoring and maintenance shall be continued until the 80 percent success rate is achieved. At the end of the three year monitoring period, the applicant shall provide a written report to the Department describing the number and species of trees and other plants planted, the survival rate of the vegetation, and any remedial measures necessary. Restoration shall include the revegetation of stripped or exposed areas.							
	POST Restoration shall include the revegetation of stripped or exposed areas with native vegetation. Rock, rip rap, or other erosion protection shall be placed in areas where vegetation cannot reasonable be expected to become reestablished. PRE Efforts will be made to select rock rip-rap which matches the color of native rock in								
	the creek channel or nearby native rock outcroppings. DURING Exposed ground areas that are planned to be reworked at dates more than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.		POST						
			The revegetation process shall be implemented at the start of the rainy season.						
Miscellaneous	DUDING								
	DURING Persons in the project area who are under County or contractor control shall not have firearms or pets; nor shall they engage in hunting or fishing.								
	If construction activities occur after sunset within 300 feet of the bridge, the following shall be implemented: • The duration of night construction within 300 feet of the bridge shall be minimized to the extent practicable. • After night construction has been completed, no materials shall be left on or near the bridges that would block access for the bats to the underside of the bridge, or block the flight path up and down Las Tablas Creek. • The undersides of the bridges shall not be used for long-term storage of materials. After night construction has been completed, the bridge shall be monitored for use by night-roosting bats. The monitoring shall be done for three nights, conducted at night approximately one week after the end of construction. The following two monitoring surveys shall be conducted at night two and three weeks, respectively, after the end of construction. Once use by night-roosting bats has been documented, the surveys shall be discontinued. If no bats are detected during the first three monitoring surveys, a fourth survey shall be POST								
	To reduce indirect impacts to night roosting bats, the proposed bike path lighting shall be directed away from the creek and toward the northern abutment. In addition, the lighting shall consist of soft-lights or low wattage bulbs that do not reflect light into other areas under the bridge.								
	POST Features to enhance bat habitat under the San Luis Bay Drive Bridge shall be incorporated into the design of the bridge, to the maximum extent feasible. Appropriate habitat enhancement features could include the incorporation of features and/or the installation of bat boxes underneath the bridge to enhance bat night, day and nursery roosting habitat.								
	DURING Any staging or equipment/vehicle parking areas shall be free of combustible vegetation and work crews shall have shovels and a fire extinguisher on site during all construction activities.								

County	CDFG	RWQCB	ACOE The activity shall be part of a single and complete project.	Caltrans	USFWS	FHWA	Coastal Permit	NOAA Fisheries	NMFS	SWRCB	GOLDE CONDITI
JRING read of invasive species will be avoided not exporting soil from the site and any ported fill will be specified to be weed e and clean of deleterious materials.				Identical to 1st County Condition							
Il imported fill material will be clean and ree from chemical contaminants, invasive lant seed, and deleterious material											
construct permanent signs within the ction area to: educate the public about the florro shoulderband snail and its habitat, to ake precautions when using the trail, and he protections afforded to species rotected by the Endangered Species Act. lot less than four signs, each no more than our square feet in size, shall be placed long the trail; the location and copy shall e reviewed and approved in advance by he Director of Planning and Building.					Identical to County Condition						
ior to construction, provide verification to e Department of Planning and Building of ampliance with all applicable conditions of approval. RE/DURING	ING ork shall be done according to the plans										
the approved site plan and elevations.	cation.										
DURING During construction, the amount of disturbed area shall be minimized, and onsite vehicle speeds should be reduced to 15 mph or less.											
DURING During construction, the construction crew shall ensure that public streets and public right-of-ways have a clear and unobstructed emergency access width of 20 feet in commercial areas and 16 feet in residential areas, for fire department and emergency vehicle access at all times during the project (unless lesser widths are specifically approved by the appropriate emergency response provider).											
DURING/POST Areas of fill shall not obstruct views across the meadow area from Highway 1, Cambria Road, or Main Street.											
					POST Herbicide use shall be restricted to Rodeo with a non-ionic surfactant such as Agri-Dex or Li-700.						
DURING Avoid inadvertent damage to the root systems of trees.											
DURING Damage to small mammal burrows will be avoided to the greatest extent feasible											
DURING All construction traffic will observe a speed limit of 25 MPH along Penman Springs Road in the project area											
POST Complete the following as it relates to weed removal around newly planted vegetation: 1) no herbicides shall have been used; 2) either installation of a securely staked "weed mat" (covering at least a 3' radius from center of plant), or hand removal of weeds (covering at least a 3' radius from center of plant) shall be completed for each											
new plant (this hand removal weeding shall be kept up on a regular basis [at least once in late spring (April) and once in early winter (December) until plant is 3' tall or for 3 years, whichever occurs first]. Use of weed-free mulch (at least 3" deep) with regular replenishment may be substituted											