DRAFT
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

CITY HALL PARKING LOT SULFUR SPRINGS REMEDIATION PROJECT

Lead Agency:

City of El Paso de Robles

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Project No. 0402-2491

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ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS

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1.0 INTRODUCTION

1.1 PURPOSE OF THE IS/MND

This Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared to identify and assess the anticipated environmental impacts for the Parking Lot Sulfur Spring Remediation Project (project). The project would involve repair to pre-disaster conditions the damaged parking lot that serves the Paso Robles City Hall and library, as well as long-term disposal of surfaced spring-water, which resulted from the San Simeon Earthquake of 2003. The project site includes locations at the City Hall parking lot, pipeline alignment along 10th Street/Riverside Drive/11th Street, and the City Water Yard in the City of El Paso de Robles (City), California. The project would be constructed and operated by the City.

This document has been prepared to satisfy the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects for which they have discretionary authority before they approve or implement such projects.

The Initial Study (IS) is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. In the case of the project, the City is the Lead Agency and will use the IS to determine whether the project has a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either alone or in combination with other projects, may have a significant effect on the environment, that agency is required to prepare an Environmental Impact Report (EIR), a supplement to a previously prepared EIR, or a subsequent EIR to analyze the project. If the lead agency finds no substantial evidence that the project or any of its aspects may cause a significant impact on the environment, a Negative Declaration shall be prepared. If, over the course of the analysis, the project is found to have a significant impact on the environment that, with specific mitigation measures, can be reduced to a less than significant level, a Mitigated Negative Declaration (MND) shall be prepared.

1.2 IS/MND FORMAT AND CONTENTS

In addition to Section 1.0 - Introduction, this IS/MND is organized into the following sections:

- **Section 2.0 - Project Description:** Includes a detailed description of the project.
- **Section 3.0 - Environmental Checklist and Discussion:** Contains the Environmental Checklist Form together with an environmental setting and an impact discussion for each of the checklist questions. The Checklist Form is used to determine the following for the project:

1) "Potentially Significant Impacts" that may not be mitigated even with the inclusion of mitigation measures;
2) "Potentially Significant Impacts Unless Mitigated" which could be mitigated with incorporation of mitigation measures; and,
3) "Less Than Significant Impacts" which would be less than significant and do not require the implementation of mitigation measures.

- **Section 4.0 - Determination:** Identifies the determination of whether impacts associated with development of the project are significant, and what, if any, additional environmental documentation may be required.
- **Section 5.0 - References:** Identifies the documents (printed references) and individuals (personal communications) consulted in preparing this IS/MND.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The project lies within the Paso Robles city limits in northern San Luis Obispo County (see Figure 2-1). The City has a population of nearly 30,0000 people - the second most populous city in the County. San Luis Obispo County is bordered by Monterey County to the north and Santa Barbara County to the south. U.S. Highway 101 (U.S. 101), the main freeway through the City, bisects it on a north-south route.

The project area at the City Hall and the pipeline alignment is entirely comprised of urban land uses; however, the City's Water Yard is located near the Salinas River. Much of the project area around this site is built out and currently developed. This includes existing commercial and industrial buildings, U.S. 101 and residences west of the Salinas River. The elevation of the site is approximately 720 feet mean sea level with a slightly sloping terrain to the east towards the Salinas River.

The 10th Street conveyance pipeline would cross under the Union Pacific Rail Road (UPRR) and U.S. Highway 101, using horizontal directional drilling, on the south-central side of the City (see Figure 2-2). The project area is located on the Paso Robles, California, United States Geologic Survey (USGS) 7½-minute topographic series Quadrangle Map. Latitude and longitude are estimated to be:

- Latitude (North) 35°37'41"
- Longitude (West) 120°41'20"

2.2 PROJECT CONTACT PERSON

Meg Williamson
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA
(805) 237-3888

2.3 BACKGROUND

As a result of the San Simeon Earthquake of December 2003, a hot sulfurous spring surfaced in the parking lot serving the City Hall and Library. Initially, this spring water flowed from the surface rupture southeast across the parking lot onto 10th Street. The water flowed east along 10th Street until it entered the City's stormwater system and eventually was released to a braid of the Salinas River near the City Water Yard via a California Department of Transportation (Caltrans) culvert under U.S. Highway 101. This natural path of the spring water is shown in Figure 2-3. This is the route that the spring water would follow without intervention from the City or the Federal Emergency Management Agency (FEMA).

The City has conducted a number of investigations to control the flow and otherwise monitor the event. Several monitoring wells have been installed to document the conditions of the spring. After conducting geotechnical studies, the City determined that the spring water emanates from an elongated fissure. The City excavated a large portion of the parking lot to expose the water source. As a temporary measure, the City installed a pump and 6-inch-diameter pipeline to collect and convey the water. The geothermal spring water has been collected at the fissure and conveyed beneath City streets, along a UPRR easement, through a UPRR culvert, and to the same Caltrans culvert described above. This path is also shown in Figure 2-3. Thus, the City's temporary solution results in the water being released in the same location as would occur with the existing conditions, but without the undesirable constituents that would be collected if the water were to flow along the surface of City streets.

2.4 PROJECT OBJECTIVES

A portion of the parking lot has remained damaged and unusable since the 2003 earthquake. The damaged pavement and uncontrolled water source present a safety hazard and a liability for the City and the community complains of the smell of sulfur that comes from the spring water. The business community is concerned about the economic impact that the damaged parking lot and sulfur smell may be having on the downtown commercial district.

The City has identified the parking lot restoration project as one of its highest priorities. By repairing the parking lot, the threat to property and public health and safety posed by exposure to the uncontrolled spring water flow would be diminished. Therefore, the repair of the parking lot and safe conveyance of the natural spring discharge to a proposed leachfield at the City Water Yard make up the proposed project. Section 2.5 provides a detailed discussion of project components.

2.5 PROJECT DESCRIPTION

2.5.1 Summary

For the proposed project the City would implement the following actions:

- Collection of geothermal spring water and parking lot repair. Estimated construction time for the parking lot infiltration system and the repair of the parking lot is 30 to 45 days;

- Construction of a leachfield percolation system at the City Water Yard that would discharge the spring water to the underflow of the Salinas River. Estimated construction time for the installation of the City Yard leachfield system is 45 days; and

- Construction of conveyance pipeline between City parking lot and City water yard. Estimated construction time for the installation of the conveyance pipeline from the City Hall parking lot to the City Water Yard is 60 days.

November 2007
Project No.0402-2491

Source: TOPO! c 2004 National Geographic Holdings (www.topo.com)

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SITE VICINITY MAP

Sulfur Spring Disposal Project IS/MND

FIGURE 2-1

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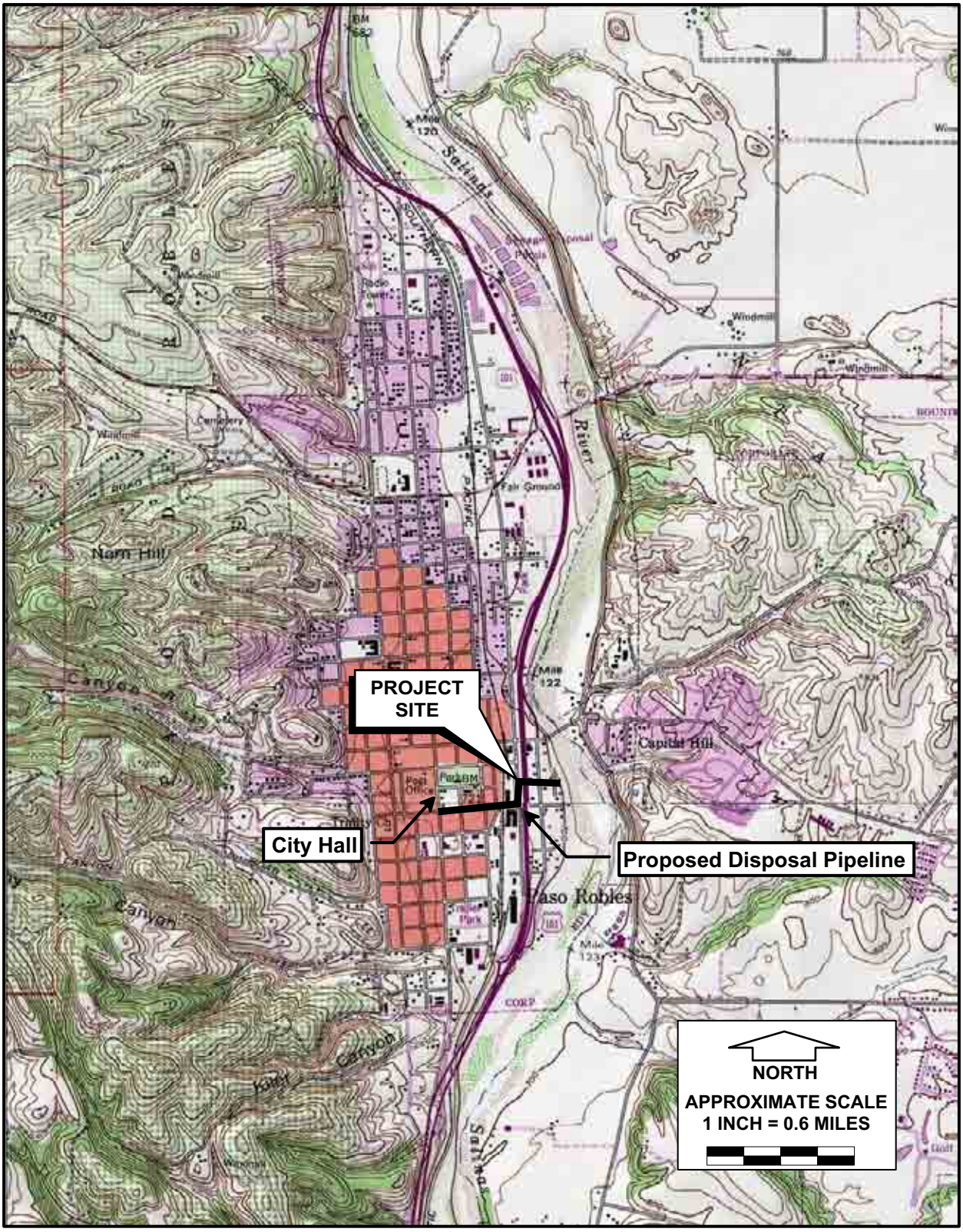

Source: TOPO! c 2004 National Geographic Holdings (www.topo.com)

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SITE LOCATION MAP

FIGURE 2-2

Source: Boyle Engineering

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SITE LAYOUT

FIGURE 2-3

2.5.2 Site and Facilities Layout

As a first step, the City would line the walls of the parking lot excavation area with geotextile, backfill the excavation area with drainage material (i.e., drain rock), and install a perforated pipe collection system to collect the spring water from within the rock. The City would then install a manhole or wet well in the parking lot to collect the spring water. A 12-inch-diameter pipeline would be installed along the 10th Street, Riverside Drive, and 11th Street to convey the spring water from the wet well through a gravity-fed or pumped system. Pipeline construction would require the City to cut a 36-inch-wide open trench up to U.S. 101 (this trench would be covered to grade after construction). The City would jack/bore and directionally drill the pipeline under the UPRR and U.S. 101, and continue conventional underground construction within the public ROW that bisects industrially-developed parcels. Figure 2-3, shows the proposed path of the pipeline. The pipeline would eventually reach the leachfield system at the City Water Yard, which currently houses pipe and supplies used for maintenance of the City's water infrastructure.

The leachfield at the City Water Yard would be approximately 3,000 to 6,000 square feet in size. The system would consist of five disposal trenches oriented parallel to the Salinas River. Each trench would be approximately 50 feet long, 24 inches wide, and excavated to a depth of about six feet. Six-inch diameter PVC drain pipe would be placed in each trench and embedded in crushed rock or pea gravel. The trenches would be parallel and spaced about ten feet apart. The geothermal spring water would flow through the underground system and be discharged to the river's underflow after passing through a permeable sandy material that is expected to act as a natural and passive filter for sulfide odors. Additional on-site facilities would include distribution boxes, diversion valves, and vents with sulfide filters to capture and treat odors.

City contractors have conducted subsurface testing and groundwater modeling at the City Water Yard to determine that there is a suitable thickness of permeable, unsaturated alluvial material at least five feet above the seasonally high groundwater, into which spring water could be dispersed using the proposed percolation system. A leachfield length of 250 to 500 feet (encompassing a total area of 3,000 to 6,000 square feet), would be able to handle a range of flows from 150 to 400 gallons per minute (gpm). The current flow rate is approximately 130 gpm.

The City would also repair and resurface the damaged City Hall parking lot as part of the proposed project. The parking surface would be replaced with new asphalt. The concrete 'A' curb would need to be restored, as well as the interlocking pavers at various locations in the parking lot which were lost as a result of the earthquake. The latter would be for raised planters and pedestrian walk connections. Landscaping will mainly consist of ornamental trees and low growing shrubs consistent with the plant palette existing for the remainder of the parking lot.

Project repairs referred to above are able to occur independently of one another. For example, the parking lot repair can be done without the piping system being replaced. In such a case, the sulfur spring would continue to flow through the temporary piping system to the current outflow point until the full project is complete. Similarly, the leachfield could be

constructed without the parking lot or drainage pipeline being completed. With this scenario, a temporary connection to the existing outfall could be made until such time that the permanent drainage pipeline could be installed.

The only component of the repair that would be impacted by the environmentally acceptable construction window (September to April) is the leachfield system at the City Water Yard. With a projected construction duration of 45 days, there would be an opportunity to avoid work near the river during the rainy season. Regardless of a start date, the City would be required to implement best management practices (BMPs) for construction activity (see Section 3.8). This would involve the detailed development of a Construction Storm Water Program (CSWP) in conjunction with the project's final design and grading plan. Elements covered in the CSWP would include:

- soil stabilization,
- sediment control,
- tracking control,
- material and waste management,
- dust control,
- vehicle and equipment BMPs, and
- dewatering measures.

No land would be acquired with the proposed actions. Construction would occur on City property or within City easements and equipment would be staged on paved or previously disturbed areas owned by the City.

2.5.3 Schedule

The project can be constructed in as many as three phases. The City plans on a construction start date as early as spring of 2009, but most likely starting in summer/fall 2009.

2.5.4 Land Use Controls

The project includes areas zoned as C1 PD (General Commercial Planned Development), C3 (PD) (Commercial/Light Industrial) and M (Manufacturing). The Land Use Designations of this area include PF (Public Facility) and CS (Commercial Services). The City Hall parking lot and Water Yard are located entirely within the PF designation. The area is also covered by the Mixed-Use and Salinas River Overlays.

Because the proposed project would be built entirely within City-owned land and public ROW, no general plan amendment or zoning change would be necessary. The project sites would be under the jurisdiction of the City.

2.6 RESPONSIBLE AGENCIES/REQUIRED PERMITS AND APPROVALS

The City would receive the document for review as it considers approval of the project. Following this approval, the project would be presented to the California Governor's Office of Emergency Services (OES) for assistance with repairing the parking lot and disposing of the sulfur-spring water. As part of approval, the City would be required to certify the environmental document for the project under the requirements of CEQA.

Additional subsequent approvals and other permits that may be required from local, regional, state, and federal agencies are identified below:

- City for approvals for grading/trenching plans;
- Office of Emergency Services (OES);
- Caltrans for construction and permanent easement in U.S. Highway 101;
- Air Pollution Control District (APCD) for consultation with air quality mitigation measures;
- Streambed Alteration Agreement from the California Department of Fish and Game (CDFG) if project will result in disturbance to the riparian vegetation or bed/bank of the Salinas River; and
- Issuance or waiver of Waste Discharge Requirements (WDRs) by the Regional Water Quality Control Board (RWQCB), Central Coast Region, pursuant to the Porter-Cologne Water Quality Control Act for discharge of the spring water to land.

3.0 ENVIRONMENTAL CHECKLIST AND DISCUSSION

The environmental factors checked below potentially would be affected by this project.

☐	Aesthetics	☐	Mineral Resources
☐	Agricultural Resources	☒	Noise/Vibration
☒	Air Quality	☐	Population and Housing
☒	Biological Resources	☐	Public Services
☒	Cultural Resources	☐	Recreation
☒	Geology, Seismicity and Soils	☒	Transportation/Circulation
☐	Hazards	☐	Utilities and Service Systems
☒	Hydrology and Water Quality	☒	Mandatory Findings of Significance
☐	Land Use and Planning		

3.1 AESTHETICS, LIGHT AND GLARE

Would the proposal:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or county designated scenic highway or county designated scenic road?	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings which are open to public view?	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒

3.1.1 Environmental Setting

The visual character of the project vicinity is a combination of natural and built environments. In recent years, the agricultural landscape near the City has been transitioning from predominantly ranchlands to an increasing number of vineyards and related winery and residential development. Topography varies from relatively flat low-lying flood plain areas to

rolling hills to steeply sloping foothills of the Santa Lucia Range. On both sides of the Salinas River the terrain varies from gently rolling hills with oak savanna and open grassland (from San Miguel to Atascadero).

3.1.2 Regulatory Setting

The City regulates community design and aesthetics of buildings and public spaces through implementation of adopted General Plan policies and zoning. The General Plan prescribes visual resource policies. The Zoning Ordinance, in some cases, requires development review of projects. The Land Use Element, Open Space Element, and Conservation Element of the General Plan contains policy statements that serve as a framework for evaluating proposed projects in regard to their potential to effect the atmosphere of the City.

3.1.3 Answers to Checklist Questions

Questions A and B:

The proposed project would not have a significant impact on a scenic vista or view corridor. The site does not provide a vantage point to a scenic vista, nor are there any rock outcroppings, or historic buildings at the site. The proposed project would consist of an underground pipeline and trenches placed in existing ROWs and the City Water Yard. Short-term changes in the visual character of the streets around the project area would occur as a result of the placement and use of construction equipment; however, this impact would be temporary and minor, given the context of the surrounding urban environment.

Question C and D:

The project site includes existing urbanized sites at the City Hall, 10th Street, Riverside Drive, 11th Street, and the City Water Yard. These sites do not have any unique features or scenic qualities. As the project area would be returned to pre-project and pre-earthquake conditions, it would not significantly degrade the visual character of the site, or the surrounding area. Rather, there would be a benefit to the community from the repair of the damaged parking lot. No new sources of light or glare would be introduced into the project area. Impacts are less than significant.

3.1.4 Finding

No mitigation is required.

3.2 AGRICULTURAL RESOURCES

Would the proposal result in impacts to:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use or if the area is not designated on the Important Farmland Series Maps, would it convert prime agricultural land as defined in Section 51201(C) of the Govt. Code to non-agricultural use?	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or otherwise adversely affect agricultural resources or operations?	☐	☐	☒

3.2.1 Answers to Checklist Questions

Questions A though C:

As the project site is located in a developed urban area, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland). As such, the project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use. There would be no significant impact to agricultural resources.

3.2.2 Finding

No mitigation is required.

3.3 AIR QUALITY

Would the proposal:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐

Would the proposal:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐
d) Substantially alter air movement, moisture, or temperature, or cause any substantial change in climate?	☐	☐	☒
e) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐
f) Create objectionable odors affecting a substantial number of people?	☐	☐	☒

3.3.1 This section references the Draft Supplemental Environmental Assessment for the City Hall Parking Lot (see Section 3.3.5), prepared by Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC) for the Federal Emergency Management Agency.

3.3.2 Environmental Setting

This project site is located in the South Central Coast Air Basin (SCCAB), which includes San Luis Obispo, Ventura, and Santa Barbara Counties, and is under the jurisdiction of the San Luis Obispo County Air Pollution Control District (APCD). In January 2004, the San Luis Obispo County portion of the SCCAB was designated as an attainment area for the State 1-hour ozone standard (0.09 ppm). However, in 2006, attainment designations became based on the 8-hour State ozone standard (0.007 ppm) and the San Luis Obispo portion of the SCCAB was considered a non-attainment area. The area is also designated a non-attainment area for suspended particulate matter less than 10 microns in diameter (PM_{10}). Maximum concentrations of other criteria pollutants are currently within Federal and State standards.

3.3.3 Existing Conditions

Air quality in San Luis Obispo County (County) is currently monitored at eight public agency and private sector monitoring stations located throughout the County. The nearest air quality monitoring station to the project site is on Santa Fe Avenue in the City. This station measures ozone and PM_{10}. Table 3.3-1 summarizes the available annual air quality data.

Table 3.3-1. Ambient Air Quality Data at the Paso Robles Monitoring Station

Pollutant	2004	2005	2006
Ozone			
Worst hour, ppm	0.080	0.081	0.088

Pollutant	2004	2005	2006
Number of days of State exceedances (>0.09 ppm)	0	1	0
Number of days of Federal exceedances (>0.012 ppm)	0	1	0
PM10 (mg/m3)			
Worst 24 hours, ppm - Federal	42.0	45.0	59.0
Worst 24 hours, ppm - State	43.0	47.0	62.0
Number of State exceedances (>50 mg/m3)	0	0	1
Number of Federal exceedances (>150 mg/m3)	0	0	0

Source: California Air Resources Board, 2007

High ozone levels in San Luis Obispo County have occasionally been traced to air pollutants transported from other air basins, such as the South Coast Air Basin, the San Francisco Bay Area, and the San Joaquin Valley. The frequency with which long-range transport of pollutants affects local air quality has not been definitively established. However, most exceedances of the State ozone standard measured in the County are the result of local emissions and adverse meteorological conditions.

3.3.4 Air Pollutant Sources

The federal and state governments have established ambient air quality standards for six criteria pollutants: O_3 (Ozone), CO (Carbon Monoxide), NO_2 (nitrogen dioxide), SO_2 (sulfur dioxide), PM_{10} (particulate matter 10 microns and smaller), and Pb (lead). O_3 and PM_{10} are generally considered regional pollutants because these pollutants or their precursors affect air quality on a regional scale. Pollutants, such as CO, NO_2, SO_2, and Pb, are considered to be local pollutants that tend to accumulate in the air locally. PM_{10} is considered both a localized pollutant and a regional pollutant. As the County is designated as non-attainment for O_3 and PM_{10}, these pollutants are of particular concern.

3.3.4.1 Ozone

O_3 is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections, and can cause substantial damage to vegetation and other materials. O_3 is a severe eye, nose, and throat irritant. It also attacks synthetic rubber, textiles, plants, and other materials. O_3 causes extensive damage to plants by leaf discoloration and cell damage.

O_3 is not emitted directly into the air, but is formed by a photochemical reaction in the atmosphere. O_3 precursors - reactive organic gases (ROG) and oxides of nitrogen (NO_x)—react in the atmosphere in the presence of sunlight to form O_3. Because photochemical reaction rates depend on the intensity of ultraviolet light and air temperature, O_3 is primarily a summer air pollution problem. The O_3 precursors ROG and NO_x are emitted by mobile sources and by stationary combustion equipment.

State standards for O_3 have been set for a 1-hour averaging time, whereas federal standards have been set for both a 1-hour averaging time and an 8-hour averaging time. The state 1-hour O_3 standard is 0.09 parts per million (ppm) (180 micrograms per cubic meter (mg/m3)), not to be exceeded. The federal 1-hour O_3 standard is 0.12 ppm (235 mg/m3), and the 8-hour O_3 standard is 0.08 ppm (157 mg/m3), not to be exceeded more than three times in any 3-year period (California Air Resources Board).

3.3.4.2 Inhalable Particulate Matter

Particulates can damage human health and retard plant growth. Health concerns associated with suspended particulate matter focus on those particles small enough to reach the lungs when inhaled. Particulates also reduce visibility and corrode materials.

The federal and state ambient air quality standard for particulate matter applies to two classes of particulates: $PM_{2.5}$ and PM_{10}.

The state PM_{10} standards are 50 mg/m^3 as a 24-hour average and 20 mg/m^3 as an annual geometric mean. The state $PM_{2.5}$ standards are 50 mg/m^3 as a 24-hour average and 12 mg/m^3 as an annual geometric mean and the federal PM_{10} standards are 150 mg/m^3 as a 24-hour average and 50 mg/m^3 as an annual arithmetic mean. The federal $PM_{2.5}$ standards are 15 mg/m^3 for the annual average and 65 mg/m^3 for the 24-hour average (California Air Resources Board).

3.3.5 Regulatory Setting

3.3.5.1 Federal

The Federal Clean Air Act (CAA), published in 1970 and amended twice thereafter (including the 1990 amendments), establishes the framework for modern air pollution control. The act directs the Environmental Protection Agency (EPA) to establish ambient air standards for six pollutants: O_3, CO, Pb, NO_2, PM, and SO_2. The standards are divided into primary and secondary standards: the former to protect human health within an adequate margin of safety, and the latter to protect environmental values, such as plant and animal life.

The primary legislation that governs federal air quality regulations is the CAA Amendments of 1990, which delegates primary responsibility for clean air to the EPA. The EPA develops rules and regulations to preserve and improve air quality, as well as delegating specific responsibilities to state and local agencies.

The EPA has established National Ambient Air Quality Standards (NAAQS) for criteria pollutants, which include CO, NO_2, SO_2, O_3, PM, and Pb.

3.3.5.2 State of California

Responsibility for achieving California's standards, which are more stringent than federal standards, is placed on the California Air Resources Board (CARB) and local air pollution control districts. These standards are to be achieved through district-level air quality management plans that will be incorporated into the State Implementation Plan (SIP). In California, the EPA has delegated authority to prepare SIPs to CARB, which, in turn, has delegated that authority to individual air districts.

CARB has traditionally established state air quality standards, maintaining oversight authority in air quality planning, developing programs for reducing emissions from motor vehicles, developing air emission inventories, collecting air quality and meteorological data, and approving SIPs.

Responsibilities of air districts include overseeing stationary source emissions, approving permits, maintaining emissions inventories, maintaining air quality stations, overseeing agricultural burning permits, and reviewing air quality–related sections of environmental documents required by CEQA.

The California Clean Air Act of 1988 (CCAA) substantially added to the authority and responsibilities of air districts. The CCAA designates air districts as lead air quality planning agencies, requires air districts to prepare air quality plans, and grants air districts authority to implement traffic control measures (TCMs). The CCAA focuses on attainment of the California Ambient Air Quality Standards (CAAQS), which, for certain pollutants and averaging periods, are more stringent than the comparable federal standards.

The CCAA requires designation of attainment and nonattainment areas with respect to state ambient air quality standards. The CCAA also requires that local and regional air districts expeditiously prepare and adopt an air quality attainment plan if the district violates state air quality standards for CO, SO_2, NO_2, or O_3. These clean air plans are specifically designed to attain these standards and must be designed to achieve an annual 5% reduction in district-wide emissions of each nonattainment pollutant or its precursors. No locally prepared attainment plans are required for areas that violate the state PM_{10} standards.

The CCAA requires that the CAAQS be met as expeditiously as practicable but, unlike the federal CAA, does not set precise attainment deadlines. Instead, the Act established increasingly stringent requirements for areas that will require more time to achieve the standards.

The CCAA emphasizes the control of "indirect and area-wide sources" of air pollutant emissions. It gives local air pollution control districts explicit authority to regulate indirect sources of air pollution and to establish TCMs. The CCAA does not define indirect and area-wide sources. However, Section 110 of the federal CAA defines an indirect source as:

A facility, building, structure, installation, real property, road, or highway which attracts, or may attract, mobile sources of pollution. Such terms include parking lots, parking garages, and other facilities subject to any measure for management of parking supply.

TCMs are defined in the CCAA as "any strategy to reduce trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for the purpose of reducing vehicle emissions." Recently enacted amendments to the CCAA impose additional requirements designed to ensure an improvement in air quality within the next five years. More specifically, local districts with moderate air pollution that did not achieve "transitional nonattainment" status by December 31, 1997, must implement the more stringent measures applicable to districts with serious air pollution.

3.3.5.3 San Luis Obispo Air Pollution Control District

The APCD shares responsibility with the ARB for ensuring that all State and Federal ambient air quality standards are attained within the County. The APCD has jurisdiction under the California Health and Safety Code to develop emission standards for the County, issue air pollution permits, and require emission controls for stationary sources in the County. The APCD is also responsible for the attainment of State and Federal air quality standards in the County.

3.3.6 Standards of Significance

In accordance with the CEQA Guidelines and for the purposes of this analysis, the project would be deemed to have a significant air quality impact if the project:

- Conflicts with or obstructs the implementation of the applicable air quality plan or SIP;
- Results in emissions that would violate any ambient air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the region is considered non-attainment under any Federal or State ambient air quality standard;
- Exposes sensitive receptors to substantial toxic air contaminant pollutant concentrations; or,
- Creates objectionable odors affecting a substantial number of people.

Significance thresholds have been developed by the APCD and contained within the *CEQA Air Quality Handbook* (APCD, 2003). For the purposes of this analysis, project emissions are considered potentially significant impacts if any of the following thresholds are exceeded:

1. Operational Impacts:

Reactive Organic Gases (ROG), NO_x, SO_2, PM_{10}	10 lbs/day
CO	50 lbs/day

The APCD considers impacts significant and requires more stringent environmental review for projects exceeding 25 lbs/day of ROG, NO_x, SO_2 and PM_{10} emissions, or 550 lbs/day CO emissions.

2. Construction Impacts:

ROG and NO_x	185 lbs/day or 2.5 tons/quarter
PM_{10}	2.5 tons/quarter

3.3.7 Draft Supplemental Environmental Assessment

This section references emissions estimates completed for the Draft SEA for the proposed project. Using a series of assumptions (as shown below), the Draft SEA gave the estimated emission rates for criteria pollutants as shown in Table 3.3-2.

- Maximum 250[1] construction days/year;
- 10 working hours/day;
- Assumed five acres of ground disturbance (a conservative estimate);
- Emissions were estimated using the equipment loading for a permitted construction project with 38 acres of ground disturbance scaled down to the assumed five acres of this project;
- Assumed a total of 0.75 acre would be paved (a conservative estimate).
- 3.0 percent by volume VOC was used to determine the asphalt emissions as it is the maximum VOC content allowed in San Luis Obispo County (San Luis Obispo APCD 1997).

Table 3.3-2. Emission Rate Estimates

Pollutant	Emission Rate (ton/yr)
CO	1.49
NOx	3.0
PM_{10}[a]	1.54
$PM_{2.5}$[a]	0.45
SO_2	0.003
ROG[b]	5.45

Source: NISTAC, 2007

[a] Includes particulate from fugitive dust and combustion activities

[b] Includes ROG from paving and combustion activities

[1] NISTAC assumed 250 days for the air quality analysis; however, Boyle Engineering has indicated a working period of 155 days. Therefore, estimates as shown in Table 3.3-2 are 62% of those developed by NISTAC.

3.3.8 Answers to Checklist Questions

Questions A though C:

Construction activities would result in short-term ozone precursor emissions from heavy equipment and motor vehicles, as well as fugitive dust (PM_{10}) emissions that could affect local air quality. However, ROG emissions (a precursor to O_3) would be approximately 70 lbs per day, below the 185 lbs per day threshold. Unmitigated emissions of PM_{10}, although just below the applicable threshold, would be mitigated through implementation of standard control measures as prescribed by the APCD (see Mitigation Measure AQ-1).

The nature of the proposed project's operation would not significantly contribute to area pollution levels. Disposal of the sulfur spring water via pipeline to the City Water Yard would not produce any added emissions.

Question D:

None of the project components would result in a substantial alteration of air movement, moisture, or temperature, or cause any change in local or regional climate conditions.

Question E:

During project construction, PM_{10} and $PM_{2.5}$ concentrations could be increased. The County is designated as non-attainment for PM_{10}. The Paso Robles monitoring station recorded two PM_{10} exceedances in 2001 and one exceedances in 2003. Since then, there was one exceedance recorded in 2006. No exceedances were reported for the federal standard for the years 2004 through 2006 (ARB, 2007). Although emissions of PM_{10} and O_3 are expected to be below applicable thresholds, the City would be required to implement standard mitigations as described in Mitigation Measure AQ-1 to ensure that impacts would be less than significant.

Question F:

The project would not generate substantial or long-term objectionable odors that could adversely affect sensitive receptors, such as residential areas, churches, and or schools. Implementation of the project would reduce sulfur odors at the City Hall parking lot created by the sulfur spring.

3.3.9 Mitigation

<u>Mitigation Measure AQ-1</u>: The following standard mitigation measures shall be implemented, as applicable, during the construction period to ensure PM_{10} impacts are less than significant. These measures shall be included in the City's contract documents with the construction contractor as special provisions.

A. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water,

chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover;

B. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking;

C. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained;

D. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes shall only be used where preceded or accompanied by sufficient wetting to limit the visible dust emissions; and,

E. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

3.3.10 Finding

With the incorporation of mitigation, impacts to air quality would be less than significant.

3.4 BIOLOGICAL RESOURCES

Would the project:

Would the proposal:	**Potentially Significant**	**Potentially Significant Unless Mitigated**	**Less Than Significant Impact**
a) Have a substantial adverse effect, either directly or indirectly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐
b) Have a substantial adverse effect, on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct filling, hydrological interruption, or other means?	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☒	☐

Would the proposal:	Potentially Significant	Potentially Significant Unless Mitigated	Less Than Significant Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒

Biological resources of the project site were evaluated by Padre Associates, Inc. (Padre), based on the review of the following documents, and regulatory agency correspondence letters and databases:

- *California Red-legged Frog Survey Report, City Hall Parking Lot, El Paso De Robles, FEMA-1505-DR-CA* (URS, 2005);
- *Draft Supplemental Environmental Assessment (SEA) to the Programmatic Environmental Assessment (PEA) for Typical Recurring Actions Resulting From Flood, Earthquake, Fire, Rain, and Wind Disasters in California as Proposed by the Federal Emergency Management Agency City Hall Parking Lot, El Paso De Robles, FEMA-1505-DR-CA* (URS, 2005);
- Concurrence letter from the U.S. Fish and Wildlife Service (USFWS) dated April 25, 2007;
- Concurrence letter from the National Marine Fisheries Service (NMFS) dated June 25, 2007;
- California Department of Fish and Game California (CDFG) Natural Diversity Data Base (CNDDB, 2007); and,
- Reconnaissance-level field survey conducted on by Padre on July 13, 2007.

3.4.1 Environmental Setting

The proposed path of the pipeline from the parking lot to the City Water Yard is completely developed and consists of paved City roads, U.S. Highway 101, and a graded maintenance/storage yard. Vegetation in these areas is primarily landscaped or ruderal with scattered remnant oak trees. The proposed location for the percolation system at the City Water Yard consists of a disturbed area with exposed soils and in a footprint that is generally devoid of vegetation. The Salinas River is located directly adjacent to and east of the proposed location for the percolation system. The river channel consists of a multi-braided system that has sandbars and gravelly beds in between patches of riparian and/or freshwater marsh vegetation. The proposed project area also encompasses a “mixing area”, which corresponds to the area where the spring water would mix with surface water from the river. The mixing area would be approximately 500 feet in length and as wide as the river width.

3.4.2 Regulatory Setting

Waters and Wetlands. The Corps has jurisdiction over waters of the United States (U.S.). The limit of jurisdiction in non-tidal waters extends to the ordinary high water mark and includes all adjacent wetlands. Waters of the U.S. are defined as:

> "All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; including all interstate waters including interstate wetlands, all other waters such as intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce."

The Corps and U.S. Environmental Protection Agency define wetlands as:

"those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

Section 404 of the Clean Water Act of 1977 prohibits discharge of dredged or fill material into Waters of the U.S. without an “Individual Permit” from the Corps, or authorization under one or more existing “Nationwide Permits.” Areas in the vicinity of the project site which qualify as jurisdictional waters of the U.S. and/or federal wetlands include the river bed and bank of the Salinas River and associated riparian vegetation.

Section 7 or Section 10 of the United States Endangered Species Act. The Federal Endangered Species Act (FESA) provides legislation to protect federally-listed plant and wildlife species. Impacts to listed species resulting from the implementation of a project would require the responsible agency to consult the USFWS. Section 7 of the FESA requires that all federal agencies must, in consultation with the USFWS or NMFS, ensure that the agency’s actions do not jeopardize the continued existence of a listed species, or destroy or adversely modify the listed species’ “critical habitat.”

Section 10 consists of the process by which take permits are issued by USFWS/NMFS for incidental take to an otherwise lawful activity (non-Federal). Formal consultations must take place with the USFWS pursuant to Section 10(a)(1)(B), with the USFWS then making a determination as to the extent of impact to a particular species. If the USFWS determines that impacts to a species would likely occur, alternatives and measure to avoid or reduce impacts must be identified through preparation of a Habitat Conservation Plan (HCP), prior to issuance of the take permit.

State of California Endangered Species Act. The State of California Endangered Species Act (CESA) ensures legal protection for plants listed as rare or endangered and species of wildlife formally listed as endangered or threatened. The State also lists “Special Concern” species based on limited distribution, declining populations, diminishing habitat, or

unusual scientific recreational or educational value. Under State law, the CDFG is empowered to review projects for their potential to impact state-listed species and California Special Concern species, and their habitats. Impacts to the state-listed species would be evaluated and identification of mitigation measures would likely be required.

California Department of Fish and Game Code, Chapter 6. This code governs state-designated wetlands, including riparian and stream habitat, and mandates that mitigation be implemented to replace wetland extent and value lost to development. Sections 1600-1616 of the California Fish and Game Code regulates activities that would alter the flow, bed, channel or bank of streams and lakes. Activities that affect these areas, as well as associated riparian habitats, would require a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG).

State of California Regional Water Quality Control Board – Basin Plan. The Regional Water Quality Control Board (RWQCB) Basin Plan provides management guidelines for maintaining water quality and associated beneficial uses of stream and rivers within the central coast region of California. General water quality objectives are set forth to facilitate the maintenance of optimum habitat for various aquatic species.

City of El Paso de Robles – General Plan. The City of El Paso De Robles General Plan incorporates elements for the purposes of addressing environmental issues and to provide protections for sensitive resources, while allowing for growth and development. Projects occurring within the City of El Paso de Robles would be in compliance with the guidelines and policies set forth in this document.

3.4.3 Plant Communities and Wildlife Habitats

Based upon the field survey conducted by Padre biologist Brian Dugas on July 13, 2007, three distinct habitat types were identified on the property: ornamental (landscaped), ruderal, and riparian woodland. These habitats and those species of wildlife which would be expected to occur in association within the various habitat types identified in the project area are described below in further detail:

Ornamental. A variety of trees and shrubs have been planted throughout the project area for ornamental purposes. Specifically, various ornamental trees occur within and adjacent to the City parking lot and proposed pipeline route down 10th Street including pines (*Pinus* sp.), tree of heaven (*Ailanthus altissima*) and numerous remnant valley oaks (*Quercus lobata*). This includes several trees of heaven (*A. altissima*) located along the western boundary of the City Water Yard.

Areas containing ornamental and/or landscaped vegetation are typically associated with developed sites and as such do not support a high diversity of wildlife. However, several bird species were observed in association with the ornamental vegetation of the project area during the July 13, 2007 reconnaissance-level survey by Padre. This included several species commonly found in urban environments such as the house finch (*Carpodacus mexicanus*), European starling (*Sturnus vulgaris*), and mourning dove (*Zenaida macroura*). Additionally, a Cooper's hawk (*Accipiter cooperii*) was observed foraging along 10th Street during the survey, which is a species of Special of Concern during its nesting period.

Ruderal. This term is used to describe areas that have been disturbed by past land use practices and/or ground disturbance, and were confined to weedy areas located within recently disturbed areas of the City parking lot (i.e., spring rupture area) and the City Water Yard. Typical species included ruderal (disturbance-adapted) plants and annual grasses such as horseweed (*Conyza canadensis*), prickly sowthistle (*Sonchus asper*), prickly lettuce (*Lactuca serriola*), white sweetclover (*Melilotus alba*), summer mustard (*Hirschfeldia incana*), horehound (*Marrubium vulgare*), wild oat (*Avena fatua*), brome (*Bromus* sp.), yellow-star thistle (*Centaurea solstitialis*) and bull thistle (*Cirsium vulgare*). Native species observed within the ruderal areas included coyote brush (*Baccharis pilularis*), common ragweed (*Ambrosia* sp.), and jimson weed (*Datura wrightii*). Additionally, several wetland species including rabbitfoot grass (*Polypogon monspeliensis*) and cattail (*Typha latifolia*) were observed along the wetted perimeter of the existing spring within the City parking lot.

Similar to the ornamental habitat discussion above, ruderal areas often consist of sites that are pre-disturbed and/or developed, and as such do not support a high wildlife diversity. Wildlife observed in association with this habitat type was limited to western fence lizard (*Sceloporus occidentalis*) and a foraging ash-throated flycatcher (*Myiarchus cinerascens*).

Riparian Woodland. Vegetation within the proposed mixing area portion of the Salinas River corridor consists primarily of a thicket of non-native giant reed (*Arundo donax*) surrounded by riparian woodland. The dominant plant species in the riparian woodland include red willow (*Salix laevigata*), black willow (*S. gooddingii*), sandbar willow (*S. exigua*), Fremont's cottonwood (*Populus fremontii*), and mulefat (*Baccharis salicifolia*). Some areas adjacent to the mixing area include freshwater marsh species, such as cattails and common bulrush (*Scirpus acutus*).

In general, riparian habitats provide food, water, migration and dispersal corridors, and escape, and thermal cover for an abundance of wildlife. This includes adequate nesting, roosting, and foraging habitat for a variety of migratory songbirds, as well as various raptors. During the reconnaissance-level survey conducted by Padre, the following bird species were observed in association within the Salinas River riparian corridor: black phoebe (*Sayornis nigricans*), green heron (*Butorides virescens*), lesser goldfinch (*Carduelis psaltria*), Anna's hummingbird (*Calypte anna*), and common yellowthroat (*Geothlypis trichas*).

In addition to nesting migratory birds, a variety of other vertebrate species that would be expected to occur in, or frequent the riparian area include: ensatina (*Ensatina eschscholtzi*), pacific gopher snake (*Pituophis melanoleucus*), common garter snake (*Thamnophis sirtalis*), Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), and raccoon (*Procyon lotor*). Wildlife species observed or detected (i.e., tracks and/or scat) by Padre during the reconnaissance-level survey of the riparian woodland included bobcat (*Lynx rufus*), raccoon, mule deer (*Odocoileus hemionus*), and common muskrat (*Ondata zibethicus*). Semi-aquatic and terrestrial wildlife species which may utilize the riparian habitat include special-status species such as, California red-legged frog (*Rana aurora draytonii*) and southwestern pond turtle (*Clemmys maramorata*). Many of these animals may not only reside directly within the riparian community, but also make use of the vegetation cover as a protective corridor for movement. Therefore, this habitat is important for nesting and foraging, as well as a means for animals to move between habitat patches and fully utilize the available habitat in the area. Refer to Section 3.4.2 Wildlife Movement Corridors.

3.4.4 Special-Status Species

Special-status plant and wildlife species are either listed as endangered or threatened under the Federal or California Endangered Special Acts, or rare under the California Native Plant Protection Act, or considered to be rare (but not formally listed) by resource agencies, professional organizations (e.g., Audubon Society, CNPS, The Wildlife Society), and the scientific community. For the purposes of this project, special-status plant and wildlife species are defined in Table 3.4-1 and 3.4-3, respectively.

FEMA obtained information concerning species listed as endangered, threatened, proposed for listing as endangered or threatened, or candidates for listing as endangered or threatened under the Federal Endangered Species Act (ESA) that may occur in the project area. During preparation of the SEA, the CNDDB was searched for known occurrences of special-status species within nine U.S. Geologic Survey (USGS) 7.5-minute quadrangles surrounding the project area: Paso Robles, Adelaida, Bradley, San Miguel, Ranchito Canyon, Estrella, Creston, Templeton, and York Mountain (CDFG, 2006). FEMA also obtained a list of federally-listed species that may occur in San Luis Obispo County from the U.S. Fish and Wildlife Service (USFWS) Ventura Field Office website. Further, at a July 28, 2005, meeting, USFWS representatives listed several species that could occur in the project area. These sources identified a total of 37 special-status species. An updated CNDDB search which focused on all regional special-status species (including all state-listed special-status plants and wildlife species) was conducted by Padre. The literature search and nine-quadrangle CNDDB query conducted by Padre for this assessment indicated that 23 plant species of concern, one sensitive plant communities and 22 wildlife species of concern are known to occur in the region. Information regarding regulatory status and known location of these species relative to the project components is provided in following Table 3.4-2 and 3.4-4, respectively.

Table 3.4-1. Definitions of Special-Status Plant Species

Special-Status Plant Species
➢ Plants listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.12 for listed plants and various notices in the Federal Register for proposed species).
➢ Plants that are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (Federal Register Vol. 71, No. 176, pp. 53756-53835, September 12, 2006).
➢ Plants that meet the definitions of rare or endangered species under the CEQA (*State CEQA Guidelines,* Section 15380).
➢ Plants considered by the CNPS to be "rare, threatened, or endangered" in California (Lists 1B and 2 in California Native Plant Society, 2001).
➢ Plants listed by CNPS as plants about which we need more information and plants of limited distribution (Lists 3 and 4 in California Native Plant Society, 2001).
➢ Plants listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (14 CCR 670.5).
➢ Plants listed under the California Native Plant Protection Act (California Fish and Game Code 1900 et seq.).
➢ Plants considered sensitive by other Federal agencies (i.e., U.S. Forest Service, Bureau of Land Management), state and local agencies or jurisdictions.
➢ Plants considered sensitive or unique by the scientific community or occurring at the limits of its natural range (S*tate CEQA Guidelines*, Appendix G).

Table 3.4-2. Special-Status Plants and Vegetation Communities

Scientific Name **Common Name** *(Arranged alphabetically by scientific name)*	**Status**	**Habitat Description** (including known elevation range)	**Blooming Period**	**Habitat Present/ Absent**	**Rationale**
Aristocapsa insignis Indian valley spineflower	List 1B.2	Cismontane woodland (300 – 600m)	May to September	A	Habitat association not present in project site. Nearest known location: San Miguel (CNDDB, 2007)
California macrophylla Round-leaved filaree	List 1B.1	Cismontane woodland, valley and foothill grassland (15-1200m)	March to May	P	Clay soils present in project site. Nearest known location: Creston Road, just east of Atascadero (CNDDB, 2007)
Calycadenia villosa Dwarf calycadenia	List 1B.1	Chaparral, cismontane woodland, valley and foothill grassland, meadows and seeps (215 – 1275m)	May to October	A	Habitat associations are absent from project site. Nearest known location: Creston (CNDDB, 2007)
Cammissonia hardhamiae Hardham's evening-primrose	List 1B.2,	Chaparral, cismontane woodland (330 – 500m)	April to May	A	Chaparral and cismontane woodland are not present within project site. Nearest known location: 0.45 mile WNW of highway 101 and the Salinas River crossing (CNDDB, 2007)
Castilleja Densiflora ssp. obispoensis Obispo Indian Paint brush	List 1B.1	Valley and foothill grassland (10 – 215m)	March to May	A	Valley and foothill grassland not present within project site. Nearest known location: Airport Road and Dry Creek Road, 1 mile south of Paso Robles Airport (CNDDB, 2007)
Caulanthus coulteri var. lemmonii Lemmon's Jewelflower	List 1B.2	Pinyon-juniper woodland, valley and foothill grassland (80-1220m)	March to May	A	Habitat associations are absent from project site. Nearest known location: 6 miles north of Paso Robles, on west side of highway 101 (CNDDB, 2007)
Chlorogalum purureum var. purpureum Purple amole	FT, List 1B.1	Cismontane woodland, valley and foothill grassland (300 – 330m)	April to June	A	Habitat associations are absent from project site. Nearest known location: Camp Roberts (CNDDB, 2007)
Chorizanthe rectispina straight-awned spineflower	List 1B.3	Chaparral, cismontane woodland, coastal scrub (355 – 1035m)	April to June	A	Habitat associations are not present in project site. Nearest known location: Camp Roberts (CNDDB, 2007)
Delphinium umbraculorum Umbrella Larkspur	List 1B.3	Cismontane woodland (400 – 1600m)	April to June	A	Habitat associations not present in project site. Nearest known location: Headwaters of Las Tablas Creek (CNDDB, 2007)

Scientific Name **Common Name** *(Arranged alphabetically by scientific name)*	**Status**	**Habitat Description** (including known elevation range)	**Blooming Period**	**Habitat Present/ Absent**	**Rationale**
Entosthodon kochii Koch's card-moss	List 1B.3	Cismontane woodland (500 – 1000m)	N/A	A	Cismontane woodland not present in project site. Nearest known location: Camp Roberts (CNDDB, 2007)
Eriastrum luteum Yellow-flowered eriastrum	List 1B.2	Broadleafed upland forest, cismontane woodland, chaparral (360 – 1000m)	May to June	A	Habitat associations are not present in project area. Nearest known location: Atascadero (CNDDB, 2007)
Horkelia cuneata ssp. sericea Kellog's horkelia	List 1B.1	Closed-cone coniferous forest, coastal scrub, chaparral (10-200m)	April to Sept	A	Habitat associations not present in project site. Nearest known location: San Miguel (CNDDB, 2007)
Horkelia cuneata ssp. puberula Mesa horkelia	List 1B.1	Chaparral, cismontane woodland, coastal scrub (70 – 810m)	February to July (Sept)	A	Habitat associations not present in project site. Nearest known location: Near Templeton (CNDDB, 2007)
Layia heterotricha Pale-yellow layia	List 1B.1	Cismontane woodland, pinyon-juniper woodland, valley and foothill grassland (270 – 1365 (2675)m)	March to June	A	Habitat associations are not present within the project site. Nearest known location: Camp Roberts (CNDDB, 2007)
Lepidium jaredii ssp. jaredii Jared's pepper-grass	List 1B.2	Valley and foothill grassland	March to May	A	Valley and foothill grasslands are not present in project site. Nearest known location: Estrella (CNDDB, 2007)
Malacothamnus davidsonii Davidson's bush mallow	List 1B.2	Coastal scrub, riparian woodland, chaparral (180 – 855m)	June to January	P	Riparian woodland is present within project site. Nearest known location: San Antonio River, Camp Roberts (CNDDB, 2007)
Malacothrix saxatillis var. arachnoidea Carmel Valley malacothrix	List 1B.2	Chaparral (25 – 1215m)	(March) June to December	A	Chaparral habitat is not present within project site. Nearest known location: Twin Bridges, Camp Roberts (CNDDB, 2007)
Navarretia nigeliformis ssp. radians Shining navarretia	List 1B.2	Cismontane woodland, vernal pools, valley and foothill grassland (200 – 1000m)	May to July	A	Habitat associations are not present at project site. Nearest known location: San Miguel (CNDDB, 2007)
Navarretia prostata prostrate navarretia	List 1B.1	Coastal scrub, valley and foothill grassland, vernal pools (15 – 700m)	April to July	A	Habitat associations are not present in project site. Nearest known location: Camp Roberts (CNDDB, 2007)
Plagiobothrys uncinatus Hooked popcorn- flower	List 1B.2	Chaparral, cismontane woodland, valley and foothill grassland, coastal bluff scrub (300 – 820m)	April to May	A	Habitat associations are not present in project site. Nearest known location: Cliff on Tower Road and Nacimiento river, Camp Roberts (CNDDB, 2007)
Stebbinsoseris decipiens Santa Cruz micoseris	List 1B.2	Broadleaf upland forest, closed-cone coniferous forest, chaparral, coastal prairie, coastal scrub (10 – 500m)	April to May	A	Habitat associations are not present in project site. Nearest known location: East Garrison, Camp Roberts (CNDDB, 2007)

Scientific Name **Common Name** *(Arranged alphabetically by scientific name)*	**Status**	**Habitat Description** (including known elevation range)	**Blooming Period**	**Habitat Present/ Absent**	**Rationale**
Symphyotrichum defoliatum San Bernardino aster	List 1B.2	Meadows and seeps, marshes and swamps, coastal scrub, cismontane woodland, lower montane coniferous forest, grassland (2 – 2040m)	July to November	P	Occurs near ditches, streams, springs and disturbed areas which are present in project site. Nearest known location: Just north of Creston (CNDDB, 2007)
Triteleia ixioides ssp. cookii Cook's triteleia	List 1B.3	Cismontane woodland, closed-cone coniferous forest, associated with serpentine soils (? – 500m)	May to June	A	Habitat associations are not present in project site. Nearest known location: Headwaters of Las Tablas Creek (CNDDB, 2007)
Valley Oak Woodland	G3, S2			A	Oak woodland habitat not present in project site. Nearest known location: Chimney Rock Ranch, south of Camp Roberts (CNDDB, 2007)

Status Codes:

FE Federal Endangered
FT Federal Threatened
SE State Endangered
ST State Threatened
SR State Rare (CDFG)
CNPS
List 1B Plants rare, threatened, or endangered in California and elsewhere
List 1B.1 Seriously endangered in California
List 1B.2 Fairly endangered in California
List 1B.3 Not very endangered in California

A Habitat absent
P Habitat present

CNDDB Element Ranks

G3 Global Rank, 21-80 element occurrences (EOs) OR 3,000-10,000 individuals OR 10,000-50,000 acres
S2 State Rank, 6-20 EOs OR 1,000-3,000 individuals OR 2,000-10,000 acres

Table 3.4-3. Definitions of Special-Status Wildlife Species

Special-Status Animal Species
➢ Animals listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (50 CFR 17.11 for listed animals and various notices in the Federal Register for proposed species). ➢ Animals that are candidates for possible future listing as threatened or endangered under the Federal Endangered Species Act (Federal Register Vol. 71, No. 176, pp. 53756-53835, September 12, 2006). ➢ Animals that meet the definitions of rare or endangered species under the CEQA (*State CEQA Guidelines*, Section 15380). ➢ Animals listed or proposed for listing by the State of California as threatened and endangered under the California Endangered Species Act (14 CCR 670.5). ➢ Animal species of special concern to the CDFG (Remsen, 1978 for birds; Williams, 1986 for mammals). ➢ Animal species that are fully protected in California (California Fish and Game Code, Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]).

Table 3.4-4. Regional Wildlife Species of Concern

Common Name ***Scientific Name***	**Status**	**General Habitat Description**	**Habitat Present/ Absent**	**Rationale**
Invertebrates				
Atascadero june beetle *Polyphylla nubila*	G1, S1	Sand dunes in San Luis Obispo County	A	Sand dunes are not present within project site. Nearest known location: Paso Robles (CNDDB, 2006)
Lompoc grasshopper *Trimerotropis occulens*	GH, SH	Known only in San Luis Obispo and Santa Barabara counties.	A	Habitat highly disturbed, not suitable for species. Nearest known location: Paso Robles (CNDDB, 2007)
Longhorn fairy shrimp *Branchinecta longiantenna*	FE	Endemic to the eastern margin of the central coast mnts in astatic grassland vernal pools.	A	Vernal pools are not present within the project site. Sensitive, location information suppressed (CNDDB, 2007)
Vernal pool fairy shrimp *Branchinecta lynchi*	FT	Endemic to the grasslands of the central valley, central coastal mnts, and south coast mnts, in astatic rain-filled pools.	A	Vernal pools are not present at the project site. Nearest known location: Highway 46, 2 miles east of Paso Robles (CNDDB, 2007)
Fish				
South-central California coast steelhead ESU *Oncorhynchus mykiss irdeus*	FT	Coastal basins from the Pajaro River south to the Santa Maria River	P	Salinas River is adjacent to the project site. Nearest known location: Little Pico Creek, 7.2 miles north of Cambria and 1.5 mile south of San Simeon, on Highway 1 (CNDDB, 2007)
Reptiles				
Southwestern pond turtle *Emys (=Clemmys) marmorata pallida*	CSC	Permanent or nearly permanent bodies of water in many habitat types (<6000 ft elevation)	P	Salinas River and riparian habitat immediately adjacent to project site. Sensitive location information (CNDDB, 2007)
Amphibians				
California red-legged frog *Rana aurora draytonii*	FT,CSC	Lowlands and foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation	P	Riparian vegetation present immediately adjacent to project site. Nearest known location: Graves Creek, 1 mile south of Templeton (CNDDB, 2007)
Coast range newt *Taricha torosa torosa*	CSC	Coastal drainages from Mendocino county to San Diego county	A	Habitat associations not present within project site. Nearest known location: Santa Rosa Creek Road, 7 miles north of Cayucos (CNDDB, 2007)
Western spadefoot *Spea hammondii*	CSC	Grassland habitats, valley-foothill hardwood woodlands	A	Vernal Pools are not present in project site. Nearest known location: O'Donovan Road, 0.3 miles south of Creston (CNDDB, 2007)

Common Name ***Scientific Name***	**Status**	**General Habitat Description**	**Habitat Present/ Absent**	**Rationale**
Arroyo toad *Bufo californicus*	FE	Semi-arid regions near washes or intermittent streams including valley-foothill and desert riparian, desert wash, etc	P	Several habitat associations present within the project area. Nearest known location: Sisquoc River, Santa Maria Valley (CNDDB, 2007)
Birds				
Bald Eagle *Haliaeetus leucocephalus*	FT, SE	Ocean shore, lake margins and rivers for nesting and wintering	A	Habitat for nesting and wintering absent from project site. Nearest known location: Camp Roberts (CNDDB, 2007)
Burrowing owl (burrow sites) *Athene cunicularia*	CSC	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation	A	Habitat associations not present within project site. Nearest known location: Camp Roberts (CNDDB 2007)
California horned lark *Eremophila alpestris actia*	CSC	Coastal regions, also main part of San Joaquin valley and east to foothills	A	Habitat associations are not present within project site. Nearest known location: Camp Roberts, 3.3 miles SE of Bradley (CNDDB, 2007)
Golden eagle *Aquila chrysaetos*	CSC	Rolling foothills, mountain areas, sage-juniper flats and desert	A	Habitat associations not present within project site Nearest known location: West side of Huerhuero Creek, Paso Robles (CNDDB, 2007)
Great blue heron *Ardea Herodias*	G5	Nests in tall trees, cliffsides, and sequestered spots on marshes. Rookery sites in close proximity to river, streams and lake margins.	A	Riparian habitat exists immediately adjacent to project site, however no known rookeries are located within area. Nearest known location: Salinas River; Camp Roberts. (CNDDB 2007)
Least Bell's vireo *Vireo belii pusillus*	FE, SE	Low riparian in vicinity of water or in dry river bottoms, below 2000 ft.	P	Riparian habitat present immediately adjacent to project site. Nearest known location: Salinas River, at the Bradley bridge (CNDDB, 2007)
Cooper's hawk *Accipiter cooperii*	CSC (nesting), M	Riparian forests.	P	Observed foraging along 10th Street by Padre during July 13, 2007 survey. Potential nesting habitat occurs within riparian woodland of Salinas River
Southwestern willow flycatcher *Empidonax traillii extimus*	FE, SE	Riparian woodlands	P	Riparian vegetation is adjacent to the project site. Nearest known location: Santa Ynez River, 2 miles west of Buellton (CNDDB, 2007)
Prairie falcon *Falco mexicanus*	CSC	Dry open terrain; level or hilly	A	Habitat associations not present within project site. Nearest known location: Sensitive location information (CNDDB, 2007)

Common Name ***Scientific Name***	**Status**	**General Habitat Description**	**Habitat Present/ Absent**	**Rationale**
Tricolored blackbird *Agelaius tricolor*	CSC	Requires open water and protected nesting substrate and foraging area with insect prey within a few km of the colony	P	Open water and riparian vegetation exists immediately adjacent to project site. Nearest known location: Camp Roberts (CNDDB 2007)
Yellow Warbler *Dendroica petechia brewsteri*	CSC	Riparian plant association, prefers willows, cottonwoods, aspens, sycamores and alders for nesting and foraging	P	Riparian vegetation exists immediately adjacent to project site. Nearest known location: Salinas River at Bradley bridge (CNDDB, 2007)
Mammals				
American Badger *Taxidea taxus*	CSC	Shrub, forest, and herbaceous habitats, with friable soils.	A	Project site is highly disturbed, lack of sufficient prey base. Nearest known location: Highway 101, 1.5 miles N of Templeton (CNDDB, 2007)
Monterey dusky-footed woodrat *Neotoma macrotis Luciana*	CSC	Forest habitats of moderate canopy and moderate to dense understory, also chaparral habitats.	A	Forest and chaparral habitats not present in project site. Nearest known locations: Camp Roberts (CNDDB, 2007)
Pallid bat *Antrozous pallidus*	CSC	Deserts, grasslands, shrublands, woodlands, and forests, open dry habitats with rocky outcrops for roosting	A	Habitat associations not present within project site. Nearest known location: River Road bridge, Salinas River, east of San Miguel (CNDDB, 2007)
Salinas pocket mouse *Perognathus inornatus psammophilus*	CSC	Annual grassland and desert shrub communities in the Salinas Valley	A	Habitat associations not present within project site. Nearest known location: Camp Roberts (CNDDB, 2007)
San Joaquin Kit Fox *Vulpes macrotis mutica*	FE, ST	Annual grasslands or grassy open stages with scattered shrubby vegetation.	A	Habitat associations not present at project site. Nearest known location: (0.9 miles SE of intersection of Union Rd. and Golden Hill Rd, Paso Robles (CNDDB, 2007)
San Joaquin pocket mouse *Perognathus inornatus inornatus*	S2S3	Grasslands and blue oak savannas. Needs friable soils.	A	Habitat associations not present at project site. Nearest known location: 2 miles south of San Miguel (CNDDB, 2007)

Status Codes:

FE Federal Endangered (USFWS)
FT Federal Threatened (USFWS)
FPT Federal Proposed Threatened
SE State Endangered (CDFG)
ST State Threatened (CDFG)
CSC California Species of Special Concern (CDFG)
FP Fully protected under Section 4700 of the California Fish and Game Code
SA Special Animal (CDFG)

CNDDB Element Ranks

G1 Global Rank, Less than 6 viable element occurrences (EOs) OR less than 1,000 individuals OR less than 2,000 acres

Common Name *Scientific Name*	Status	General Habitat Description	Habitat Present/ Absent	Rationale

G5	Global Rank, Population or stand demonstrably secure to ineradicable due to being commonly found in the world
GH	All sites are historical. The element has not been seen in 20 years, but suitable habitat still exists
S1	State Rank, Less than 6 EOs OR less than 1,000 individuals OR less than 2,000 acres
S2	State Rank, 6-20 EOs OR 1,000-3,000 individuals OR 2,000-10,000 acres
S3	State Rank, 21-80 EOs or 3,000-10,000 individuals OR 10,000-50,000
SH	All California sites are historical
A	Habitat Absent
P	General Habitat Present

As a result of the database review outlined above, 23 special-status plant species and one sensitive plant community (valley oak woodland) were identified as occurring within the project region. Based on review of the existing habitat requirements these plant species, including elevation, known occurrence locations, and soils within the project site, it was determined that only three plant species actually have the potential, albeit low, to occur within the project site boundary: Davidson's bush mallow (*Malacothamnus davidsonii*), Round-leaved filaree (*California macrophylla*), and San Bernardino aster (*Symphyotrichum defoliatum).* However, based upon further analysis of existing project site conditions (i.e., pre-disturbed, ruderal) during two site-reconnaissance surveys completed by FEMA on July 7, 2005, and July 27, 2005, including the subsequent July 13th, 2007 reconnaissance-level survey completed by Padre, it was determined that no regional plant species of concern exist within the proposed project site. Further, the project site does not support valley oak woodland habitat.

As a result of the literature review, site reconnaissance, and meetings with USFWS and the National Marine Fisheries Service (NMFS), FEMA determined that the project area and its immediate vicinity may provide suitable habitat to support the following federally-listed wildlife species: California red-legged frog, arroyo toad (*Bufo californicus*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*Branchinecta lynchi*), and south central California coast steelhead (*Oncorhynchus mykiss irideus*). Further, the project area and its immediate vicinity may provide suitable habitat to support the following state-listed wildlife species: southwestern pond turtle, Cooper's hawk (*Accipiter cooperii*), tri-colored blackbird (*Agelaius tricolor*), and yellow warbler (*Dendroica petechia brewsteri*). The following discussion provides an overview of the general habitat requirements for these species and further detail on the potential for each of these species to occur in the project area:

Branchiopod Species. Two listed branchiopod species are known to occur in San Luis Obispo County: the longhorn fairy shrimp and the vernal pool fairy shrimp. The longhorn fairy shrimp inhabits vernal pools and is known around the borders of Soda Lake in San Luis Obispo County and in vernal pools of the Northern Claypan type (Eriksen and Belk 1999), approximately 50 miles from the project area. The vernal pool fairy shrimp inhabits vernal pools, small swales, earth slumps, or basalt-flow depression basins with grassy or occasionally muddy bottom, in unplowed grassland (Eriksen and Belk 1999).

The project area is not located within the proposed critical habitat for the longhorn fairy shrimp or the vernal pool fairy shrimp (USFWS, 2006b). The vernal pool fairy shrimp is known in eastern San Luis Obispo County approximately 44 miles from the project area, where critical habitat has been designated for this species. There are two CNDDB records of this species located near the project area, at Blacks Hatchery and Turkey Farm and just south of Highway

46, approximately 1.2 and 1.4 miles from the project area, respectively (CDFG 2006). There are another ten records of the vernal pool fairy shrimp at Camp Roberts Military Reservation, approximately nine miles from the project area (CDFG 2006). Additionally, during reconnaissance level surveys completed by Padre in 2005, vernal pool fairy shrimp were observed in a small depression (i.e., puddle) within the Southern Pacific Railroad right-of-way approximately 0.5-mile south of the project site; however, no subsequent protocol-level surveys of the surrounding areas were performed to determine the source population of these vernal pool fairy shrimp. Because the project area does not include any vernal pools, seasonal wetlands, or any depressions that would pond water long enough to support the fairy shrimp cycle, neither of the listed branchiopod species is expected to occur in the project area or be potentially affected by the proposed project.

California Red-Legged Frog. The California red-legged frog (CRLF) is listed as threatened under the ESA and is a California species of special concern. The historical range of the CRLF extended on the coast from the vicinity of Point Reyes National Seashore and inland from the vicinity of Redding southward to northwestern Baja California, Mexico (USFWS 2007). The largest extent of currently occupied habitat is found in Monterey, San Luis Obispo, and Santa Barbara Counties (USFWS 2007). CRLF is generally found along marshes, streams, ponds, and other permanent sources of water where dense scrubby vegetation such as willows, cattails, and bulrushes dominate, and water quality is good. Breeding sites occur along watercourses with pools that remain long enough for breeding and the development of larvae. Breeding time depends on winter rains but is usually between late November and late April (Jennings 1988).

There are two CNDDB records of CRLF in tributaries to the Salinas River, at Graves Creek and Paso Robles Creek, which are both approximately 2.6 miles from the project area, respectively (CDFG 2007). Habitat suitable to support CRLF is found in the project area, and consists of areas of slow-moving water and associated side channels in the Salinas River. Since CRLF are known to migrate up to one-mile from breeding sites, all upland areas within one mile of the Salinas River would be considered suitable upland habitat for the CRLF, including the proposed leachfield site. The project area is also located within its historical range. The project area is not located within the designated critical habitat for CRLF (USFWS 2006a).

During a meeting with USFWS on July 28, 2005, USFWS recommended that FEMA conduct protocol surveys for CRLF one-mile upstream and one-mile downstream of the project area on the Salinas River. FEMA's consulting biologists conducted protocol surveys for CRLF in this area between August 23 and 25, 2005, in accordance with the "*Guidance on Site Assessment and Field Surveys for California Red-legged Frogs*," issued by USFWS on February 18, 1997 (USFWS 1997). No CRLF were detected along the two-mile stretch of the Salinas River during the August 2005 protocol surveys. The survey area was also heavily populated with introduced bullfrogs (*Rana catesbeiana*), which may negatively affect the presence of native amphibians such as CRLF. Based on the distance between the project area and the closest known occurrence of CRLF, it is unlikely that the proposed project would affect the viability of individual populations or the species as a whole. These factors and the absence of CRLF during the surveys indicate that the proposed project would not result in impacts to this species or its designated critical habitat.

Arroyo Toad. The arroyo toad is listed as endangered under the ESA. This species is endemic to coastal plains and mountains of central and southern California and northwestern Baja California, Mexico. The arroyo toad inhabits both perennial and intermittent rivers and streams with shallow, sandy to gravelly pools adjacent to sand or fine gravel terraces (USFWS 2007). Arroyo toads are found areas that range in elevation from sea level to approximately 7,500 feet above sea level. The arroyo toad breeds from late January or February to early July.

The arroyo toad's historical range extended from San Luis Obispo County to San Diego County and in Baja California (USFWS 2007). Arroyo toad has been extirpated from 75 percent of its historical range and now survives primarily in the headwaters of coastal streams as small populations (USFWS 2007). The project area is located within the toad's historical range. In 1936, arroyo toads were found in the upper Salinas River basin near Santa Margarita, San Luis Obispo County; however, surveys of this area were conducted in the 1980s and 1990s and no arroyo toads were found (USFWS 1999). The available arroyo toad habitat was probably affected by the construction of the Santa Margarita Dam, approximately ten miles upstream from the collection site (USFWS 1999). The Recovery Plan for this species indicates that San Luis Obispo County only has a population that is presumed to be extirpated (USFWS 1999). Due to this species' historical range, San Luis Obispo County is considered part of the Northern Recovery Unit for the arroyo toad, more specifically the upper Salinas River. According to the Recovery Plan, there is potential for finding previously unknown populations or of re-establishing populations on rehabilitated habitat in the upper Salinas River (USFWS 1999).

Biologists conducted surveys for arroyo toads in the Huasna River and the San Juan Creek/Estrella River system, near the Huasna Townsite, east of Arroyo Grande, San Luis Obispo County, from May 13 to July 2, 2003 (Christopher 2004) and did not find arroyo toads or their larvae in the survey area. Even though no arroyo toad populations were present in the survey area and no populations of this species are known in San Luis Obispo County, the survey report concluded that there is a high probability that the toad could be present in the County (Christopher 2004). However, there are no known CNDDB records of this species for the entire county of San Luis Obispo (CDFG 2006).

On April 23, 2005, USFWS designated critical habitat for the arroyo toad in portions of Santa Barbara, Ventura, Los Angeles, Riverside, and San Bernardino counties; however, USFWS did not designate any critical habitat units in San Luis Obispo County (USFWS 2005). In its final designation of critical habitat for the arroyo toad in 2005, the USFWS states that it is unaware of any recent observations of arroyo toads in the upper Salinas River watershed or anywhere within San Luis Obispo County. This was in response to a comment as to why the upper Salinas River was not part of the designated critical habitat (USFWS 2005c). The closest known occurrence, which is a northern range expansion for this species, is located on Fort Hunter Liggett in Monterey County (approximately 26 miles from the project area) and found in 1996 (USFWS 2007).

During the protocol surveys for CRLF conducted in August 2005 in the project area, FEMA biologists observed thousands of bullfrogs and many introduced predatory fish species along the two-mile-long survey area. Introduced fish prey on tadpoles and are known to induce high arroyo toad larval mortality (USFWS 1994a). Adult bullfrogs are highly predatory and are known to prey on juvenile and adult arroyo toads, which threatens the survival of arroyo toad

populations (USFWS 1994a and USFWS 1999). Bullfrogs are documented predators of arroyo toads (USFWS 1999). In addition, artificially sustained flow regimes and activities that create ponds make habitat more suitable for bullfrogs (USFWS 1999). The Santa Margarita Dam has changed the flow regime in the upper Salinas River and may have created suitable habitat for bullfrogs. Since bullfrogs and introduced predatory fish are known to prey on arroyo toads, these findings further reduce the probability of arroyo toads to occur in the project area. For the reasons stated above, it is considered highly unlikely that the arroyo toad would occur in the project area or its vicinity regardless of its historical range.

Southwestern Pond Turtle. The southwestern pond turtle is a federal species of concern and a California special concern species. It is an aquatic turtle inhabiting streams, marshes, ponds, and irrigation ditches within woodland, grassland, and open forest communities. This species requires upland sites for nesting and over-wintering. Stream habitat must contain large, deep pool areas with moderate-to-good plant and debris cover, and rock and cobble substrates for escape retreats. Southwestern pond turtle was observed within the Salinas River corridor during surveys completed by FEMA biologists and may occur within the riparian habitat and wetlands adjacent to the project area as a transient during winter.

South-Central California Coast Steelhead. The south-central California coast steelhead is listed as threatened under the ESA. Steelhead trout are rainbow trout with an anadromous life history. Steelhead make spawning runs into rivers and small creeks flowing into the ocean. The south-central California coast steelhead encompasses all naturally-spawned steelhead populations below natural and manmade impassable barriers in streams from the Pajaro River (inclusive) to, but not including, the Santa Maria River (NMFS 2006). Therefore, the project area is located within the distribution of the south-central California coast steelhead.

In general, adult steelhead return to rivers and creeks in the region from October to April. Spawning takes place in the rivers from December to April with most spawning activity occurring between January and March. Steelhead remain in freshwater for one to four years before they out-migrate into the open ocean during spring and early summer (Goals Project 2000). Juvenile steelhead can spend up to seven years in freshwater before moving downstream as smolts from March to May (Busby et al. 1996). Steelhead can spend up to three years in saltwater before returning to freshwater to spawn (Barnhardt 1986). Because juvenile steelhead remain in the creeks year-round, adequate flows, suitable water temperatures, and an abundant food supply are necessary throughout the year in order to sustain steelhead populations. The most critical period is in the summer and early fall when these conditions become limiting.

There are no CNDDB records of steelhead in the project area and surrounding nine USGS quadrangles. However, the Salinas River is included as designated critical habitat for steelhead in San Luis Obispo County (NMFS 2005). Steelhead may migrate through the Salinas River, but the habitat in the Salinas River near the project area does not present the characteristics for suitable spawning nor rearing habitat. Therefore, if steelhead occur in the Salinas River adjacent to the project area, they would be expected to occur sporadically during their migration period.

Least Bell's Vireo. The least Bell's vireo is listed as endangered under the federal and state ESA. The least Bell's vireo's historical range extends from Red Bluff in the north; to northwestern Baja California in the south; and to Owens Valley, Death Valley, and the Mojave River in the east. This species current range is a very small fraction of its former range. The least Bell's vireo is a migratory songbird that nests and forages almost exclusively in riparian woodlands. It is only found in California during the breeding season from mid-March to late September. It winters in southern Baja California, Mexico. In 1986, when the least Bell's vireo was federally listed, it had been extirpated from most of its historical range and there were only 300 pairs statewide (USFWS 2007). These breeding pairs were confined to eight counties south of Santa Barbara, with most of them occurring in San Diego County (USFWS 2007).

The project area is surrounded by riparian habitat, and therefore, it may provide habitat suitable to support the least Bell's vireo. However, the project area is not located within the designated critical habitat for the least Bell's vireo (USFWS 1994b). A recent occurrence of the least Bell's vireo has been recorded at Camp Roberts Military Reservation on the Salinas River, approximately nine miles from the project area (Kofron 2005). Another record of the least Bell's vireo was found in the Salinas River upstream and downstream of Bradley Bridge, approximately 6.7 miles from the project area in 1985 (CDFG 2006). In summary, the least Bell's vireo also has the potential to occur in the vicinity of the project area and the project area is located within its historical range.

Southwestern Willow Flycatcher. The southwestern willow flycatcher is listed as endangered under the ESA. Historically, this migrant was known to occur in suitable habitat in the Los Angeles Basin; San Bernardino, Riverside, and San Diego Counties; and the lower Colorado River. The southwestern willow flycatcher inhabits riparian habitats along rivers, streams, and other wetland habitats with dense growths of willows. They are only found in California during their breeding season from the middle of May to late August and are known to winter in Mexico, Central America, and northern South America.

The project area is surrounded by riparian habitat, and therefore, it may provide habitat suitable to support the southwestern willow flycatcher; however, the southwestern willow flycatcher's historical range does not include San Luis Obispo County (USFWS 2007). This species is not included in the USFWS species list for San Luis Obispo County (USFWS 2007). In addition, there are no known CNDDB records of this species for the entire County of San Luis Obispo (CDFG 2006). For these reasons, it is highly unlikely that the southwestern willow flycatcher would occur in the project area or its vicinity. Further, the project area is not located within the proposed critical habitat for the southwestern willow flycatcher (USFWS 2004).

Cooper's Hawk. This species is considered a California special concern species during its nesting period. Preferred nesting habitat consists of dense stands of coast live oak, riparian or other forest habitat located near water. Cooper's hawk is considered an uncommon transient and winter visitor throughout most of San Luis Obispo County. This species was observed on the project site during a reconnaissance-level survey conducted by Padre in July 2007. Further, suitable nesting habitat occurs along the boundary of within the proposed project area (i.e., riparian woodland of Salinas River).

Tricolored Blackbird. This species is a federal species of concern and a California special concern species while nesting in a colony. The tricolored blackbird requires open water habitat areas surrounded by marshland for the purposes of foraging and nesting. No tricolored blackbirds were observed during the field surveys conducted in the project area; however, this species has the potential to occur along the side channels of the Salinas River supporting perennial wetland habitat (i.e., cattails).

Yellow Warbler. The yellow warbler is a California Species of Special Concern. There is a moderate level of potential for this species to occur within the riparian habitat of the Salinas River as a migratory stop-over, for nesting, or for foraging. It is a common nesting species in riparian habitats in San Luis Obispo County. Specifically, yellow warbler was observed on the Salinas River near the Bradley Bridge downstream of River Road in 1977.

Other Protected Bird Species per the Migratory Bird Treaty Act. A number of bird species potentially occurring on the project site, including those species discussed above, are protected under the provisions of the federal Migratory Bird Treaty Act of 1918 (MBTA). Although no remnant nests were observed within the adjacent riparian area of the Salinas River during site surveys, suitable nesting habitat for a wide variety of protected bird species exists throughout the riparian corridor and adjacent areas, including within mature ornamental trees such as the Trees of Heaven located along the western perimeter of the City Water Yard.

Wildlife Movement Corridors. "Movement corridors" are connections between habitat areas that allow for physical and genetic exchange between animal populations. These connections may be local, such as between foraging and nesting or denning areas, or regional in nature. As undisturbed habitats become surrounded by urban development, they become isolated from neighboring areas. Movement corridors provide critical linkage between islands of open space, isolated foraging and breeding habitats, and other important wildlife use areas. Drainage courses and adjacent upland habitats typically function as migration corridors providing some water and cover for animals. Within the immediate vicinity of the project site, important movement corridors exist within the Salinas River and associated tributaries which connect with off-site habitat areas.

3.4.5 Answers to Checklist Questions

Questions A:

Due to the pre-disturbed status of the project area, the likelihood of the proposed project to result in direct impacts to special-status species during construction operations is considered low. However, southwestern pond turtles are known to inhabit the Salinas River riparian corridor, and have been identified within the vicinity of the proposed project site. Although, the California red-legged frog was not observed during surveys, this species may also occur within Salinas River in proximity to the proposed project site during implementation. In addition, the riparian woodland habitat areas of the Salinas River and remnant oak trees located along the project site (i.e., 10th Street) have the potential to provide suitable nesting habitat for Cooper's hawk, least Bell's vireo, southwestern willow flycatcher and various bird species protected under the Migratory Bird Treaty Act (MBTA). However, the City has committed to perform construction-related activities during the period between late September and the middle of March,

outside of the primary breeding season for the majority of protected migratory birds and special-status bird species (e.g., Cooper's hawk, yellow warbler, tri-colored blackbird, etc.) including the federally-listed least Bell's vireo and southwestern willow flycatcher, as described in Mitigation Measure BIO-1, below. As such, noise and other short-term, construction-related impacts from the proposed project to special-status bird species would be considered less than significant. Moreover, implementation of the proposed mitigation measures (such as biological pre-construction surveys for special-status species, protective fencing and equipment staging areas [BIO-4]) would prevent inadvertent impacts to the river corridor supporting these special-status species. Further, in the event that the project schedule requires project activities to be completed within the nesting bird season (March-August), completion of pre-activity nesting bird surveys (BIO-1) would reduce potential impacts to protected bird species by ensuring that active nests are avoided as necessary during project implementation.

The proposed construction of the percolation system in late September to early March in a previously disturbed upland area with exposed soils also has the potential to result in significant but mitigable, short-term impacts on migratory south-central California steelhead due to potential storm water runoff and inadvertent silt and sedimentation impacts to the Salinas River corridor. However, with implementation of mitigation measures BIO-2, BIO-3, and BIO-4, potential short-term impacts to the water quality of the Salinas River during the winter construction period and potential secondary impacts to migrating steelhead would be considered less than significant. Therefore, potential short-term impacts to special-status species, including nesting birds protected under the MBTA due to project implementation would be considered less than significant.

In the long term, the proposed project has the potential to improve water quality within the mixing zone, which may increase the overall available riparian nesting habitat for a variety of bird species. However, if the percolation site is not stabilized after construction, then increased runoff from the newly graded areas could result in long-term degradation of water quality and existing riparian habitats within the project area. This could lead to further invasion of the project site and adjacent riparian habitat areas by exotic, non-native species such as giant reed which thrive in such conditions. However, with implementation of mitigation measure BIO-6 (Site Restoration Plan) potential long-term impacts to the Salinas River due to site runoff and introduction of exotic species would be considered less than significant. Thus, the proposed project is not expected to result in any significant long-term impacts to special-status bird species, including least Bell's vireo, southwestern willow flycatcher and/or associated critical habitat areas. Regarding the long-term effects of the proposed project on steelhead, the modeling shows that during periods of high flow in the river (from January through June), which correspond to the period steelhead could be migrating; the proposed project would have the potential to improve water quality within the proposed mixing zone compared to current river conditions. Therefore, with implementation of mitigation measure BIO-6, the proposed project may improve water quality and steelhead habitat within the project area. Thus, the proposed is not expected to result in any significant long-term impacts to steelhead and/or its designated critical habitat.

Lastly, FEMA has also determined that the proposed project is not likely to adversely affect federally-listed species including the California red-legged frog, arroyo toad, southwestern willow flycatcher, least Bell's vireo, longhorn fairy shrimp, vernal pool fairy shrimp, south-central California coast steelhead, or their designated critical habitats, or any other special-status species protected under ESA. In compliance with Section 7 of the ESA, FEMA provided its determination to USFWS on January 26, 2007 and to NMFS on February 5, 2007. USFWS concurred with FEMA's determination on April 25, 2007 and NMFS concurred with FEMA's determination on June 25, 2007. Copies of this agency correspondence are provided in Appendix B.

Question B:

The proposed project would not result in any direct impacts to native habitats due to existing site conditions and current land uses (e.g., existing parking lot, paved roadways, storage yard, etc.). Specifically, the project is located in an area that has been developed for a significant length of time and does not support any sensitive habitats. However, construction operations proposed in the wet season as well as the potential for inadvertent spills and/or releases of construction related fuels and/or lubricants during construction adjacent to the Salinas River riparian corridor could result in significant but mitigable secondary impacts to existing riparian habitat. Specifically, implementation of mitigation measures BIO-2, BIO-3, BIO-4, and BIO-6 would reduce potential secondary impacts to adjacent riparian habitats to less than significant. Therefore, implementation of the proposed project would not affect any riparian habitat or other plant communities considered "sensitive" by the CNPS or regulatory agencies such as the CDFG or the USFWS.

Questions C-D:

Based upon site surveys completed to date, no federally protected wetlands exist within the project site. Further, implementation of mitigation measures BIO-2, BIO-3, BIO-4, and BIO-6 would reduce potential impacts to the riparian corridor of the Salinas River and associated wetland habitat areas to less than significant. As such, the project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act. Further, with implementation of mitigation measures BIO-2, BIO-3, BIO-4, and BIO-6, the proposed project would not result any short-term impacts to the existing fish and wildlife migration corridor of the Salinas River. Lastly, the proposed project has the potential to result in long-term improvements to the water quality within the mixing zone, which may increase overall wetland habitat diversity and function.

Questions E-F:

The existing oak trees within the project area provide habitat (i.e., shade, shelter, roosting, and nesting) for a variety of birds and small mammals. Project implementation would have the potential to result in further encroachment of numerous native oak trees existing within the City parking lot and along 10th Street during construction operations. Encroachment may include loss of limbs, loss of roots, soil compaction, and may lead to

eventual death of these trees. However, implementation of mitigation measure BIO-5, which includes all provisions of the City of El Paso de Robles Oak Tree Ordinance (e.g., pruning by a Certified arborists, protection of critical root zones, etc.) would reduce potential impacts to native oak trees from project implementation to less than significant.

The project would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional state habitat conservation plan protecting biological resources, because none are applicable for the subject property.

Pursuant to Section 1602 of the California Fish and Game Code, CDFG requires a streambed alteration agreement (SAA) between CDFG and any State or local governmental agency or public utility before the initiation of any construction project that will: 1) divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake; 2) use materials from a streambed; or 3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake. The City Water Yard site is an area that has been highly disturbed for a lengthy period and does not contain native riparian willow habitat; however, a complete SAA notification package is generally required for any project that will take place in or adjacent to a river, stream, or lake, or their tributaries (CDFG, 1999).

3.4.6 Mitigation Measures

Mitigation Measure: BIO-1: Construction and initial grading activities shall avoid potential impact to nesting migratory birds at the percolation area. Specifically, the following measures should be implemented:

A. Initial rough grading operations and vegetation removal shall be conducted prior to, or after, the typical migratory bird nesting season (March 1 - August 1) to avoid any potential impact to migratory bird nesting activity. Therefore, project construction should be conducted between the months of August and March.

B. If Measure A is infeasible, pre-construction surveys shall be conducted prior to any initial grading activity and vegetation removal to identify any potential bird nesting activity, and:

   1. If active nest sites of bird species protected under the Migratory Bird Treaty Act (e.g., northern mockingbird, house finch, etc.) are observed within the vicinity of the project site, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young;

   2. If active nest sites of raptors and/or special-status bird species (i.e., least Bell's vireo, southwestern willow flycatcher, etc.) are observed within the vicinity of the project site, then USFWS and CDFG shall be contacted to establish the appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and,

3. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the USFWS and CDFG, documenting project compliance with the MBTA and applicable project mitigation measures.

Mitigation Measure: BIO-2: Implementation of Mitigation Measure HWQ-1 including development of a detailed Construction Storm Water Plan in conjunction with the project's final design and grading plan to afford full protection of the Salinas River drainage corridor.

Mitigation Measure BIO-3: Implementation of Mitigation Measure HWQ-2 requiring the notice to file a Notice of Intent to Comply with NPDES and development of a SWPPP and any additional measures required by the NPDES permit which are not covered by the project-specific Construction Storm Water Plan.

Mitigation Measure: BIO-4: The following mitigation measures are recommended to avoid and/or minimize impacts to Salinas River riparian corridor and associated special-status species known to occur or with the potential to occur within the project area during construction:

A. Prior to grading, all equipment staging areas, construction-crew parking areas, and construction access routes shall be established in previously disturbed or developed areas, to the extent practicable;

B. All fueling and maintenance of vehicles and other equipment shall occur at least 100 feet from any riparian habitat or water body;

C. Prior to any earth disturbance, exclusionary fencing shall be erected at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent habitats, with emphasis on protection of the riparian corridor of the Salinas River. The fencing shall remain in place and be maintained throughout construction;

D. An approved biological monitor shall conduct a worker orientation for all construction contractors (e.g., site supervisors, equipment operators and laborers) which emphasizes the potential special-status wildlife species with the potential to occur within the project site, identification, their habitat requirements, applicable regulatory policies and provisions regarding their protection, and a review of measures being implemented to avoid and/or minimize impacts to the species and their habitat;

E. 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; and,

F. Silt fencing shall be installed and maintained in good working condition at the boundary of the designated riparian setback during all construction phases to prevent deposition of sediment into riparian areas, and to deter special-status species from straying into the construction area.

Mitigation Measure: BIO-5: To avoid and/or minimize project impacts to native oak trees due to proposed grading and construction activities all project actives shall be

conducted in accordance with the provisions of the City of El Paso de Robles Tree Ordinance No. 835 N.S.. This shall include at a minimum the following measures:

A. Identification of the Critical Root Zone (CRZ) of all oak trees within the construction zone;

B. Installation of exclusionary protective fencing around the CRZ of each oak tree within the construction zone; and,

C. Use of a certified arborist to complete all necessary oak tree pruning and/or trimming to facilitate the project.

Mitigation Measure: BIO-6: To provide for long-term stabilization of the proposed percolation site and avoid introduction of invasive species to the Salinas River drainage, the City shall develop and implement a Site Restoration Plan (SRP) for the site prior to the initiation of construction activities. Specifically, the SRP shall include species lists, installation and maintenance methods, and performance criteria for the percolation area. At a minimum, the plan shall contain the following provisions:

A. Identification of a native species planting palette compatible with those species and/or habitats present with the Salinas River riparian corridor (i.e., riparian woodland habitat);

B. Installation of all replacement planting and/or seed dispersal shall be conducted within the appropriate season to promote survivability (i.e., fall/winter). If possible, planting during the warmest, driest months (June through September) shall be avoided;

C. Shall provide procedures to ensure eradication of exotic plant species (i.e., giant reed, tree tobacco, etc.) within the percolation area. This shall include provisions for controlling the spread of exotic species throughout the project area; and,

D. Shall provide an implementation schedule which emphasizes initiation of the SRP within the 1st year of improvements authorized under this approval. The schedule shall outline the sequencing of all planting and timing for periodic maintenance until successfully established.

Residual Impact: Implementation of these mitigation measures would reduce potential impacts to biological resources to less than significant levels.

3.4.7 Finding

There would be no significant impact to biological resources.

3.5 CULTURAL RESOURCES

Would the proposal:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5?	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value?	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐

3.5.1 This section contains setting information and conclusions/recommendations summarized from the *Cultural Resources Inventory Survey for Paso Robles City Hall Sulfur Spring, Transport, and Discharge Area*, prepared by Nancy Ferrell of Cultural Resources Management Services (CRMS). A full copy of the report in contained in Appendix C.

3.5.2 Regulatory Setting

This project is being funded in part by FEMA and as such is subject to the requirements of the National Historic Preservation Act of 1966, as amended (Public law 89-665 [80 STAT 915; 16 USC 470]). Section 106 of that Act provides guidelines for Federal agencies whose undertakings might affect (result in changes in the character or use of) historic properties listed, or eligible for listing, in the National Register of Historic Places. An undertaking is defined as a project, activity, or program in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out with Federal financial assistance. The project is also subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code §5024.1, Title 14 CCR, Section 4852).

3.5.3 Environmental Setting

A search of maps and records was undertaken at the Central Coast Information Center (CCIC), at the University of California, Santa Barbara, which provides archaeological and historical site data for San Luis Obispo County under agreement with the California Office of Historic Preservation. This search also included inventories for the State Historic Property Data Files, National Register of Historic Places, National Register of Determined-eligible Properties, California Historical Landmarks, California Points of Historic Interest, California Office of Historic Preservation Archaeological Determinations of Eligibility, and the Caltrans State and Local Bridge Survey. Four previous archaeological surface inventories have been conducted within one-half mile of the sulfur spring, transport, and proposed outflow location (Gibson 1977; Brasket and Joslin, 2002a, b; Stevens 2003; Singer 2005). No subsurface investigations have

taken place. Eighty-two historic buildings have been recorded within or adjacent to the study area.

Prehistoric Overview. Archaeological evidence indicates that San Luis Obispo County was occupied as early as 9000 years ago, as indicated by dates from excavations at Diablo Canyon (Greenwood 1972), Edna Valley (Fitzgerald 2000) and Paso Robles (Stevens et.al. 2004). Because relatively few subsurface archaeological investigations have been carried out in the interior south coast ranges, the definitive cultural historical sequence has not yet been constructed for this region. The most relevant local culture historical sequence relative to the study area is that used by Mikkelsen, Hildebrandt, and Jones (1998) when investigating site CA-SLO-165 at Morro Bay. This series of time periods was based on work by King (1990), Jones (1993), and Jones et al. (1994). The major temporal periods now generally recognized in this region are:

- Paleoindian Period 11000 - 8500 Years Before Present (B.P.);
- Millingstone Period 8500 - 5500 B.P.;
- Early Period 5500 - 2600 B.P.;
- Middle Period 2600 - 1000 B.P.;
- Middle/Late Transition 1000 - 700 B.P.;
- Late Period 700 B.P. - 450 B.P. or historic contact; and,
- Protohistoric Period 450 -150 B.P. [proposed by Jones and Waugh 1995].

Ethnohistoric Overview. At the time of European contact, the Paso Robles region was occupied primarily by a branch of the northern-most Chumash, the Obispeño, of the Hokan linguistic group (Gibson 1983). This group inhabited coastal and inland areas between Malibu and the vicinity of San Simeon (Kroeber 1925; Gibson 1982). Also present in the region historically were the Migueleño Salinan (Greenwood 1978). The Salinan were bordered by the Esselen and Costanoan to the north, Yokuts to the east and the Chumash to the south. Examination of mission records reveals that members of the Salinan Nation inter-married into the northern portion of San Luis Obispo County. Although the exact historical boundary of these two groups has not been well established, according to the most recent research “Northern Chumash was spoken in the vicinities we now refer to as Santa Margarita, Atascadero, Paso Robles, San Marcos Creek, and probably Creston at the time of Spanish settlement” (Milliken and Johnson 2005: 144). Further discussion of these cultures is provided in Appendix C.

Historic Overview. European contact in the San Luis Obispo County region may have begun as early as 1587 with the visit of Pedro de Unamuno to Morro Bay, although some scholars have questioned this based on the ambiguity of Unamuno's descriptions (Mathes 1968). A visit in 1595 by Sebastian Rodriguez Cermeño is better documented (Jones et al. 1994:11). The earliest well-documented descriptions come from accounts by members of Gaspar de Portola's land expedition, which passed through the region in 1769 (Squibb 1984).

No large villages, such as those seen along the Santa Barbara channel, were reported by early travelers in the San Luis Obispo region. In March 1774, the expedition of Juan Bautista de Anza, searching for a supply route for the new presidios and missions of California, passed through what is now Paso Robles, noting several hot springs in the area (Bolton 1933: 275). Detailed discussion of historic Periods is provided in Appendix C.

3.5.3.1 Results of the Field Investigation

CRMS prepared a cultural resource inventory of the proposed project. In the Draft Supplemental Environmental Assessment of June 2007, FEMA stated that "the proposed action would not adversely affect historic properties" as the area "has been subject to extensive prior disturbance from heavy equipment storage and erosion associated with historic flooding" (FEMA 2007a).

A field reconnaissance of the study area was made on July 30, 2007 by Nancy Farrell and Ron Rose of CRMS. Since most of the proposed route for transport is currently paved, the surface survey was limited to the areas of the sulfur springs pit at the City Hall parking lot and the City Water Yard.

The proposed underground percolation system location at the City Yard has been used for a number of years as a storage area for the City and has occasionally been flooded by the Salinas River. No significant cultural resources were seen, although the potential for buried prehistoric materials exists. At the current outfall for the sulfur spring flow, a bathing area has been created.

In the City Hall parking lot sulfur pit a substantial amount of historic debris was seen, although safety issues did not allow CRMS to fully investigate the entire area. The most notable artifacts seen were common bricks of at least three different manufactures, a large section of intact brick wall or foundation, and old window glass. The only intact feature found is a brick drain running in a northwest-southeast direction across the northeast of the open pit at a depth of about 10 feet. This appears to run towards the site of the El Paso de Robles Hotel and may have been part of the hotel bathing facility, or it may have been part of the original ca.1870s bathhouse on the site. The drain measures about 12 inches by 18 inches high, with an inside channel about 4 inches wide by 6 inches high.

3.5.4 Thresholds of Significance

Based on the mandatory findings of significance criteria at Section 15065 and Appendix G of the State CEQA Guidelines (Governor's Office of Planning and Research, 1999), an impact would be significant if any of the following conditions, or potential thereof, would result with implementation of the Proposed Project:

1. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15065.5;

2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;

3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value; or,

4. Disturb any human remains, including those interred outside of formal cemeteries.

Additionally, the State Historical Commission is officially responsible for determining whether a property is eligible for listing in the California Register of Historical Resources (CRHP)(Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5 (a) (1)). A resource shall be considered "historically significant" if it meets the criteria for listing in the California Register, including the following attributes:

- Is associated with events that have made significant contribution to the broad patterns of California's history and cultural heritage;

- Is associated with the lives of persons important in our past;

- Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possess high artistic values; or

- Has yielded, or may be likely to yield, information important in prehistory or history.

Cultural resources that meet one or more of these criteria are defined as "historical resources" under CEQA. The other set of standards used for determining whether a site may be considered "significant" is the eligibility criteria for listing in the National Register of Historic Places (NRHP). These criteria provided the template for those now used for the California Register. The regulations for the NRHP, in title 36, part 60 of the Code of Federal Regulations (36 CFR 60), define the criteria for legally evaluating the significance of cultural resources:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. are associated with events that have made a significant contribution to the broad patterns of our history; or

B. are associated with the lives of persons significant in our past; or

C. embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. have yielded, or may be likely to yield, information important in prehistory or history.

3.5.5 Answers to Checklist Questions

Question A:

After a preliminary examination of the sulfur spring site, CRMS determined that the site meets criteria A, B relating to historical resources under the NRHP and CEQA. Since the CRMS survey, the City and FEMA consulted with the State Historic Preservation Office (SHPO) regarding the potential for the proposed project to affect historic resources. In a June 26, 2008 letter from SHPO to FEMA, made a "No Historic Properties Affected" determination regarding the proposed project. Refer to the SHPO consultation documentation included in Appendix C.

The presence of sulfur springs is the primary reason that the City was founded in its current location (Angel 1883: 370). Its development was intimately tied to the early success of the City: "It was these hot springs on the Rancho that became the nucleus of an impressive stagecoach-era resort and health center and, eventually, the site of the town of Paso Robles" (Historical Society 2003: 6). The founders of the City of Paso Robles, Daniel D. Blackburn, James H Blackburn and Drury James were all associated with the development of the El Paso de Robles Mineral Springs. Therefore, a significant impact to cultural resources under CEQA may result from the proposed project.

Question B:

After a preliminary examination of the sulfur spring site, it appears that the site meets criteria D for archaeological resources under the NRHP and CEQA where the threshold is described as to "have yielded, or may be likely to yield, information important to prehistory or history." No historic archaeology has previously been completed at the project site. Thus, any information regarding the infrastructure of the bathhouse complex, as well as evidence of use by Native American and Franciscans, must come from archaeological investigations. The project has been designed so that the majority of repair will involve fill rather than excavation activity, keeping site disturbance to a minimum. Nevertheless, construction activities associated with the proposed project may result in a significant impact to existing historical resources at the project site.

Questions C and D:

As no subsurface investigations have taken place, it is not currently known if there are unique paleontological resources on the project site. However, the sites have been heavily disturbed and/or paved over. This does not preclude the existence of these resources; therefore, mitigation for potential paleontological resources would be included as part of the Archaeological Monitoring Plan (AMP). Additionally, the potential presence of human remains, including those considered to be archaeologically sensitive (i.e. Native American in origin) is unknown at this time. As such, the AMP would include monitoring for these resources.

3.5.6 Mitigation Measures

The following measures are recommended:

Mitigation Measure CUL-1: Prior to the initiation of construction activities, additional archival research will be conducted by a qualified historian regarding the series of bath houses, the service station, and the bus station on the parcel at Spring Street and 10th Street. This measure was included in the Draft IS/MND per the recommendation of CRMS. Since that time, the City and FEMA has consulted with SHPO regarding the potential to affect historic resources at the Project Site. Additional documentation was provided by the City and FEMA to SHPO during the consultation, thereby completing this mitigation measure.

Mitigation Measure CUL-2: Prior to initiation of construction activities, a qualified archaeologist shall examine the material excavated from the City Hall parking lot during the 2003 emergency excavations that is currently located at the proposed disposal site for potential significant historical artifacts;

Mitigation Measure CUL-3: During construction activities, the excavation of trenches along pipeline routes and the proposed leachfield in areas not previously disturbed shall be periodically monitored for buried cultural resources by a qualified archaeologist;

Mitigation Measure CUL-4: If historic or prehistoric resources are found, they should be dealt with in a manner prescribed by an Archaeological Monitoring Plan (AMP) that has been approved by the City before construction. The AMP should include a discussion of: potentially archaeologically sensitive areas to be monitored during ground-disturbing activities; identification of archaeological monitors; authority to temporarily halt project activities if cultural resource(s) are discovered; the monitoring schedule; field methods; and monitoring documentation.

Mitigation Measure CUL-5: At the City Hall parking lot, archaeological exploration is required to document archaeological resources. The sulfur spring archaeological deposit was damaged by several previous construction events and by the unavoidable excavations during the December 2003 emergency. The brick drains shall be mapped, measured and photo-documented during the proposed construction activities. Additional drains and/or other structural remains of the previous bathhouses, as well as prehistoric use, may be present. Periodic monitoring for pre-historic resources shall also be conducted during the course of the construction activities.

The City and FEMA consulted with the Salinan Native American tribe at the request of SHPO. Although not a mitigation measure in terms of CEQA, the City and FEMA agreed to a request by the Salinan representative for an acknowledgment of the importance of the site to the Salinan people through placement of a commemorative plaque at the Project Site following completion of the proposed project.

3.5.7 Finding

With the incorporation of mitigation, impacts to cultural resources would be less than significant.

3.6 GEOLOGY, SEISMICITY, AND SOILS

Would the proposal result in or expose people to potential impacts involving:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides? v) Subsidence?	☐	☐	☒
b) Result in substantial soil erosion, siltation, changes in topography, the loss of topsoil or unstable soil conditions from excavation, grading or fill?	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☒
f) Result in substantial soil degradation or contamination?	☐	☐	☒

3.6.1 Environmental Setting

Setting information is excerpted from the Draft SEA, prepared by URS (2007).

3.6.1.1 Regional Geology

The City lies within the Coastal Ranges Geomorphic Province, an area characterized by low rolling hills with broad valleys and eroded alluvial terraces. The project area is within the western margins of the Salinian block portion of the province. The Salinian block is composed of a Mesozoic and older crystalline basement complex of plutonic and metamorphic rocks

overlain by a thick sequence of Upper Cretaceous and lower Tertiary marine and non-marine sedimentary rocks.

Bedrock at the site consists of the Paso Robles Formation, which underlies most of the hillside west of the City. The Paso Robles Formation is composed of a poorly consolidated mixture of gravel, sand, silt, and clay. The formation is rich in clay due in part to a high concentration of eroded shale clasts reworked from the Monterey Formation. The Paso Robles Formation is in turn overlain by a mantle of unconsolidated alluvial terrace deposits.

3.6.1.2 Seismic Hazards

The Paso Robles area is subject to seismic hazards from several regional faults. Seismic hazards can include surface fractures along pre-existing fault planes and damage from seismically induced ground-motion including liquefaction and landslides. Active fault zones mapped in this area include the San Andreas (northeast of the City), Rinconada Fault (south of the City), and Hosgri “Offshore” Fault. The Offshore Fault is seismically active, but available marine geophysical data indicate that future surface rupture is improbable along this fault. Also, a broad set of short, discontinuous faults between Santa Maria and Big Sur occur near the Paso Robles area, often referred to as the Nacimiento fault zone. The Salinian block is bound on the east and west by the San Andreas and the Sur/Nacimiento/Rinconada fault systems, respectively. The geologic structure in the Paso Robles area is characterized by a series of northwest-trending anticlinal and synclinal folds and faults. A number of earthquakes with a moment magnitude (M) greater than 5 have occurred in recent time in the region on these faults, including the M 6.5 San Simeon Earthquake.

The Rinconada fault is the closest mapped fault to the project area. It is mapped as a northwest-southeast trending fault approximately 1,500 feet southwest of the project area. There is also a north-south trending concealed splay of the fault along Spring Street in Paso Robles, in relatively proximity to the City Hall parking lot site. Based on the geothermal survey of the project area vicinity, it was interpreted that the hot spring that surfaced in the City Hall parking lot was one of several reactivated along what appears to be the southeast extension of the Rinconada fault and the intersection of the unnamed north-south trending fault.

The epicenter of the San Simeon Earthquake was located approximately 20 miles west-northwest of the project site, near the Nacimiento and Oceanic fault zones. The rupture of the San Simeon Earthquake is estimated to have extended southeast to within approximately eight miles west of the City.

Groundshaking is a major seismic concern for Paso Robles. Portions of Paso Robles, especially those areas within or immediately adjacent to the Salinas River and Huerhuero Creek floodplains, are located on alluvial deposits, which can increase the potential for groundshaking damage. Ground motion lasts longer on loose, unconsolidated materials than on solid rock. As a result, structures located on these types of materials may suffer greater damage. Alluvial soils can be a greater hazard for structures than proximity to a fault or an earthquake’s epicenter. In addition, areas with shallow depths to groundwater, especially those areas located along Salinas River, can be prone to extreme shaking and liquefaction.

3.6.1.3 Soils

Prime soils in the City include Lockwood shaley loam, Hanford and Greenfield gravelly sandy loam, Arbuckle fine sandy loam, and Cropley Clay, when irrigated. Soils within the City are generally well to moderately-drained soils with a surface layer of coarse sandy loam to shaley loam west of the Salinas River, ranging to clay loam east of the river.

Soils in Paso Robles are classified as having high to moderate susceptibility to erosion. In the low-lying areas surrounding the Salinas River, erodability is attributed to river scouring and potential flooding. In the steep upland areas of the City, soils are subject to erosion from wind, rain, grazing, and human disturbance of soil and vegetation. Construction in areas of expansive soils may require major sub-excavation and replacement of existing materials with engineered fill.

3.6.2 Answers to Checklist Questions

Question A and C:

The project would not expose people or structures to potential significant adverse effects, including risk of loss, injury, or death involving rupture of a known earthquake fault or strong seismic groundshaking. The nature of the project would not expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Because the project site is located in a high to moderate-risk liquefaction zone, any proposed construction would require the adoption of appropriate engineering design in conformance with geotechnical standards for construction.

Because the project site is located in a seismic area involving risks from strong groundshaking, any proposed construction would require the adoption of appropriate engineering design in conformance with geotechnical standards for construction. Recommendations and mitigation measures are provided by Mitigation Measure GEO-2.

The project would not expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving landslides. Landslides are not considered a hazard at the site due to the flat topographic relief of the land.

The project would not create substantial compaction of the ground surface through construction activities, nor would it draw down substantial amounts of near-surface groundwater; therefore significant subsidence is not likely to occur.

Question B:

Due to the level topography of the parking lot and along the pipeline route, the project has low potential to result in significant soil erosion during construction, resulting in loss of topsoil or unstable soil conditions; however, in the low-lying areas surrounding the Salinas River, erosion could cause a significant impact. Therefore, standard construction best management practices (BMPs) would be implemented to avoid and

minimize soil loss and erosion with a Construction Storm Water Plan in conjunction with project's final design and grading plan (see Mitigation Measure GEO-1).

Question D:

Soils underlying the project footprint have moderate potential for expansiveness (City of Paso Robles Hazard Mitigation Study, 2005); however, this would be verified during the geotechnical engineering phase of the project. Construction in areas of expansive soils may require major sub-excavation and replacement of existing materials with engineered fill. During the geotechnical engineering phase, proper implementation of recommendations by a licensed geotechnical engineer would address this issue.

Question E:

The project would not rely on septic tanks or other alternative wastewater disposal systems, so the capability of soils to adequately support the use of septic tanks or alternative waste water disposal systems is not an issue associated with implementation of the proposed project.

Question F:

Project construction and operation activities are not anticipated to result in significant soil degradation or contamination (see Section 3.7 – Hazards and Hazardous Materials).

3.6.3 Mitigation

Mitigation Measure GEO-1: To avoid and minimize any adverse impacts related to erosion, the City shall develop a Construction Storm Water Plan, which shall include the following elements (specific details are provided in Appendix D):

- soil stabilization;
- sediment, tracking, and dust control;
- material and waste management;
- vehicle and equipment BMPs; and
- dewatering measures.

Mitigation Measure GEO-2: A geotechnical engineering report shall be prepared and recommendations contained therein shall be incorporated as mitigation measures to address seismic issues and potential for expansive soils.

3.6.4 Finding

With the incorporation of mitigation, impacts to geology, seismicity and soils would be less than significant.

3.7 HAZARDS AND HAZARDOUS MATERIALS

Would the proposal result in or expose people to potential impacts involving:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Create a significant hazard to the public or the environment through the routine use, transport or disposal of hazardous materials?	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒
d) Expose people or structures to existing sources of hazardous emissions or hazardous or acutely hazardous materials, substances, or waste?	☐	☐	☒
e) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, it would create a significant hazard to the public or the environment?	☐	☐	☒
f) For a project located within an airport land use plan, or within two miles of a public airport, would the project result in a safety hazard for the people residing or working in the project area?	☐	☐	☒
g) Impair implementation of, or physically interfere with, the adopted emergency response plan or emergency evacuation plan?	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death, involving wildland fires, including where wildlands are adjacent to urbanized areas or where residents are intermixed with wildlands?	☐	☐	☒

3.7.1 Introduction

The proposed project is located within the existing City Hall parking lot, the 10th Street ROW, and the City's Corporate Water Yard. As defined in the City's Adopted Local Hazard Management Plan, the primary hazards in the area associated with implementation of the proposed project pertain to seismic activity and flooding. Serious issues relating to release of or exposure to hazardous substances is not anticipated to be a significant issue associated with the proposed project.

3.7.2 Hazardous Waste Release Sites

Available state and federal environmental databases were searched to determined whether any known or suspected hazardous waste release sites are located in close proximity to the project Site. Padre reviewed the RWQCB's Leaking Underground Fuel Tank (LUFT) and Spills, Leaks, and Investigations Case (SLIC) lists, the Department of Toxic Substances Control (DTSC) list of known hazardous waste clean-up sites on the DTSC's Envirostor database. One

active LUFT cases was identified within one-quarter mile of the project site. This site, J.B. Dewar, located and 1049 Riverside Drive, is located approximately 500 feet north of the proposed pipeline alignment along 10th Street at Riverside Drive. According to a First Quarter 2007 Groundwater Monitoring Report prepared by Secor, International, for the J.B. Dewar Site, the J.B. Dewar Site has experienced a release of gasoline that has impacted shallow groundwater. Depth to groundwater at the J.B. Dewar site is reportedly approximately 11 feet below ground surface. According to the Secor report, detectable concentrations of total petroleum hydrocarbons identified as gasoline and methyl tert-butyl ether (MTBE) have been identified in shallow groundwater monitoring wells at the J.B. Dewar site. According to the Secor report, the groundwater flow direction is reportedly to the northeast, away from the proposed pipeline route. This site is anticipated to not be an environmental concern to the proposed project due to the direction of groundwater flow away from the proposed pipeline route.

3.7.3 Regulatory Setting

3.7.3.1 Local

City of Paso Robles Local Hazard Mitigation Plan (Plan). People and property in the City of Paso Robles are at risk from a variety of hazards that have the potential for causing loss of life and damage to property, infrastructure, and the environment. These potential hazards are identified and assessed in Section 6 (Risk Assessment) of the Plan and include the following: drought, earthquake, expansive soils, extreme heat, flood, hazardous materials, landslides, subsidence, and wildland fires. Historical experience and the risk assessment results confirm that earthquakes pose the greatest risk to the community.

The purpose of hazard mitigation is to implement actions that eliminate the risk from hazards, or reduce the severity of the effects of hazards on people and property. Mitigation actions are both short-term and long-term activities that reduce the cause or occurrence of hazards; reduce exposure to hazards; or reduce effects of hazards through various means to include preparedness, response, and recovery measures. In the Plan, the City has defined a series of proposed mitigations.

Following each major disaster declaration, the City is required to review and update the Plan's mitigation strategy. Additionally, in compliance with FEMA regulations, the Plan must be reviewed, revised if appropriate, and resubmitted for approval within the next five years in order to continue to be eligible for various hazard mitigation grant-funding sources, including FEMA's Hazard Mitigation Grant Program.

3.7.4 Answers to Checklist Questions

Question A:

The project entails construction and operation of a collection and disposal system for the geothermal spring water released during the 2003 San Simeon Earthquake. The proposed project would not create a significant hazard to the public or to the environment through routine transport, storage, use or disposal of hazardous materials.

No release of the geothermal water, which contains a high level of Hydrogen Sulfide (H_2S), into the surrounding public environment, would occur.

While grading and construction activities may involve the limited transport, storage, use or disposal of hazardous materials, such as the fueling/servicing of construction equipment onsite or the removal and export of contaminated soils, the activities would be short-term or one-time in nature and would be subject to federal, state, and local health and safety requirements. Impacts related to grading and construction activities would be less than significant.

Long-term operation of the project would not involve transport, storage, use or disposal of hazardous materials. The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials in the environment or risk explosion.

Question B:

With implementation of the proposed project, there are no reasonably foreseeable upset and accident conditions that would create a significant hazard to the public due to the release of hazardous materials. Impacts are considered less than significant.

Question C and D:

The project would not emit hazardous emissions, and no significant amounts of hazardous materials, substances or wastes would be transported, used, or disposed of in conjunction with the proposed facilities. Nearby hazardous waste release sites are not anticipated to have an impact on the proposed project. Impacts are considered less than significant.

Question E:

The project site is not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Question F:

The project site is not located within any airport safety zones per the City's Airport Land Use Plan for the Paso Robles Municipal Airport and is not located within two miles of the airport.

Question G:

During construction of the proposed project, there is a possibility that the existing roadway may be part of an emergency response plan or emergency evacuation plan and would experience potential interference with such plans. However, such interference would only occur during the approximately 60-day construction period. One lane would be maintained open through the project area for vehicle access. Additionally, a Traffic Safety Plan would be implemented (see Mitigation Measure TRA-1). Therefore, these

potential temporary interferences on the roadway would result in less than significant impacts to emergency response and evacuation.

Question H:

The project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. The existing project site is an urbanized area with no wildland areas adjacent in proximity to the site. Therefore, impacts are not considered significant.

3.7.5 Finding

Hazards and hazardous materials impacts would be less than significant. No mitigation is required.

3.8 HYDROLOGY AND WATER QUALITY

Would the proposal result in or expose people to potential impacts involving:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge or the direction or rate of flow of ground-water such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☒	☐
f) Otherwise substantially degrade surface or groundwater quality?	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood	☐	☐	☒

Would the proposal result in or expose people to potential impacts involving:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
Insurance Rate Map or other flood hazard delineation map?			
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami or mudflow?	☐	☐	☒

3.8.1 Environmental Setting

The project area is located in the upper Salinas River watershed. The upper watershed begins at the headwaters southeast of Santa Margarita Lake and extends to the town of Bradley, just inside Monterey County. The Salinas River is the primary hydrologic feature in Paso Robles. Although substantial subsurface flows occur throughout the year, the river is virtually dry on the surface from July through September. Peak flows typically occur during the months of January to March and are largely controlled by the Santa Margarita Lake and Dam, located approximately 20 miles upstream of the City. Downstream, tributary flows to the river are regulated by the Nacimiento Reservoir and Dam on the Nacimiento River, and the San Antonio Reservoir and Dam on the San Antonio River. Data from the U.S. Geological Survey (USGS) gauging station in Paso Robles (for the years from 1939 to 2004) indicate that mean monthly stream flows in the Salinas River typically range from about 398 cubic feet per second (cfs) in February to about 0.051 cfs in August. Since 1995, the highest recorded monthly average flow was 2,884 cfs in February 1998. In addition to the river, several smaller intermittent creeks flow through the Paso Robles area. These creeks carry runoff from the hills east and west of the City and discharge to the Salinas River. The most important of these is Huerhuero Creek, which carries runoff from the northeastern portion of the City to the Salinas River.

Groundwater is the primary source of water supply in the City. The City derives its water from both Salinas River underflow and a regional aquifer known as the Paso Robles Groundwater Basin. The Paso Robles Groundwater Basin encompasses an area of approximately 505,000 acres (790 square miles). In general, groundwater flow moves northwest across the basin towards the Estrella area, then north towards the basin outlet at San Ardo. The biggest change in groundwater flow patterns in recent years has been the hydraulic gradient east of Paso Robles, along the Highway 46 corridor, which has steepened in response to greater pumping by the increasingly concentrated development of rural ranchettes, vineyards, and golf courses. The City is participating in the Nacimiento Water Project to utilize Nacimiento Reservoir water so that it can reduce dependence on groundwater to meet municipal water demand (City of Paso Robles Water Division 2005).

The City also has an abundance of mineral water. There are a number of mineral springs producing both hot and cold water and a wide variety of chemical salts in solution.

Several springs are utilized as mineral pools or baths including the hotel/spa resort across Spring Street from the City Hall parking lot. These springs are considered a resource with economic value. Evidence shows that the mineral springs have a hydrologic connection to the Salinas River subflow and groundwater basin (Wang et al. 2004). Water quality tests of the spring water being discharged to the Salinas River under the current condition scenario showed that the spring water contains elevated levels of H_2S, boron, total dissolved solids, sodium, chloride, and ammonia. The spring water temperature is also higher than that of the Salinas River in the vicinity of the discharge point.

3.8.2 Regulatory Setting

3.8.2.1 Agencies

Due to a variety of uses and impacts, and because of its importance to development, a complex web of laws and agencies has grown over time to control and manage water resources. Agencies with significant responsibility for some aspect of water planning are briefly described below:

- As Lead Agency, the City has ultimate regulatory authority over the project. The City's General Plan provides policies intended to address impacts associated with flooding and drainage hazards. These policies are as follows:
    - Policy C-1C: Storm Drainage. Provide storm drain systems that efficiently and safely mitigate flood risk, while effectively conveying run-off to the Salinas River and Huerhuero Creek.
    - Policy 1-SD: Structural Safety. Rely on the City's planning and building permit review process to ensure that existing and proposed structures are adequately designed, and to reduce susceptibility to damage from fire, flooding, and geologic hazards.
- The **Central Coast Regional Water Quality Control Board** (RWQCB) is the agency designated by the State of California to protect water quality of all water resources in the Central Coast region;
- The **United States Army Corps of Engineers** (USACE) is a federal agency with permit authority over any filling of a waterway or wetlands;
- The **California Department of Fish and Game** (CDFG) is a state agency with permit authority for any modification of a waterway (such as a bridge). Its primary concern is fish and wildlife habitat;

Other agencies with some interest in water or water quality are the USFWS, and the U.S. EPA.

3.8.2.2 Regulatory Codes and Acts

Federal Clean Water Act and the State of California Porter-Cologne Act. The RWQCB establishes water quality standards that are required by Section 303 of the Federal Clean Water Act and the state Porter-Cologne Water Quality Act. The SWRCB has adopted a NPDES general permit for Storm Water Discharges Associated with Construction Activity (State Permit) that requires every construction project greater than one acre to submit a Notice of Intent (NOI) for coverage, and prepare and implement a Storm Water Pollution Prevention Plan (SWPPP).

Under the conditions of the state permit, the project site would be required to eliminate or reduce non-storm water discharges to waters of the nation, develop and implement a SWPPP for the project construction activities, and perform inspections of the storm water pollution prevention measures and control practices to ensure conformance with the site SWPPP. The state permit prohibits the discharge of materials other than storm water discharges, and prohibits all discharges that contain a hazardous substance in excess of reportable quantities established at 40 Code of Federal Regulations (CFR) 117.3 or 40 CFR 302.4. The state permit also specifies that construction activities must meet all applicable provisions of Sections 301 and 402 of the Clean Water Act.

California Water Code. California Water Code Section 231 requires the California Department of Water Resources (DWR) to develop well standards to protect California's ground water quality. DWR Bulletin 74-90 (Supplement to Bulletin 74-81), California Well Standards, Water wells, monitoring wells, cathodic protection wells, June 1991, contains the minimum requirements for constructing, altering, maintaining, and destroying these types of wells. The standards apply to all water well drillers in California and the local agencies that enforce them.

3.8.3 Answers to Checklist Questions:

Question A:

Temporary impacts to water quality during construction of the proposed project could occur due to the operation of heavy equipment, disturbance and stockpiling of soils, and dewatering (if necessary) of trenches. As described in Section 2.5, the City would implement BMPs for construction activity to limit sedimentation in the Salinas River. To do this, the City would develop in detail a project-specific Construction Storm Water Plan in conjunction with the project's final design and grading plan. Elements covered in the program would include: (a) soil stabilization, (b) sediment control, (c) tracking control, (d) material and waste management, (e) dust control, (f) vehicle and equipment BMPs, and (g) dewatering measures (see Mitigation Measure HWQ-1). Specific details are provided in the City's Construction Site Storm Water Quality Requirements (Appendix D).

Dissolved constituents in storm water discharges from the site after the project is completed do not represent a potential water quality impact. Storm water runoff typical of developed urban uses is not applicable to this project. Operation of the project would not result in a deterioration of the quality of the receiving surface waters.

Question B:

The project would not significantly deplete or interfere with groundwater supplies.

Questions C and D:

The project would not involve the alteration of the source of a stream or river that would result in substantial erosion, siltation, or flooding on or off-site. As discussed previously, the project would not result in an increase in the rate and amount of surface runoff.

Question E:

On-site flooding would be generally limited to periodic heavy rainfall events. It is anticipated that the existing stormwater runoff capacity would be sufficient to handle the small increase in off-site runoff; therefore, the project would not result in a substantial risk of off-site flooding or additional sources of polluted runoff.

The project would not introduce impervious surfaces. The City would be required to obtain a general NPDES permit under Section 402 of the Clean Water Act (CWA) for storm water drainage. The state permit prohibits the discharge of materials other than storm water discharges, and prohibits all discharges that contain a hazardous substance in excess of reportable quantities established at 40 Code of Federal Regulations (CFR) 117.3 or 40 CFR 302.4. Under the conditions of the state permit, the project site would be required to eliminate or reduce non-storm water (point source) discharges to waters of the nation, develop and implement a SWPPP for the project construction activities, and perform inspections of the storm water pollution prevention measures and control practices to ensure conformance with the site SWPPP. Furthermore, the state permit also specifies that construction activities must meet all applicable provisions of Sections 301 and 402 of the Clean Water Act. Conformance with Section 402 of the CWA would ensure that the project does not violate any water quality standards or waste discharge requirements and would ensure that the project would not substantially degrade surface or groundwater quality. Standard erosion control devices installed as part of the SWPPP are being implemented as part of project construction activities.

It is very likely that elements of the Construction Storm Water Plan and SWPPP would overlap; however, both would be required to be implemented due to the formalities of City and State requirements. As such, an additional mitigation measure has been included to ensure compliance with State NPDES requirements in addition to the City-required Construction Storm Water Program (see Mitigation Measure HWQ-2).

Question F:

At FEMA's request, the City performed hydrogeologic modeling of the proposed percolation system to determine the potential for the spring water to enter the surface flow of the Salinas River under the proposed project. The modeling was based on the maximum recorded flow of the spring after the earthquake (400 gpm), although the spring has diminished to a fairly consistent 130 gpm flow rate at the present time. The

model showed that during periods of no or low flow in the river (July to December) the spring water would percolate to groundwater with no contribution of spring water to the Salinas River. Therefore, during this period, the proposed project would improve surface water quality compared to the without project scenario or the current condition scenario by removing the contribution of spring water to the Salinas River. The City has applied to the RWQCB for enrollment under the General Waiver of Waste Discharge Requirements for Specific Types of Discharge (Order No. R3-2002-0115). A copy of the RWQCB's January 17, 2006 letter regarding the proposed project is included in Appendix B.

Question G:

The project would not involve the construction and placement of housing within a Federal Emergency Management Agency 100-year flood zone.

Question H:

Per the SEA, and in accordance with Executive Order (EO) 11988, FEMA evaluated the effects of the action alternatives on the floodplain. The project area is shown on Flood Insurance Rate Map (FIRM) number 0603080004B for City of El Paso de Robles, San Luis Obispo County, California, dated September 16, 1981. The FIRM indicates that the proposed leachfield at the City Water Yard would be located in Zone A10, which designates an area within the 100-year flood zone. The Flood Insurance Study for the Salinas River, which is more detailed than the FIRM, shows that the proposed elevation of the leachfield is on the outside border of the 100-year floodplain. Therefore, only a portion of the proposed leachfield is in the 100-year floodplain. The parking lot and proposed collection/conveyance system are located in Zone B, which designates areas between the limits of the 100-year flood and 500-year flood.

In compliance with EO 11988, if there is no practicable alternative to undertaking an action in a floodplain, any potential adverse impacts must be mitigated. As described in Section 2.3 of the SEA, there is no practicable alternative that would accomplish the objectives of the project. The City would implement measures to control erosion and sedimentation during construction. Construction of the proposed leachfield is not expected to change the established 100-year floodplain boundary. With implementation of engineering design standards and mitigation measures, the project would not result in any significant impacts to floodplains and FEMA would be in compliance with EO 11988.

Question I:

Due to its distance from the ocean and other large bodies of water, there is a negligible likelihood that the project site would be affected by either dam failure and inundation or the effects of a tsunami.

3.8.4 Mitigation

Mitigation Measure HWQ-1: City shall develop in detail a Construction Storm Water Plan in conjunction with the project's final design and grading plan for implementation during construction activities. Specific details are provided in the City's Construction Site Storm Water Quality Requirements (Appendix D). Elements covered in the program would include:

- soil stabilization;
- sediment control;
- tracking control;
- material and waste management;
- dust control;
- vehicle and equipment BMPs, and,
- dewatering measures.

Mitigation Measure HWQ-2: In order to ensure compliance with State requirements, the City shall file a Notice of Intent to Comply with NPDES requirements with the SCWRB and develop a SWPPP incorporating elements of the Construction Storm Water Plan above, and any additional measures required by the NPDES permit.

3.8.5 Finding

With the incorporation of mitigation, impacts to hydrology and water quality would be less than significant.

3.9 LAND USE AND PLANNING

Would the proposal:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Physically divide an established community?	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒

3.9.1 Setting

The project includes areas zoned as C1 PD (General Commercial Planned Development), C3 (PD) (Commercial/Light Industrial) and M (Manufacturing). The Land Use Designations of this area include PF (Public Facility) and CS (Commercial Services). The City Hall parking lot and Water Yard are located entirely within the PF designation. The area is also covered by the Mixed-Use and Salinas River Overlays.

3.9.2 Answers to Checklist Questions

Question A:

Implementation of the project would not physically divide an established community. No urban development is proposed as part of the project.

Question B:

Implementation of the proposed project would not conflict with allowable uses under the General Plan land use designations and City zonings; however, the City would be required to obtain construction easement from Caltrans' and UPRR in order to directionally drill under U.S. 101 and the UPRR, which bisect the City.

The project may require a Streambed Alteration Agreement with the California Department of Fish and Game under Section 1602 of the California Fish and Game Code. With the implementation of proposed mitigation measures contained in this document, the project would not conflict with any adopted policies, plans or regulations.

Question C:

The majority of the project site is in urban development within the City. A portion of the project would be built at the City Water Yard, adjacent to the Salinas River. Because of the site's historically urban/industrial uses and its location in an urbanized setting, no habitat conservation plans would apply to the project site. No impact would result from project development, and no mitigation measures are necessary.

3.9.3 Finding

The project would result in less than significant impacts to land use and planning.

3.10 MINERAL RESOURCES

Would the proposal result in impacts to:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Result in a loss of availability of a known mineral or other natural resource (timber, oil, gas, water, etc.) that would be of value to the region and the residents of the state?	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☒

3.10.1 Answers to Checklist Questions

Questions A and B:

The site does not provide any known mineral or natural resources, such as timber, oil, or gas that would be of value to the region and the residents of the state.

3.10.2 Finding

The project would result in no significant impacts to mineral resources.

3.11 NOISE/VIBRATION

Would the proposal result in:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐
b) Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒

Would the proposal result in:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒

3.11.1 Environmental Setting

Noise is generally defined as "unwanted sound." It consists of any sound that may produce physiological or psychological damage and/or interfere with a person's communication, work, rest, recreation, and sleep. While hearing impairment and other physical damage does occur from high noise levels, the damage in terms of quality of life from stress and annoyance is much more widespread.

Sound intensity or acoustic energy is measures in decibels (dB). A-weighted decibels correct for the relative frequency response of the human ear. For example, an A-weighted noise level includes a de-emphasis on high frequencies of sound that are heard by a dog's ear, but not by a human ear. Ambient community sounds generally range from 30 dBA (very quiet) to 100 dBA (very loud).

To the human ear, sound has two significant characteristics: pitch and loudness. Pitch is generally an annoyance, while loudness can affect our ability to hear. Pitch is the number of complete vibrations (cycles per second) of a wave that results in the tone's range from high to low. Loudness is the strength of a sound that describes a noisy or quiet environment. It is measured by the amplitude of the sound wave. Loudness is determined by the intensity of the sound waves combined with the reception characteristics of the ear. The sound intensity refers to how hard the sound wave strikes an object, which, in turn, produces the sound's effect. This is a characteristic of sound which can be precisely measured with instruments.

Many noise rating schemes exist for various time periods, but an appropriate rating of ambient noise affecting human communities would also account for the annoying effects of sound. The predominant rating scales for human communities are the Noise Equivalent Level (L_{eq}), the Community Noise Equivalent Level (CNEL) and the Day/Night Average Sound Level (L_{dn}) based on A-weighted decibels (dBA). The Leq is the total sound energy of time varying noise over a sample period. The CNEL is the time varying noise over a twenty four hour period with A-weighting factor applied to noises occurring during evening hours from 7:00 p.m. to 10:00 p.m. (relaxation hours) and at night from 10:00 p.m. to 7:00 a.m. (sleeping hours) of 5 and 10 dB, respectively.

The L_{dn} measure is an average of the A-weighted sound levels experienced during a 24-hour period. Unlike the CNEL (which divides the 24-hour period into three periods), the Ldn divides the 24-hour period into only two periods. The Ldn identifies day (7:00 a.m. to 10:00 p.m.) and night (10:00 p.m. to 7:00 a.m.) periods, eliminating the evening hours as more sensitive than the daytime. Since nighttime noise levels are considered more annoying, these measurements are increased by 10 dB before averaging along with the daytime levels. Although not as sensitive a measure as the CNEL, for most transportation noise sources the two measures (CNEL and L_{dn}) are essentially equal and may be used interchangeably.

The major noise sources in the project area consist of the Union Pacific Railroad, U.S. Highway 101, Spring Street, local traffic on smaller city streets, and commercial uses in the vicinity of the project site. Roadway noise is a combination of direct noise emissions from vehicles and the sound from tires passing over the road surface. In addition, large truck traffic can dramatically contribute to roadway noise, as the sound generated from jake-brakes, large tires, and diesel engines greatly exceeds noise from passenger cars and light trucks.

3.11.2 Standards of Significance

CEQA Guidelines suggest that implementation of a project would result in significant noise impacts if the project would result in any of the following:

- Exposure of persons to, or generation of, noise levels in excess of standards established in the local plans or ordinances;
- Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels;
- A substantial permanent increase in ambient noise levels in the project vicinity above levels without the project;
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, where the project would expose people residing or working in the area to excessive noise levels; and,
- For a project within the vicinity of a private airstrip, where the project would expose people residing or working in the project area to excessive noise levels.

3.11.3 Answers to Checklist Questions

Questions A and B:

The potentially affected area associated with the parking lot and proposed pipe route is relatively quiet, consisting primarily of noises typical of a small city retail area (e.g.,

passing and idling vehicles). Noise-sensitive receptors within and near the parking lot and along the pipeline route include businesses, government facilities, residences, and Paso Robles City Park. The area associated with the proposed leachfield is bordered by an industrial area. The dominant source of noise in this area is vehicle noise from U.S. 101 and industrial equipment and there are no sensitive receptors in this vicinity.

Noise and ground-borne vibration generated by construction activity includes the operation of equipment such as compacters, loaders, backhoes, bulldozers and scrapers, haul trucks, and paving equipment, which generate noise levels ranging from about 70 to 95 dB at 50 feet from the source (although the type of equipment being used for this project would generally run at 80 to 85 dbA) (EPA, 1971). Noise levels attenuate at 6 dBA per doubling of distance. Therefore, at worst-case, exterior areas up to 1,600 feet away would be subject to noise levels of 65 dBA; however, these levels are not expected to be consistently sustained and would generally be episodic. Furthermore, noise levels would be further attenuated by buildings and trees, and therefore, worst-case noise levels would be very unlikely.

The nearest residences to the project site are located approximately 320 feet west of the City Hall parking lot. These residences are located in the interior block of 9th and 10th Street west of Spring Street and represent the nearest sensitive noise receptors, other than the City Park, that would be most likely affected by construction activities. It is unlikely that these residences would be exposed to sustained significant noise increases over and above existing ambient noise levels from traffic on Spring Street; however, noise levels at the closest residences would likely exceed standards for short periods of time during equipment operation. Thus, this is considered a potentially significant impact. Noise impacts to these residences would be limited to the approximately 30 to 45-day duration of activity at the parking lot.

Additionally, the City Park, approximately 400 feet to the north may be affected by construction noise at the parking lot and in the 10th Street ROW. Noise levels here would be attenuated by the City Hall building itself. On average a concrete building will provide a noise transmission loss of up to 40 dBA (Caltrans, 2002); however, the building would not completely shield the City Park from noise increases (i.e. Park Street corridor).

As a result, there a may be a discernable increase in exterior noise levels at the residences and the City Park during episodic periods of heavy equipment use. This impact would be reduced to a less than significant level through implementation of Mitigation Measure NOI-1, which would limit construction to daytime hours and implement noise-muffled equipment.

Project activities affecting sensitive noise receptors would not occur for more than a timeframe of 30 to 45 days. Therefore, with implementation of Mitigation Measure NOI-1, impacts to noise-sensitive receptors would be less than significant.

Question C:

In the long-term, there would be no additional increase in ambient noise levels over and above existing levels. There would be no addition of stationary noise sources associated with any portion of the proposed project.

Question D:

At locations within the immediate vicinity of project construction activities, there would likely be a significant but temporary increase in noise levels. Mitigation Measure NOI-1 would serve to reduce this impact to the extent feasible by limiting activity to the daytime hours and by the use of noise-muffling equipment.

Question E and F:

The project is not located within an airport land use plan.

3.11.4 Mitigation

Mitigation Measure NOI-1. The City shall ensure that the construction contractor employs the following noise reducing measures during construction activities :

- Construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction activities shall take place. on Saturdays or Sundays or federal or state holidays; or
- The Public Works Director shall review and approve any proposed construction activities to be conducted during nights and weekends; and
- All equipment shall have sound-control devices no less effective than those provided by the manufacturer. No equipment shall have un-muffled exhaust pipes.

3.11.5 Finding

Impacts related to noise would be limited to the short-term and would be minimized with the implementation of Mitigation Measure NOI-1.

3.12 POPULATION AND HOUSING

Would the proposal:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Cumulatively exceed official regional or local population projections?	☐	☐	☒
b) Substantially change the demographics in the area?	☐	☐	☒
c) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒

Would the proposal:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
d) Substantially alter the location, distribution, or density of the area's population?	☐	☐	☒
e) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒
f) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒
g) Conflict with adopted housing elements?	☐	☐	☒

3.12.1 Answers to Checklist Questions

Questions A through D:

The project does not include any infrastructure or development that would affect existing population and housing, or induce growth in the City. Rather, the proposed project is solely designed to remediate the damaged parking lot at City Hall to its previous condition and to build a conveyance pipeline to dispose of the sulfur spring water.

Additionally, workers performing project construction would most likely come from the local community or nearby communities and would not create an indirect need for short- or long-term housing. The project would also not substantially change the demographics of the area.

Questions E and F:

Implementation of the project would not result in the displacement of any residential housing or result in the need to construct replacement housing elsewhere.

Question G:

Because the project would not generate a direct or indirect need for housing, substantially alter demographics or growth rates in the City, it would not conflict with the adopted General Plan Housing Element.

3.12.2 Finding

The project would result in less than significant impacts to population and housing.

3.13 PUBLIC SERVICES

Would the proposal have an effect upon or result in a need for new or altered government services in any of the following areas:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Fire protection?	☐	☐	☒
b) Police protection?	☐	☐	☒
c) Schools?	☐	☐	☒
d) Parks?	☐	☐	☒
e) Electrical power or natural gas?	☐	☐	☒
f) Communication?	☐	☐	☒
g) Other public or utility services?	☐	☐	☒

3.13.1 Environmental Setting

3.13.1.1 Fire Protection

The Paso Robles Fire Department (FD) employs a total of 20 uniformed members, consisting of 18 firefighters, one Deputy Chief, and one Fire Chief. The FD staffs two locations; 900 Park Street and 235 Santa Fe Avenue. Each of the stations is staffed round-the-clock with three firefighters, which includes a minimum of one licensed paramedic at each location. Hospital transport is provided by a private ambulance service working in conjunction with the FD.

3.13.1.2 Police Protection

Law enforcement services to the City of Paso Robles are provided by the City of Paso Robles Police Department (PD) from their Main Station located at 900 Park Street in Paso Robles. The Main Station is currently staffed with 37 full-time sworn officers including one chief; two lieutenants, five sergeants, an arson investigator, school resources officer, and three detectives. The Police Department also has 11 non-sworn personnel. Available patrol personnel include a total of 19 officers and four patrol sergeants. There are various other specialty assignments including traffic enforcement, narcotics, DARE, K-9, and others. The PD's goal for response time is three to five minutes.

3.13.2 Answers to Checklist Questions

Questions A and B:

During the construction phase, equipment would be located within the 10th Street ROW. The project site may potentially conflict with emergency access routes for the duration of that construction phase. Standard traffic control measures and safety procedures would alleviate emergency access concerns for the temporary, but potentially significant, impact to emergency vehicle access routes (see Section 3.15 – Question D). Implementation of the proposed project would not include any primary fire protection concerns, such as storage of flammable materials and toxic chemicals.

In the long term, the development of the proposed project would not have a significant impact on the ability of the FD to respond to emergencies with its current personnel and equipment.

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities to maintain acceptable service ratios, response times or other performance objectives for police protection. Vandalism, theft of construction materials and equipment and burglary would be of potential concern during construction. Considering the temporary duration of construction and the nature of the finished project, the potential impacts to police protection would be less than significant.

Question C:

The proposed project would not affect schools.

Question D:

The proposed project may temporarily impact the City Park with construction noise (see Section 3.11); however, mitigation measures would be implemented to reduce equipment noise to the extent feasible.

Questions E and F:

The project would not have an effect on electrical power, natural gas or communication services.

Question G:

The construction of the project may affect other public services, such as drainage, wastewater service, and water service. This is anticipated to be a less than significant impact. Please refer to Section 3.16 Utilities and Service Systems.

3.13.3 Finding

The project would result in less than significant impacts to public services.

3.14 RECREATION

Would the proposal result in impacts to:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒

3.14.1 Answers to Checklist Questions

Questions A and B:

The nearest park to the project site is the City Park, located on 12th and Spring Streets, just north of the City Hall. The project would not increase the demand for existing neighborhood or regional parks or other recreational facilities beyond the facilities existing in the City.

3.14.2 Finding

The project would result in less than significant impacts to recreation.

3.15 TRANSPORTATION AND CIRCULATION

Would the proposal result in:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads and highways?	☐	☐	☒
c) Substantially increase hazards due to design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	☐	☐	☒
d) Result in inadequate emergency access?	☐	☒	☐
e) Result in inadequate parking capacity onsite or offsite?	☐	☐	☒
f) Conflict with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	☐	☐	☒
g) Conflict with the with San Luis Obispo County Airport Land Use Plan resulting in substantial safety risks from hazards, noise, or a change in air traffic patterns?	☐	☐	☒

3.15.1 Environmental Setting

Roadways that provide primary circulation near the project site include a grid system of streets, with Spring Street being the primary north-south route through downtown. Project-affected roadways include Spring Street, 10th Street, Riverside Drive, 11th Street, and Paso Robles Street. The major roads in the affected roadway network include Spring Street which serves as the downtown "spine", and 10th Street, a two-lane downtown collector street running east-west past the City Hall towards U.S. 101. Riverside Drive extends north-south east of the UPRR right-of-way. 11th Street is an undeveloped City Street with dead-ends on both sides of Paso Robles Street. Paso Robles Street is a two-lane collector which serves the industrial area east of U.S. 101.

3.15.2 Existing Project Area Conditions

Level of Service Criteria. The operating conditions experienced by motorists are described as "levels of service" (LOS). LOS is a qualitative measure of the effect of a number of factors, including speed and travel time, traffic interruptions, freedom to maneuver, driving comfort, and convenience. Levels of service are designated "A" through "F" from best to worst, which cover the entire range of traffic operations that may occur. Levels of service "A" through "E" generally represent traffic volumes at less than roadway capacity, while LOS "F" represents over capacity and/or forced flow conditions.

Existing Traffic Conditions. The two significant streets serving the project site are Spring Street, Riverside Drive, and Paso Robles Street. According to the Year 2005 Daily Travel Projections Map of the City of Paso Robles General Plan, the portion of Spring Street in the area of the proposed project has been projected to carry approximately 17,130 average daily trips (ADT). During site reconnaissance, Spring Street did not appear to have an unacceptable LOS with back-up conditions. 10th Street, Riverside Drive, and Paso Robles Street are two-lane collectors which operate at acceptable LOS.

3.15.3 Answers to Checklist Questions

Questions A and B:

Spring Street would not be directly affected by construction activities, with the exception of occasional heavy equipment entering and exiting at the 10th Street intersection. Construction activities associated with the proposed conveyance pipeline would take place entirely within the street ROW. 10th Street, Riverside Drive, and Paso Robles Street are minor two-lane collector streets which operate at acceptable LOS. 11th Street is not a developed city street. During the construction phase, there would be a temporary and potentially significant impact to LOS resulting from partial closure of the streets. Standard procedures including flagging and safety procedures would be followed to minimize any traffic hazards. Construction vehicles used to haul project materials, such as earth material, water main segments, and general construction equipment (e.g. backhoe) could potentially utilize Spring Street, 10th Street, Riverside Drive, and Paso Robles Street to access the project site. Minor, short-term impacts would also occur to traffic and circulation from the arrival and departure of work trucks

during peak traffic periods. Truck trips would be limited to worker trips and materials deliveries.

Existing traffic flow would resume upon completion of the installation of the conveyance pipeline, which is expected to last approximately 60 days. No long-term impacts resulting in increased congestion or traffic delays would occur with implementation of the project.

Question C:

There would be no design features that would increase hazardous conditions or incompatible uses in the 10th Street, Riverside Drive, or Paso Robles Street.

Question D through F:

The project site may potentially conflict with emergency access routes for the duration of construction activities in the street ROW. Standard traffic control measures and safety procedures would alleviate emergency access concerns for the temporary, but potentially significant, impact to emergency vehicle access routes. The project contractor would be required to obtain and comply with an encroachment permit from the City which would require a minimum of one lane of traffic during construction hours, and two lanes outside of construction hours. The project plans require the contractor to submit a traffic control plan to the City for review and approval prior to construction. Parking capacity would not be affected by the project.

Question G:

The project would not conflict with the Paso Robles Airport Land Use Plan and would not result in substantial safety risks from hazards, noise, or a change in air traffic patterns.

3.15.4 Mitigation Measure

Mitigation Measure TRA-1.

- The Contractor shall submit a Traffic Safety Plan to the City Public Works Director for review and approval prior to implementation during construction activities. The Traffic Safety Plan shall contain measures for appropriate warning signs, traffic control and emergency vehicle access.

- To the maximum extent feasible, construction-related vehicles would be prohibited from parking on residential streets; and,

- Construction equipment and vehicle staging would be located to hinder the traffic flow as little as possible in the areas where the actions are implemented.

3.15.5 Finding

3.15.6 With implementation of mitigation, impacts to transportation and circulation would be less than significant.

3.16 UTILITIES AND SERVICE SYSTEMS

Would the proposal result in the need for a new systems or supplies, or substantial alterations to the following utilities:	**Potentially Significant Impact**	**Potentially Significant Unless Mitigated**	**Less than Significant Impact**
a) Substantially accelerate physical deterioration of public and/or private roads?	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction which could cause significant environmental effects?	☐	☐	☒
d) Have sufficient water supplies (including fire flow) available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒

3.16.1 Environmental Setting

3.16.1.1 Water

The City derives its water from two sources, the Salinas River alluvial flow and the Paso Robles Groundwater Basin, which is a regional aquifer. The two sources are replenished primarily from uncontrolled runoff originating from several major and minor stream tributaries of the Salinas River, from wastewater treatment plant discharge of effluent into the Salinas River, and to a lesser extent, direct infiltration from precipitation and irrigation. The State allocates eight cfs of water from the Salinas River to the City of Paso Robles (City General Plan, 2003).

3.16.1.2 Wastewater

The City Department of Public Works operates and maintains the City's wastewater treatment plant, which is located at 3200 Sulphur Springs Road. All City wastewater is pumped to the Sulphur Springs treatment plant, where it is treated by the secondary trickling filtration method. Ultimately, the treated wastewater effluent is discharged into the Salinas River, and dried solids are disposed of at the City Landfill as vegetative cover. The permitted capacity of the City plant is 4.9 million gallons per day (mgd). The current average daily sewage flow into the plant is 2.8 mgd. The sewerage system divides collection into primary east-side versus west-side sewage flows. Two primary lines merge inside the wastewater plant, ultimately converging as a single source of effluent at the treatment plant.

3.16.1.3 Solid waste

Solid waste collection service in the City is provided by Paso Robles Waste Disposal Company, contract hauler for the entire City of Paso Robles. Solid waste is collected and disposed of at the Paso Robles Landfill, located east of City limits, at 9000 Highway 46 East. The landfill is a Class III facility owned by the City of Paso Robles and managed by Pacific Waste Services, Inc. The 80-acre landfill has been operating since 1970. The landfill accepts construction/demolition, industrial, mixed municipal, sludge, and tire waste.

The landfill has a permitted design capacity 6,495,000 cubic yards, with a remaining capacity of 4,533,216 cubic yards, as of June 28, 2001. An average of 200 tons of waste are brought to the landfill daily, with a permitted maximum daily tonnage of 250 tons per day. During the year 2000, approximately 41,142 tons of waste was disposed of at the landfill (California Integrated Waste Management Board, "Solid Waste Information System", 2000). The landfill has a remaining 65 acres with an estimated lifespan of approximately 2034.

3.16.2 Answers to Checklist Questions

Questions A:

The proposed project would not add additional permanent vehicle trips to project area roadways; therefore, there would be a less than significant impact.

Question B:

The proposed project would construct new water collection facilities to transport the released spring water from the City Hall parking lot to the disposal system at the City's Water Yard. As such, this document analyzes the potential environmental effects resulting from implementation of the project. Impacts are subject to mitigation measures that will reduce them to a less than significant level.

No wastewater treatment facilities or expansion of existing facilities would occur.

Question C:

The proposed project involves the construction of a new spring water collection, conveyance, and discharge facility. This Initial Study includes an analysis of the potential environmental impacts resulting from implementation of the project and mitigation measures have been included to reduce the level of potentially significant impacts.

Question D:

The project would not be required to be served by existing water supplies as no development is proposed in conjunction with the project.

Questions F and G:

The project may generate solid concrete, asphalt, scrap pipe, and other construction wastes. No additional waste would be generated by the project upon completion.

3.16.3 Finding

No mitigation measures beyond those proposed throughout the document would be necessary to reduce significant impacts to utilities and service systems.

3.17 MANDATORY FINDINGS

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐
b) Does the project have environmental impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐

3.17.1 Mandatory Findings of Significance Discussion

A. As discussed in the preceding sections, the project does have the potential to significantly degrade the quality of the environment, including effects on animals, or plants, or to eliminate historic or prehistoric resources unless mitigated.

B. When project impacts are considered along with, or in combination with other impacts, the project-related impacts may be significant. Mitigation measures have been incorporated into the project to reduce project-related impacts to a less than significant level.

C. The project does not have environmental effects that could cause substantial adverse effects on human beings, either directly or indirectly. Mitigation measures have been developed that would reduce the impacts to a less than significant level.

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4.0 DETERMINATION

On the basis of the initial evaluation:

☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the project-specific mitigation measures described in Section 3.0 have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Signature: _____ Date: _____

Meg Williamson _____ City of Paso Robles

Printed Name

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APPENDIX A

MITIGATION MONITORING
AND REPORTING PROGRAM

REQUIRED MITIGATION AND MONITORING PROGRAMS

OVERVIEW

This Mitigation Monitoring and Reporting Program (MMRP) was developed to ensure that mitigation measures included in the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed project are fully implemented to reduce environmental impacts to a less than significant level. In addition, this MMRP complies with the requirements of Public Resources Code 21081.6, which requires the lead agency to adopt a reporting or monitoring program.

This MMRP is a comprehensive monitoring program capable of being implemented immediately upon approval of the project which is comprised of mitigation measures from the project's MND, implementation timing, and the agencies responsible for monitoring and verification. The MMRP would serve a dual purpose of verifying completion of the mitigation measures for the proposed project and generating information on the effectiveness of the mitigation measure to guide future decisions. However, the MMRP is dynamic in that changes may be made to the MMRP as specific information with regards to the monitoring efforts is provided.

The City would coordinate construction activities through direct contact with the construction superintendent (CS) and the supporting contractors. City staff would be responsible for oversight of construction activities to ensure compliance with mitigation measures and would also utilize environmental consultants to assist in supervising project construction. This program is based on the following compliance actions:

- Oversight of construction activities;
- Sediment and Erosion Control Monitoring; and
- Traffic Safety.

OVERSIGHT OF CONSTRUCTION ACTIVITIES

The mitigation measures adopted as conditions of approval by the City would be monitored prior to and during construction to ensure implementation. The oversight of construction activities to ensure implementation and compliance with mitigation measures would be accomplished by city personnel, or by a third party specialist to serve as mitigation monitor for a specific task (i.e., wildlife monitoring).

Prior to any project implementation, a pre-construction meeting would take place between the City, the construction contractor, and other individuals retained to assist in implementation of the MMRP. The goal of the meeting would be to establish the responsibility and authority of the participants and overall project procedures and schedules. Mitigation measures, which need to be defined in greater detail, would be addressed during the meeting.

SPECIFIC MMRP REQUIREMENTS

The core of the MMRP is described in the following Implementation Table (Table A-1) listing measures from the IS/MND, the implementation timing, administrative action needed to ensure that the mitigation is included in the plans and construction of the project, and the party responsible for verification.

Table A-1. Mitigation Monitoring for the City of Paso Robles - Implementation Table

Mitigation Number	Mitigation Measure	Implementation Timing	Administrative Action	Agency Responsible for Verification
	AIR QUALITY			
AQ-1	The following standard mitigation measures shall be implemented, as applicable, during the construction period to ensure PM_{10} impacts are less than significant. These measures shall be included in the City's contract documents with the construction contractor as special provisions. A. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover; B. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking; C. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained; D. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. The use of dry rotary brushes shall only be used where preceded or accompanied by sufficient wetting to limit the visible dust emissions; and, E. Following the addition of	During construction	Monitor construction activities	City of Paso Robles

Mitigation Number	Mitigation Measure	Implementation Timing	Administrative Action	Agency Responsible for Verification
	materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.			
BIOLOGICAL RESOURCES				
BIO-1	Construction and initial grading activities shall avoid potential impact to nesting migratory birds at the percolation area. Specifically, the following measures should be implemented: A. Initial rough grading operations and vegetation removal shall be conducted prior to, or after, the typical migratory bird nesting season (March 1 - August 1) to avoid any potential impact to migratory bird nesting activity. Therefore, project construction should be conducted between the months of August and March. B. If Measure A is infeasible, pre-construction surveys shall be conducted prior to any initial grading activity and vegetation removal to identify any potential bird nesting activity, and: 1. If active nest sites of bird species protected under the Migratory Bird Treaty Act (e.g., northern mockingbird, house finch, etc.) are observed within the vicinity of the project site, then the project shall be modified and/or delayed as necessary to avoid direct take of the identified nests, eggs, and/or young; 2. If active nest sites of raptors and/or special-status bird species (i.e., least Bell's vireo, southwestern willow flycatcher, etc.) are observed within the vicinity of the project site, then USFWS and CDFG shall be contacted to establish the	Prior to construction	Monitor construction activities	City of Paso Robles

Mitigation Number	Mitigation Measure	Implementation Timing	Administrative Action	Agency Responsible for Verification
	appropriate buffer around the nest site. Construction activities in the buffer zone shall be prohibited until the young have fledged the nest and achieved independence; and, 3. Active nests shall be documented by a qualified biologist and a letter-report shall be submitted to the USFWS and CDFG, documenting project compliance with the MBTA and applicable project mitigation measures.			
BIO-2	Implementation of Mitigation Measure HWQ-1 including development of a detailed Construction Storm Water Plan in conjunction with the project's final design and grading plan to afford full protection of the Salinas River drainage corridor.	During construction	Monitor construction activities	City of Paso Robles
BIO-3	Implementation of Mitigation Measure HWQ-2 requiring the notice to file a Notice of Intent to Comply with NPDES and development of a SWPPP and any additional measures required by the NPDES permit which are not covered by the Construction Storm Water Plan.	Prior to construction	Monitor construction activities	City of Paso Robles
BIO-4	The following mitigation measures are recommended to avoid and/or minimize impacts to Salinas River riparian corridor and associated special-status species known to occur or with the potential to occur within the project area during construction: A. Prior to grading, all equipment staging areas, construction-crew parking areas, and construction access routes shall be established in previously disturbed or developed areas, to the extent practicable; B. All fueling and maintenance of vehicles and other equipment shall occur at least 100 feet from any riparian habitat or water	Prior to and during construction	Monitor construction activities	City of Paso Robles

Mitigation Number	Mitigation Measure	Implementation Timing	Administrative Action	Agency Responsible for Verification
	body; C. Prior to any earth disturbance, exclusionary fencing shall be erected at the boundaries of all construction areas to avoid equipment and human intrusion into adjacent habitats, with emphasis on protection of the riparian corridor of the Salinas River. The fencing shall remain in place and be maintained throughout construction; D. An approved biological monitor shall conduct a worker orientation for all construction contractors (e.g., site supervisors, equipment operators and laborers) which emphasizes the potential special-status wildlife species with the potential to occur within the project site, identification, their habitat requirements, applicable regulatory policies and provisions regarding their protection, and a review of measures being implemented to avoid and/or minimize impacts to the species and their habitat; E. 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; and, F. Silt fencing shall be installed and maintained in good working condition at the boundary of the designated riparian setback during all construction phases to prevent deposition of sediment into riparian areas, and to deter special-status species from straying into the construction area.			
BIO-5	To avoid and/or minimize project impacts to native oak trees due to	Prior to and during construction	Monitor construction activities	City of Paso Robles

Mitigation Number	Mitigation Measure	Implementation Timing	Administrative Action	Agency Responsible for Verification
	proposed grading and construction activities all project actives shall be conducted in accordance with the provisions of the City of El Paso de Robles Tree Ordinance No. 835 N.S.. This shall include at a minimum the following measures: A. Identification of the Critical Root Zone (CRZ) of all oak trees within the construction zone; B. Installation of exclusionary protective fencing around the CRZ of each oak tree within the construction zone; and, C. Use of a certified arborist to complete all necessary oak tree pruning and/or trimming to facilitate the project.			
BIO-6	To provide for long-term stabilization of the proposed percolation site and avoid introduction of invasive species to the Salinas River drainage, the City shall develop and implement a Site Restoration Plan (SRP) for the site prior to the initiation of construction activities. Specifically, the SRP shall include species lists, installation and maintenance methods, and performance criteria for the percolation area. At a minimum, the plan shall contain the following provisions: A. Identification of a native species planting palette compatible with those species and/or habitats present with the Salinas River riparian corridor (i.e., riparian woodland habitat); B. Installation of all replacement planting and/or seed dispersal shall be conducted within the appropriate season to promote survivability (i.e., fall/winter). If possible, planting during the warmest, driest months (June through September) shall be avoided; C. Shall provide procedures to	Following construction	Monitor restoration areas	City of Paso Robles

Mitigation Number	Mitigation Measure	Implementation Timing	Administrative Action	Agency Responsible for Verification
	ensure eradication of exotic plant species (i.e., giant reed, tree tobacco, etc.) within the percolation area. This shall include provisions for controlling the spread of exotic species throughout the project area; and, D. Shall provide an implementation schedule which emphasizes initiation of the SRP within the 1st year of improvements authorized under this approval. The schedule shall outline the sequencing of all planting and timing for periodic maintenance until successfully established.			
CULTURAL RESOURCES				
CUL-1	Prior to the initiation of construction activities, additional archival research will be conducted by a qualified historian regarding the series of bath houses, the service station, and the bus station on the parcel at Spring Street and 10th Street. This measure was included in the Draft IS/MND per the recommendation of CRMS. Since that time, the City and FEMA has consulted with SHPO regarding the potential to affect historic resources at the Project Site. Additional documentation was provided by the City and FEMA to SHPO during the consultation, thereby completing this mitigation measure.	Completed	The City and FEMA have provided additional documentation to SHPO	City of Paso Robles
CUL-2	Prior to initiation of construction activities, a qualified archaeologist shall examine the material excavated from the City Hall parking lot during the 2003 emergency excavations that is currently located at the proposed disposal site for potential significant historical artifacts;	Prior to construction	Monitor construction activities	City of Paso Robles

Mitigation Number	Mitigation Measure	Implementation Timing	Administrative Action	Agency Responsible for Verification
CUL-3	During construction activities, the excavation of trenches along pipeline routes and the proposed leachfield in areas not previously disturbed shall be periodically monitored for buried cultural resources by a qualified archaeologist.	During construction	Monitor construction activities	City of Paso Robles
CUL-4	If historic or prehistoric resources are found, they should be dealt with in a manner prescribed by an Archaeological Monitoring Plan (AMP) that has been approved by the City before construction. The AMP should include a discussion of: potentially archaeologically sensitive areas to be monitored during ground-disturbing activities; identification of archaeological monitors; authority to temporarily halt project activities if cultural resource(s) are discovered; the monitoring schedule; field methods; and monitoring documentation.	During construction	Monitor construction activities	City of Paso Robles
CUL-5	At the City Hall parking lot, archaeological exploration is required to document archaeological resources. The sulfur spring archaeological deposit was damaged by several previous construction events and by the unavoidable excavations during the December 2003 emergency. The brick drains shall be mapped, measured and photo-documented during the proposed construction activities. Additional drains and/or other structural remains of the previous bathhouses, as well as prehistoric use, may be present. Periodic monitoring for pre-historic resources shall also be conducted during the course of the construction activities.	Prior to construction	Monitor construction activities	City of Paso Robles
GEOLOGY, SEISMICITY, AND SOILS				
GEO-1	To avoid and minimize any adverse impacts related to erosion, the City shall develop a Construction Storm Water Plan, which shall include the following elements (specific details	Prior to finalization of construction specifications	Monitor construction activities	City of Paso Robles

Mitigation Number	Mitigation Measure	Implementation Timing	Administrative Action	Agency Responsible for Verification
	are provided in Appendix D): • soil stabilization; • sediment, tracking, and dust control; • material and waste management; • vehicle and equipment BMPs; and • dewatering measures.			
GEO-2	A geotechnical engineering report shall be prepared and recommendations contained therein shall be incorporated as mitigation measures to address seismic issues and potential for expansive soils.	Prior to construction	Incorporate into construction specifications	City of Paso Robles
HYDROLOGY AND WATER QUALITY				
HWQ-1	City shall develop in detail a Construction Storm Water Plan in conjunction with the project's final design and grading plan for implementation during construction activities. Specific details are provided in the City's Construction Site Storm Water Quality Requirements (Appendix D). Elements covered in the program would include: • soil stabilization; • sediment control; • tracking control; • material and waste management; • dust control; • vehicle and equipment BMPs, and, • dewatering measures.	Prior to and during construction	Incorporate into construction specifications	City of Paso Robles
HWQ-2	In order to ensure compliance with State requirements, the City shall file a Notice of Intent to Comply with NPDES requirements with the SCWRB and develop a SWPPP incorporating elements of the Construction Storm Water Plan above, and any additional measures required by the NPDES permit.	Prior to construction	Monitor construction activities	City of Paso Robles

Mitigation Number	Mitigation Measure	Implementation Timing	Administrative Action	Agency Responsible for Verification
NOISE				
NOI-1	The City shall ensure that the construction contractor employs the following noise reducing measures during construction activities : A. Construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction activities shall take place. on Saturdays or Sundays or federal or state holidays; or B. The Public Works Director shall review and approve any proposed construction activities to be conducted during nights and weekends; and C. All equipment shall have sound-control devices no less effective than those provided by the manufacturer. No equipment shall have un-muffled exhaust pipes.	During construction	Incorporate into construction specifications	City of Paso Robles
TRANSPORTATION AND CIRCULATION				
TRA-1	A. The Contractor shall submit a Traffic Safety Plan to the City Public Works Director for review and approval prior to implementation during construction activities. The Traffic Safety Plan shall contain measures for appropriate warning signs, traffic control and emergency vehicle access. B. To the maximum extent feasible, construction-related vehicles would be prohibited from parking on residential streets; and, C. Construction equipment and vehicle staging would be located to hinder the traffic flow as little as possible in the areas where the actions are implemented.	Prior to and during construction	Incorporate into construction specifications	City of Paso Robles

APPENDIX B
BIOLOGICAL INFORMATION

California Regional Water Quality Control Board

Central Coast Region

Alan C. Lloyd, Ph.D.
Agency Secretary

Arnold Schwarzenegger
Governor

http://www.swrcb.ca.gov/rwqcb3
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5411
Phone (805) 549-3147 • FAX (805) 543-0397

January 17, 2006

RECEIVED
CITY MANAGER

JAN 19 2006

CITY OF PASO ROBLES

Meg Williamson, Assistant to the City Manager
City of El Paso De Robles
1000 Spring Street
Paso Robles, CA 93446

Dear Ms. Williamson:

SULFUR SPRING LEACHFIELD

During our December 21, 2005 meeting and in your December 22, 2005 letter, you inquired about our authority and inclination to regulate a proposed, off-site leachfield disposal system for the sulfur spring that erupted following the December 2004 earthquake. We take our authority from the California Water Code, which says, in part:

> *The Legislature further finds and declares that activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.*
>
> *- California Water Code §13000*

We realize that your downtown sulfur spring is a natural spring, and that you assume responsibility for it when you collect and convey it. However, we believe that your proposed leachfield would mitigate our concerns about temperature, natural attenuation, and precipitant deposition. Therefore, considering all relevant water quality factors, we would propose a conditional waiver of waste discharge requirements for such a project. The waiver conditions would include the usual prohibitions against degrading receiving water quality, as well as the usual conditions for leachfields, i.e., no surfacing wastewater. Because the wastewater is not from a sanitary source, we would not require the setbacks associated with sanitary leachfields. To pursue a waiver, please refer to our waiver policy (http://www.swrcb.ca.gov/rwqcb3/Permits/Waiver%20Policy/R3-2002-0115%20Resolution.pdf).

If you have any questions, please call Tom Kukol at (805) 549-3689 or David Athey at (805) 542-4644.

Sincerely,

David M. Athey

for: Roger W. Briggs
Executive Officer

Task: 121-01
TJK
S:\NPDES\NPDES Facilities\San Luis Obispo Co\Paso Robles WWTP\2004 Renewal\Final Draft\sulfur spring leachfield doc
File: Paso Robles WWTP

United States Department of the Interior

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

TAKE PRIDE IN AMERICA

IN REPLY REFER TO
PAS: 2229.3259.6901

April 25, 2007

Alessandro Amaglio
Environmental Officer
Federal Emergency Management Agency
U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, California 94607-4052

Subject: Paso Robles City Hall Parking Lot Repair, City of El Paso de Robles, San Luis Obispo County, California (FEMA-1505-DR-CA)

Dear Mr. Amaglio:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter, dated January 26, 2007, and received in our office January 29, 2007, requesting our concurrence with your determination that the subject project is not likely to adversely affect the federally threatened California red-legged frog (*Rana aurora draytonii*) and vernal pool fairy shrimp (*Branchinecta lynchi*), the federally endangered arroyo toad (*Bufo microscaphus californicus*), southwestern willow flycatcher (*Empidonax trallii extimus*), least Bell's vireo (*Vireo bellii pusillus*), and longhorn fairy shrimp (*Branchinecta longiantenna*), or any designated critical habitat. You are requesting our concurrence as a representative of the Federal Emergency Management Agency (FEMA), the lead Federal agency for the proposed project.

FEMA proposes to fund the construction of a drainage system for a geothermic spring that was exposed during the 2003 San Simeon earthquake in the city of El Paso de Robles (City), San Luis Obispo County, California. Exposure of the geothermic spring has resulted in the release of thermal, mineral-laced water within the damaged City Hall parking lot (FEMA 2007). The City has excavated a portion of the City Hall parking lot. The proposed drainage system construction would consist of lining the walls of the parking lot excavation area with geotextile, backfilling the excavation area with drain rock, and installing a perforated pipe collection system to collect the spring water from within the drain rock. The City would install a manhole or wet well in the parking lot to accept the spring water and allow for its discharge by gravity. A 12-inch diameter pipeline in the 10th Street right-of-way would convey the spring water from the wet well. Construction of the pipeline would consist of creating a 36-inch wide open trench, which would be covered to grade after construction, from the City Hall parking lot to U.S. Highway 101. The City would jack and directionally drill the pipeline under U.S. Highway 101, then continue conventional underground construction within the public right-of-way that bisects industrially developed parcels. The pipeline would eventually reach a percolation (leachfield) system at the City's Corporate Water Yard, which currently houses pipe and supplies used for maintenance of the City's water infrastructure. Within the City Water Yard, or immediate vicinity, the City would construct a percolation system consisting of 3,000 to 6,000 square feet of area.

California red-legged frogs have been observed in tributaries to the Salinas River, at Graves Creek and Paso Robles Creek, which are both approximately 2.6 miles from the project area (CNDDB 2007). At the

recommendation of the Service's Ventura Fish and Wildlife Office, focused surveys were conducted along the Salinas River for one-mile upstream and one-mile downstream from the proposed project area. No California red-legged frogs were observed; however, the survey did detect a very high population of American bullfrogs (*Rana catesbeiana*) which would inhibit the presence of California red-legged frogs (NISTAC 2005). The project area is not within any designated critical habitat for the California red-legged frog.

Vernal pool fairy shrimp inhabit vernal pools, small swales, and earth slumps typically in unplowed grasslands (Erikson and Belk 1999). Vernal pool fairy shrimp have been recorded at areas approximately 1.2 miles and 1.6 miles from the project area, and several locations on Camp Roberts Military Reservation, approximately 9 miles from the project area (CNDDB 2007). The project area does not include any vernal pools, seasonal wetlands, or any depressions that could potentially pond water long enough to support vernal pool fairy shrimp and is not located within designated critical habitat for this species.

The arroyo toad has been extirpated from 75 percent of its historical range and now is only known to survive in small populations primarily in the headwaters of coastal streams (USFWS 2007). The project area is located within the historic range of the species. It is believed that the available arroyo toad habitat was altered by the construction of Santa Margarita Dam, approximately 10 miles upstream from the last known observation of arroyo toads in the upper Salinas River (USFWS 1999). No arroyo toads were observed during the associated California red-legged frog surveys in the project area. The project area is not within any designated critical habitat for this species. Due to the high density of bullfrogs along the Salinas River near the project area, as observed during the California red-legged frog surveys, and the altering of stream hydrology related to the construction of the Santa Margarita Dam, arroyo toads are not likely be present in the project area.

The southwestern willow flycatcher inhabits riparian habitats and wetland areas with dense growths of willows (*Salix* sp.). The subspecies is typically only found in California during its breeding season, May to late August. The historic range of the subspecies does not include San Luis Obispo County and no observational records exist for the county (CNDDB 2007). The proposed project would be conducted outside of the southwestern willow flycatcher's breeding season.

The least Bell's vireo is a migratory songbird that nests and forages in riparian areas. A least Bell's vireo was observed in 1985 along the Salinas River near Bradley Bridge, approximately 6.7 miles from the project area (CNDDB 2007). A more recent occurrence of least Bell's vireo has been recorded near Camp Roberts, approximately 9 miles from the project area (Kofron 2005). The least Bell's vireo has the potential to occur in the project area; but, the proposed project would be conducted outside of its breeding season.

The longhorn fairy shrimp inhabits vernal pools around the borders of Soda Lake in San Luis Obispo County, approximately 50 miles from the project area (Erikson and Belk 1999). The project area does not include any vernal pools, seasonal wetlands, or any depressions that could potentially pond water long enough to support longhorn fairy shrimp and is not located within designated critical habitat for this species.

We concur that the proposed project is not likely to adversely affect the California red-legged frog, vernal pool fairy shrimp, arroyo toad, southwestern willow flycatcher, least Bell's vireo, longhorn fairy shrimp, or any associated designated critical habitat. Our concurrence is based on the quality of available habitat for these species within the project area, the distribution and occurrences of the aforementioned species near the proposed project area, and the timing of the proposed activities.

Further consultation on the action as proposed, pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended, is not required. However, if the proposed action changes in a manner that may affect listed species; you must contact us immediately to determine whether additional consultation is needed. If you have any questions, please contact Christopher Diel of my staff at (805) 644-1766, extension 305.

Sincerely,

For Jacob M. Martin
Acting Assistant Field Supervisor

LITERATURE CITED

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Erikson, C. and D. Belk. 1999. Fairy shrimps of California's puddles, pools, and playas. Mad River Press.

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Nationwide Infrastructure Support Technical Assistance Consultants (NISTAC). 2005. California red-legged frog survey report. Oakland, California.

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RECEIVED
JUN 26 2007
By

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

June 25, 2007

In response refer to:
2005/03916

Alessandro Amaglio, Environmental Officer
U. S. Department of Homeland Security
Federal Emergency Management Agency
1111 Broadway, Suite 1200
Oakland, California 94607-4052

Dear Mr. Amaglio:

Thank you for your letters of June 28, 2005, and February 5, 2007, requesting initiation of consultation pursuant to section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This consultation pertains to the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) proposal to fund the construction of a drainage system to collect and dispose of geothermal spring water released from a surface rupture in the Paso Robles City Hall Parking Lot located in the City of El Paso de Robles (City), San Luis Obispo County, California. The December 22, 2003, San Simeon earthquake exposed this geothermal spring, resulting in the surface flow of mineral-laced water. FEMA proposes to provide funds to the City to construct a drainage system and restore the parking lot to conditions that existed prior to the earthquake (FEMA File No: FEMA-1505-DR-CA). FEMA has requested consultation to address the possible effects of this project on Federally threatened South Central California Coast (S-CCC) steelhead (*Oncorhynchus mykiss*) Distinct Population Segment (DPS) and their critical habitat.

On December 22, 2003, the San Simeon earthquake caused an emergence and eruption of a geothermal spring, thereby damaging the City Hall parking lot. Immediately following the earthquake, the thermal, mineral-laced water flowed across the parking lot, onto a City street, into the City's stormwater system, into a California Department of Transportation (Caltrans) culvert, and into the Salinas River. Since the earthquake, the City excavated a large portion of the parking lot to expose the water source and installed a pump and pipeline to carry the water from the geothermal spring beneath city streets and through culverts to discharge through the same Caltrans culvert into the Salinas River.

Currently, all of the geothermal spring water discharged mixes with the Salinas River. Recent water quality tests of the geothermal spring water showed the discharged water contained elevated levels of hydrogen sulfide, boron, total dissolved solids, sodium, chloride and ammonia. The temperature of the discharged water (approximately 111 degrees Fahrenheit) is also higher

than that of the Salinas River. The City has lost use of the parking lot; the damaged pavement and uncontrolled water source present a safety hazard and liability for the City.

The City proposes to construct a drainage system and install a perforated pipe collection system to collect the geothermal spring water. The drainage system includes approximately 2,500 feet of 12-inch diameter pipeline to convey the geothermal spring water to a percolation system (*i.e.*, leachfield) at the City's Corporate Water Yard. The 3,000 to 6,000 square-foot area of the percolation system is located near a braid of the Salinas River on the outside boundary of the 100-year floodplain. Flood flows in excess of a 50-year event may inundate a portion of the percolation system site.

The proposed percolation system will allow the geothermal spring water to percolate through pervious (*i.e.*, sandy) material and mingle with the Salinas River's underflow. Hydro-geologic modeling indicates that during the dry season (July to December) all the spring water will percolate to groundwater with no contribution to surface flow. During the wet season under high river flow conditions, up to 96 percent of the spring water could mix with Salinas River surface flows. The Central Coast Regional Water Quality Control Board has waived waste discharge requirements for the project, in recognition, that the spring flow is a natural event and the proposed percolation system mitigates potential impacts to Salinas River water temperature, natural attenuation, and precipitant deposition.

The City intends to begin construction during the summer/early fall of 2008, but may be as late as summer/fall 2009. The City is not proposing to conduct any work within the wetted channel of the Salinas River and will implement best management practices for construction activities. To do this, the City will develop a Construction Storm Water Program that provides for soil stabilization, sediment control, tracking control, material and waste management, dust control, and vehicle and equipment best management practices.

The Salinas River watershed supports a population of threatened S-CCC steelhead and the City's project area is adjacent to designated critical habitat for this species. To analyze the potential effects on threatened S-CCC steelhead and designated critical habitat, NMFS has reviewed the information provided in FEMA's letters of June 28, 2005, and February 5, 2007. Additional information was provided during a July 27, 2005, meeting and site visit with NMFS biologist Bill Stevens. NMFS has also reviewed the results of groundwater modeling performed by Fugro West, Inc. (October 31, 2006 letter to Mike Nunley).

Project construction is not expected to impact steelhead or designated critical habitat, because all construction activities are above the active river channel and located on the outside boundary of the 100-year floodplain. No equipment and personnel will be within the wetted perimeter of the Salinas River and construction will be performed during the dry season. Best management practices will be employed to ensure that sediment and any spilled contaminants do not enter the stream. Based on the project location and season of construction, steelhead and critical habitat will not be adversely affected by the construction phase of this project.

Upon completion of construction, operation of the drainage system and percolation field may affect listed steelhead and designated critical habitat during periods when geothermal spring water co-mingles with the surface flow of the Salinas River. Based on the results of groundwater modeling, during periods of low or no flow in the Salinas River, all the spring water discharge will percolate to groundwater. Groundwater levels drop in the dry season and do not co-mingle with surface flow in the Salinas River during this period. Therefore, it is anticipated that operation of the project during the dry season will not adversely affect water quality, steelhead, or critical habitat in the Salinas River.

During the wet season, groundwater modeling indicates geothermal spring water will likely be released into the river's surface flow during high flow events in the Salinas River. However, the model also indicates that the total amount of spring water released will be small in relation to the volume of the river's high flow events. Dilution rates are expected to be high and will minimize degradation of water quality in the Salinas River. Model results indicate minerals within the spring water will be adequately diluted under high river flow conditions. Thermal impacts are also expected to be minimal since high river flows events occur in the winter and early spring months when water and air temperatures are cool. During this period, water temperatures in the Salinas River are well within a suitable range for steelhead and the amount of spring water discharge by this project is expected to result in minimal thermal warming of the river. Since the geothermal spring water discharge will only co-mingle with surface flow in the Salinas River during wet and high flow periods, operation of this project is anticipated to result in minor and localized water quality effects at levels that are insignificant and discountable for steelhead.

Primary constituent elements (PCEs) of designated critical habitat for steelhead in the action area include water quality and quantity, foraging habitat, natural cover including large substrate and aquatic vegetation, and migratory corridors free of obstructions. Potential effects to designated critical habitat include minor and localized effects to water quality during operation of the project. These potential effects to water quality are discussed above and anticipated to be at levels that will not degrade PCEs of designated critical habitat. Construction of the project is adjacent to the Salinas River and is not expected to adversely affect critical habitat. Overall, the project is not expected to adversely affect essential physical or biological features associated with steelhead critical habitat.

Based on the best available scientific information, NMFS concurs with FEMA's determination that this project is not likely to adversely affect threatened S-CCC steelhead or designated critical habitat. This concludes consultation in accordance with 50 CFR §402.13(a) for the proposed construction of a spring water drainage system at the Paso Robles City Hall Parking Lot located in the Salinas River watershed. Further consultation regarding the proposed project may be required if: (1) new information becomes available indicating that listed species may be adversely affected by the project in a manner or to an extent not previously considered, (2) current project plans change in a manner that affects listed species or critical habitat that was not previously considered, or (3) a new species is listed or critical habitat designated that may be affected by the action.

Please contact Mr. Bill Stevens at (707) 575-6066, or via e-mail at William.Stevens@noaa.gov, if you have any questions concerning this consultation.

Sincerely,

for Rodney R. McInnis
Regional Administrator

cc: Russ Strach, NMFS, Sacramento
Meg Williamson, City of El Paso de Robles
Copy to File - ARN 151422SWR2005SR00533

APPENDIX C

CULTURAL RESOURCES INVENTORY REPORT

CULTURAL RESOURCES INVENTORY SURVEY FOR PASO ROBLES CITY HALL SULFUR SPRING, TRANSPORT, AND DISCHARGE AREA.

FINAL

Prepared for:

Padre Associates, Inc.
811 El Capitan Way, Suite 130
San Luis Obispo, California 93401

Prepared by:

Nancy Farrell
Cultural Resource Management Services
829 Paso Robles Street
Paso Robles, California 93446

August 1, 2007

CRMS
CULTURAL RESOURCE MANAGEMENT SERVICES

CRMS Project No. 42-642

INTRODUCTION

The City of Paso Robles intends to repair damage to the City Hall/Library parking lot caused by the 2003 San Simeon Earthquake eruption of a sulfur spring, as well as install additional attendant pipelines and outfall equipment for discharge into the Salinas River, and has applied for financial assistance from the Federal Emergency Management Agency (FEMA). (Figure 1 and 2)

The study area consists of the southwest portion of the City Hall parking lot at the northeast corner of Spring and 10th Streets, routes for the water conveyance system, and the location of a proposed underground percolation system and discharge points on a river terrace on the west bank of the Salinas River. (Figure 3).

This project is being funded in part by FEMA and as such is subject to the requirements of the National Historic Preservation Act of 1966, as amended (Public law 89-665 [80 STAT 915; 16 USC 470]). Section 106 of that Act provides guidelines for Federal agencies whose undertakings might affect (result in changes in the character or use of) historic properties listed, or eligible for listing, in the National Register of Historic Places. An undertaking is defined as a project, activity, or program in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out with Federal financial assistance. The project is also subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code §5024.1, Title 14 CCR, Section 4852).

At the request of Padre Associates, Inc., Cultural Resource Management Services (CRMS) has conducted an archaeological inventory for areas that may be affected by the repair and remediation activities. A literature and records search and an intensive surface survey of the proposed project areas was conducted in order to:

- identify any prehistoric or historic archaeological remains that would be impacted by the proposed remediation activities,
- evaluate the significance of those resources and,
- make recommendations for further action, if necessary.

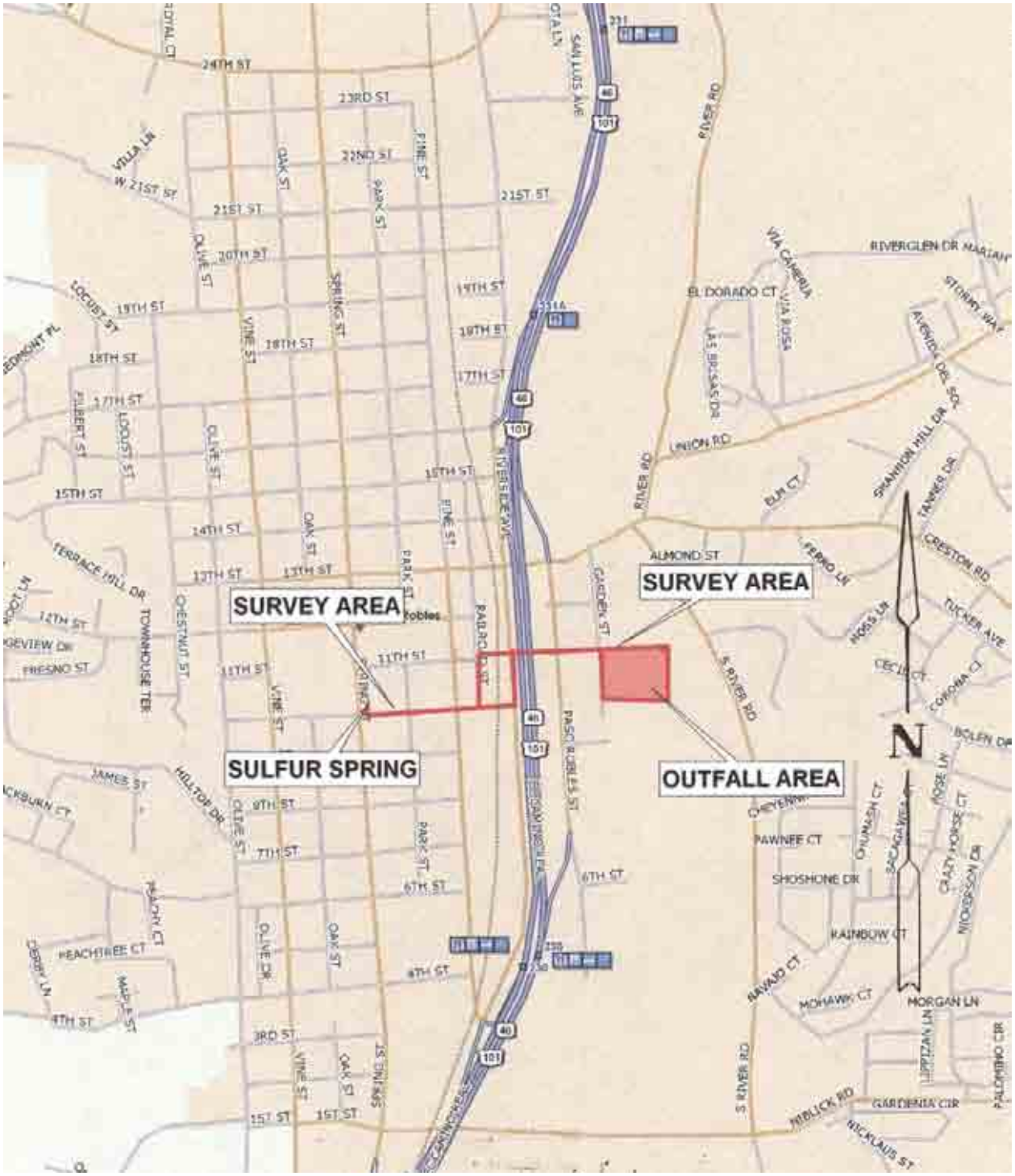

Figure 1: Location Map (No Scale)

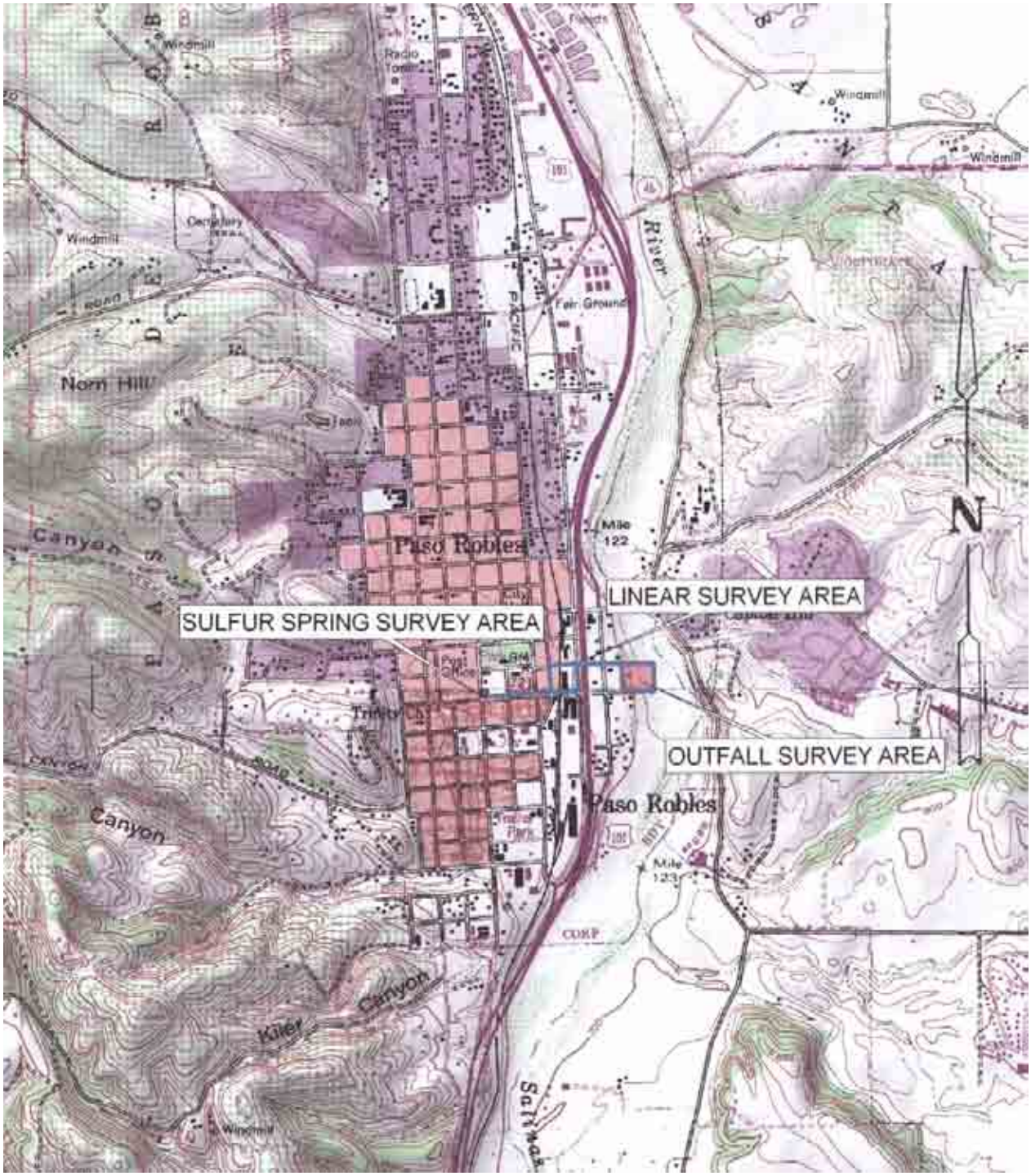

Figure 2: USGS 7.5' Quadrangle, Templeton, CA and Paso Robles, CA

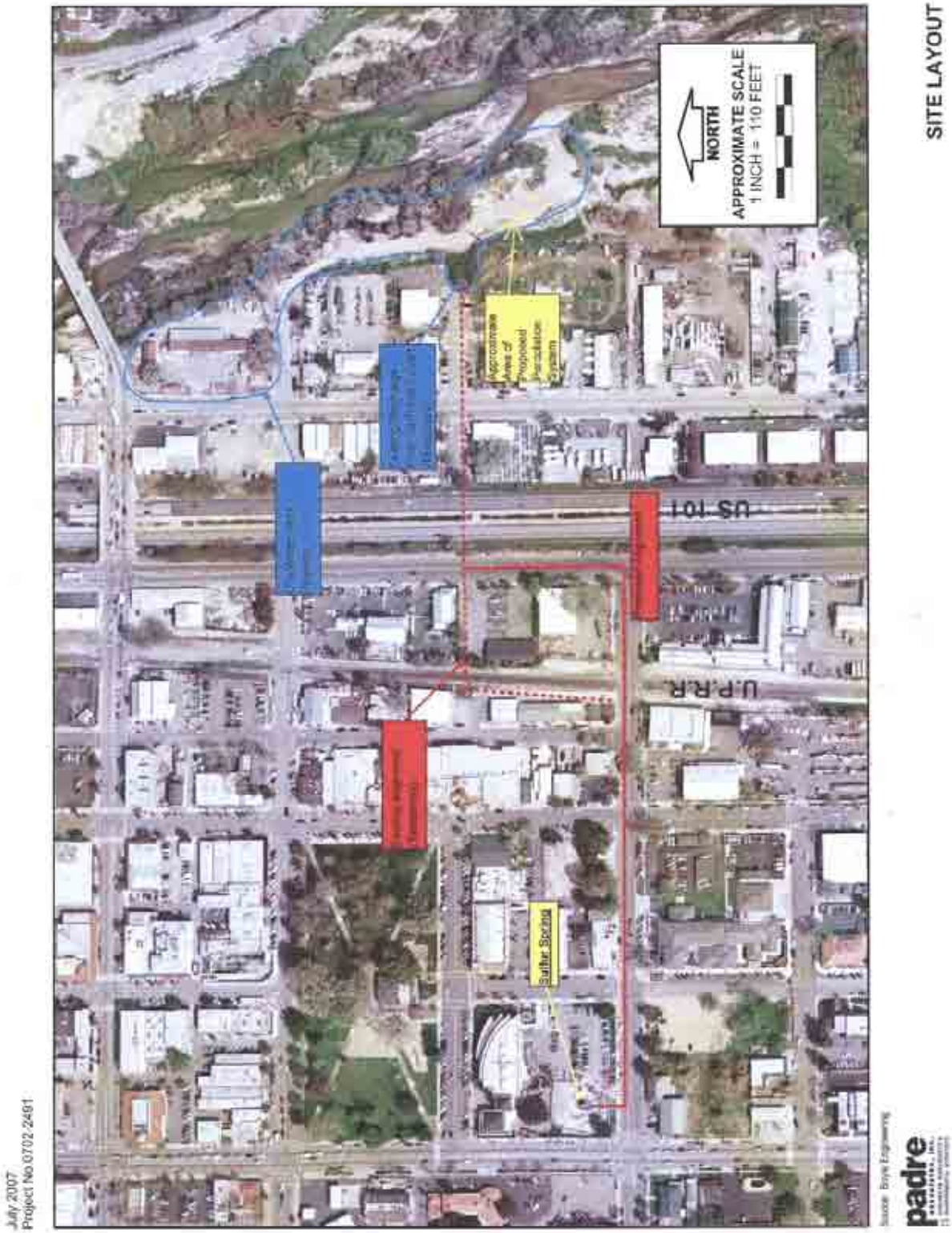

Figure 3: Aerial Photo Depicting Project Area

ENVIRONMENTAL SETTING

The study area is located in the upper Salinas River Valley in northern San Luis Obispo County about 20 miles northeast of Estero Bay and the Pacific Ocean. To the west lies the Santa Lucia range, to the east the Salinas River and broad plains and gently rolling hills.

Climate

Little evidence exists to claim that the local climate has undergone much change over the most recent few thousand years. The weather pattern is characterized by hot, dry summers and cold, moist winters. Every several years, extreme frosts occur during winter months, but generally the area experiences 300 to 325 frost-free days per year.

Geology and Pedology

Geologically, the study area is part of the Paso Robles Formation. This formation is a dominantly continental series of river, alluvium fan, and lake deposits that originated during the middle and late Pliocene in the Salinas basin. Rock types typical of the Paso Robles formation include sandstone, conglomerate, mudstone, non-marine limestone, gravel beds, and semi-consolidated clay, silt, and sand.

The soils of the study area are primarily "Lockwood shaly loam", a silty to sandy Quaternary alluvium ranging from light tan to light brown. Varying amounts of angular shale clasts, smooth gravels, and cobbles are present. Some of the stone that occurs as gravels and cobbles (such as Monterey and Franciscan chert, quartzite, rhyolite, and andesite) were important for tool manufacturing prehistorically. The eastern portion of the study area, which is on a terrace of the Salinas River, is "Pico fine sandy loam", a soil formed in calcareous alluvium derived from sedimentary rocks (Lindsey 1983: 46,58).

Water Sources

Annual rainfall ranges from 245 mm to 515 mm (<6 to 20 inches). Today, the Salinas River flows at the surface only during seasons of heavy rainfall, but the river flow was more abundant and regular during the time of prehistoric human occupation of the area. The surface flow was reduced dramatically by the WWII era construction of the dam at Santa Margarita. A series of warm and cold mineral springs are located within and near the study area. Although outflow of these springs is subject to change

through time, the availability of water in the study project area would have been more than adequate to support a substantial population base during the prehistoric era.

Vegetation

The natural vegetation of the immediate area around Paso Robles is Oak Savanna dominated by blue oak (*Quercus douglasii*) live oak, (*Q. agrifolia*) and/or valley oak *(Q. lobata*). This is interspersed with Oak woodlands and Chaparral, with chamise (*Adenostoma fasciculatum*) being a primary component of the latter. Along the Salinas River the vegetation is primarily riparian. Dominant species in this narrow zone include oaks, sycamore (*Platanus racemosa*), elderberry (*Sambucus mexicana*), cottonwood (*Populous Fremontii*), willow *(Salix* spp.), poison oak (*Toxicodendron diversilobum*), and wild blackberry (*Rubus ursinus*). A variety of shrubs , forbs and grasses are also present. Within the project area as a whole, only the riparian vegetation is representative of "natural" conditions; the remainder of the project area has been urbanized since the late 19th century.

Fauna

Fauna commonly occurring in the surrounding area includes: Black-tailed deer (*Odocoileus hemionus columbianus*), Coyote (*Canis latrans*), Black-tailed jackrabbit (*Lepus californicus*), black bear (*Ursus americanus*), mountain lion (*Felis concolor*), badger (*Taxidea taxis*), bobcat (*Lynx rufus*), cottontail rabbits (*Sylvilagus* spp.), racoon (*Procyon lotor*), skunks (*Mephitis spp*.), California ground squirrel (*Spermophilus beecheyi*), Western gray squirrel (*Sciurus griseus*), gophers (*Thomomys bottae*), mice (*Microtus* spp. and *Peromyscus* spp.), and a variety of reptiles, amphibians, insects and fish. Historically, grizzly bear (*Ursus horribilis*) and tule elk (*Cervus elaphus nannoides*) were also present. Southern steelhead (*Oncorhynchus mykiss irideus*) still migrate occasionally into the Salinas River in the early spring to reach their spawning areas in the tributary streams. Common birds are California Scrub jay (*Aphelocoma coerulescens*), mourning dove (*Zenaida macroura*), Red-tailed hawk (*Buteo jamaicensis*), Turkey vulture (*Cathartes aura*), Acorn woodpecker (*Melanerpes formicivorus*), and Valley quail (*Lophortyx californicus*).

CULTURAL SETTING

Prehistoric Overview

Archaeological evidence indicates that San Luis Obispo County was occupied as early as 9000 years ago, as indicated by dates from excavations at Diablo Canyon (Greenwood 1972), Edna Valley (Fitzgerald 2000) and Paso Robles (Stevens *et.al.* 2004). Because relatively few subsurface archaeological investigations have been carried out in the interior south coast ranges, the definitive cultural historical sequence has not yet been constructed for this region. The most relevant local culture historical sequence relative to the study area is that used by Mikkelsen, Hildebrandt, and Jones (1998) when investigating site CA-SLO-165 at Morro Bay. This series of time periods was based on work by King (1990), Jones (1993), and Jones *et al.* (1994). The major temporal periods now generally recognized in this region are:

Paleoindian Period	11000 - 8500 Years Before Present (B.P.)
Millingstone Period	8500 - 5500 B.P.
Early Period	5500 - 2600 B.P.
Middle Period	2600 - 1000 B.P.
Middle/Late Transition	1000 - 700 B.P.
Late Period	700 B.P. - 450 B.P. or historic contact
Protohistoric Period	450 -150 B.P. [proposed by Jones and Waugh 1995]

Evidence for Millingstone period occupations in this inland region is sparse, amounting to materials recovered from two widely-separated locations. The first of these sites is the Grayson site (MER-94) in the San Luis Reservoir area (Olsen and Payen 1969). In the deepest levels of this multi-component deposit was a suite of artifacts including millingstones, handstones, small shaped mortars and pestles, simple flaked stone tools, perforated stone pendants, and beads made of whole *Olivella* shells. The second site with a possible Millingstone period occupation in the interior south coast ranges is the Salinas River Crossing Site (SLO-1756) reported by Fitzgerald (1997). Although the association between artifacts and dates at this site is not straightforward, it also yielded an artifact assemblage similar to Millingstone Horizon sites in southern California and produced a date of 7000 B.P. Other important Millingstone period sites are found nearer the coast in the Edna Valley south of San Luis Obispo (Fitzgerald 2000), and at Diablo Canyon (Greenwood 1972).

Along the coast and in interior areas, the Early period is marked by the appearance of mortars and pestles and contracting-stemmed projectile points (Olsen and Payen 1969; Jones 1993). Other artifacts found with Early period occupations are also found in Millingstone period sites including *Olivella* class L beads, large side-notched projectile points, and millingslabs and handstones. Greater numbers of sites are known from the Early period, possibly signaling a population increase.

The Middle period is well represented at sites along the central coast and increasingly in interior regions as well. The types of artifacts found in Middle period occupations are similar to those from the Early period although a larger number of bone implements and bead types are known (Olsen and Payen 1969; Jones and Waugh 1995). Projectile points tend to be contracting-stemmed types with large side-notched and square-stemmed points apparently no longer used. Excavations at Fort Hunter Liggett have shown that Middle period occupations in that area resemble those found along the coast (Jones and Haney 1997).

Late period assemblages from the interior south coast ranges are distinguished by a suite of new bead types, small side-notched and triangular arrow points, and hopper mortars as well as many artifact types found in earlier periods (Olsen and Payen 1969). At Fort Hunter Liggett, Late period occupations also included small arrow points, new bead types, as well as bedrock mortars and unshaped pestles (Jones 2000; Haney et al. 2002). On the whole, the Late period assemblages from a wide area of the central coast and interior regions appear superficially similar, but this was probably a time of continued cultural differentiation due to higher population densities.

Ethnohistoric Overview

At the time of European contact, the Paso Robles region was occupied primarily by a branch of the northern-most Chumash, the Obispeño, of the Hokan linguistic group (Gibson 1983). This group inhabited coastal and inland areas between Malibu and the vicinity of San Simeon (Kroeber 1925; Gibson 1982). Also present in the region historically were the Migueleño Salinan (Greenwood 1978). The Salinan were bordered by the Esselen and Costanoan to the north, Yokuts to the east and the Chumash to the south. Examination of mission records reveals that members of the Salinan Nation inter-married into the northern portion of San Luis Obispo County. Although the exact

historical boundary of these two groups has not been well established, according to the most recent research "Northern Chumash was spoken in the vicinities we now refer to

as Santa Margarita, Atascadero, Paso Robles, San Marcos Creek, and probably Creston at the time of Spanish settlement" (Milliken and Johnson 2005: 144).

These peoples followed an annual cycle of hunting and fishing, fowling and harvesting, adapting to changing environmental and social conditions. The months of spring and summer would be spent inland, hunting and gathering vegetable and animal resources, followed by a move to the coast in the fall and winter to set up for fishing and the harvesting of shellfish through the leaner months.

Major plant foods included acorns and a variety of small seeds while major animal foods included a diverse assortment of terrestrial mammals, marine and freshwater fish, shellfish, birds, as well as reptiles and insects. It is unclear to what extent people living inland ventured to the coast and vice versa, but it is likely that people were mobile enough to take advantage of plant and animal foods when and where they occurred. If this were the case, then diets probably varied from season to season, and from year to year, depending on what was available at any one time.

Hunting of animals and birds was accomplished with snares, traps, spears, and the bow and arrow. The tool assemblage used, and certain projectile points made of chert or obsidian are testimony to these practices. Stone, bone, wood and shell all provided materials for the production of tools. Stone tools and the debris from their manufacture and maintenance are the most likely to be seen in an archaeological context. Flaked stone work includes projectile points, scrapers and choppers. Pecked and ground stone objects include bowl mortars, pestles, metates, basket mortars, stone bowls, notched pebble net sinkers, and steatite arrow shaft straighteners. Bone and shell tools were also manufactured; especially bone awls and C-shaped fishhooks. Ornaments were made of steatite, serpentine and shell. What very seldom survives in the archaeological record are the baskets, sandals, bags, and other useful items made from plant materials.

Historic Overview

European contact in the San Luis Obispo County region may have begun as early as 1587 with the visit of Pedro de Unamuno to Morro Bay, although some scholars have questioned this based on the ambiguity of Unamuno's descriptions (Mathes 1968). A visit in 1595 by Sebastian Rodriguez Cermeño is better documented (Jones *et al.* 1994:11).

The earliest well-documented descriptions come from accounts by members of Gaspar de Portola's land expedition, which passed through the region in 1769 (Squibb 1984). No large villages, such as those seen along the Santa Barbara channel, were reported by early travelers in the San Luis Obispo region.

In March 1774, the expedition of Jan Bautista de Anza, searching for a supply route for the new presidios and missions of California, passed through what is now Paso Robles, noting several hot springs in the area (Bolton 1933: 275).

Mission Period 1769 - 1830 A.D.

Permanent Spanish settlement of the region began with the founding of Mission San Antonio de Padua (near King City) in 1771 and San Luis Obispo de Tolosa (in San Luis Obispo) in 1772. Twenty-five years later, Mission San Miguel Archangel was founded in the heart of southern Salinan territory. The mission properties were extensive and included an outlying rancho station near present day Paso Robles, a sheep farm at Santa Ysabel on the east side of the Salinas, an adobe on grazing lands near Atascadero, and an adobe and granary near a spring at La Asuncion.

As elsewhere, induction into the missions had a devastating effect on the local inhabitants, requiring them to live and work at the mission and abandon their former lifeways. Under the guidance of the mission fathers, the natives were instructed in farming methods, including the production of wheat, beans and various kinds of fruit. The earliest farming was intended to foster independence; thus making the import of supplies up from Mexico unnecessary. The native population, however, was reluctant to adopt this new culture. The reason cited by Fr. Francisco Palóu, the acting Superior of the Missions, was that the subsistence strategies practiced by the local natives provided for all their material wants with very little effort. This state of affairs did not persist. By 1805, most native villages had been abandoned, and the populace had either fled to remote areas or moved into the mission system (Gibson 1983).

During the mission period, the salubrious effects of the water from the several mineral springs in the vicinity of what would become El Paso de Robles were already well known, and "stories of the wondrous springs were associated with all the earliest records of California history." (Peterson 1965: 110). Under the direction of the Franciscan padres a timber structure was erected over the warm mineral spring at what is now the northeast corner of Tenth Street and Spring Street (*Ibid*: 116). A timber

framework was built around the mud spring at what is now the north end of Spring Street. It was reported by a correspondent to the San Francisco *Bulletin* in 1864 that the timber lining of the spring was in as good condition as when the padres put it in many years before (Ohles 1987: 85). According to an account of 1890, the "death rate [at Mission San Miguel] was less than that of any other establishment, except San Luis Rey", presumably because of the healing waters (Zimmerman 1890 in Ohles 1997: 85).

Other springs mentioned in early accounts were: the warm and cold spring on Rancho Santa Ysabel located ± three miles south and east of Paso Robles on what is now known as South River Road;; the Soda Spring and Sulphur Spring located north and south, respectively, of the Mud Spring; the Sand Spring located near the bank of the Salinas River between what is now 32nd and 34th Streets; Iron Spring 600 yards east of the main probably near what is now Riverside Avenue and Twelfth Street and the Lithia Spring near Fresno Street on Merry Hill (Peterson 1965: Appendix L)

Rancho Period 1833 - ~1858 A.D.

In 1822, Mexico attained independence of Spain and California became a Mexican territory. The Secularization Act, passed by the Mexican congress in 1833, provided for the immediate break-up of the missions and the transfer of mission lands to settlers and Indians. Work toward this end began in 1834 under Governor Figueroa. Grants were made to individuals by the governor on the recommendation of the local *alcalde* of the Mission. During the years from 1840 to 1846, a series of land grants were made from the lands of Mission San Miguel by the governors of Mexican California.

On May 12, 1844 the approximately 26,000 acre (six leagues) Rancho El Paso de los Robles was granted to Pedro Narvaez by Mexican Governor Manuel Micheltorena. It included one league where the present city center of Paso Robles is located and five more leagues to the south and southwest. The eastern border was the Salinas River. Ownership transferred to Petronillo Rios shortly thereafter, about 1846. Señor Rios operated a store in San Miguel with William Reed, but moved to an adobe casa on the Paso Robles Rancho in 1849 (Peterson 1965: 69). In 1848, at the end of the Mexican war, California was ceded to the United States, and admitted to the Union in 1850. A commission was set up in 1851 to settle private land claims in the new state. These legal proceeding often took years and were a financial burden to most of the original grantees. A patent for the Rancho El Paso de los Robles was obtained July 20, 1866 by Petronillo Rios.

American Period ~1858 - Present

Prior to the granting of the patent, (Figure 4) however, the rancho had been sold to brothers Daniel and James Blackburn and partner Lazarus Godchaux on August 1, 1857, for $8,000. Daniel Blackburn moved to the "Hot Springs" in 1857 and also built a small cottage "Sunnyside Cottage" for the use of visitors to the Hot Springs.

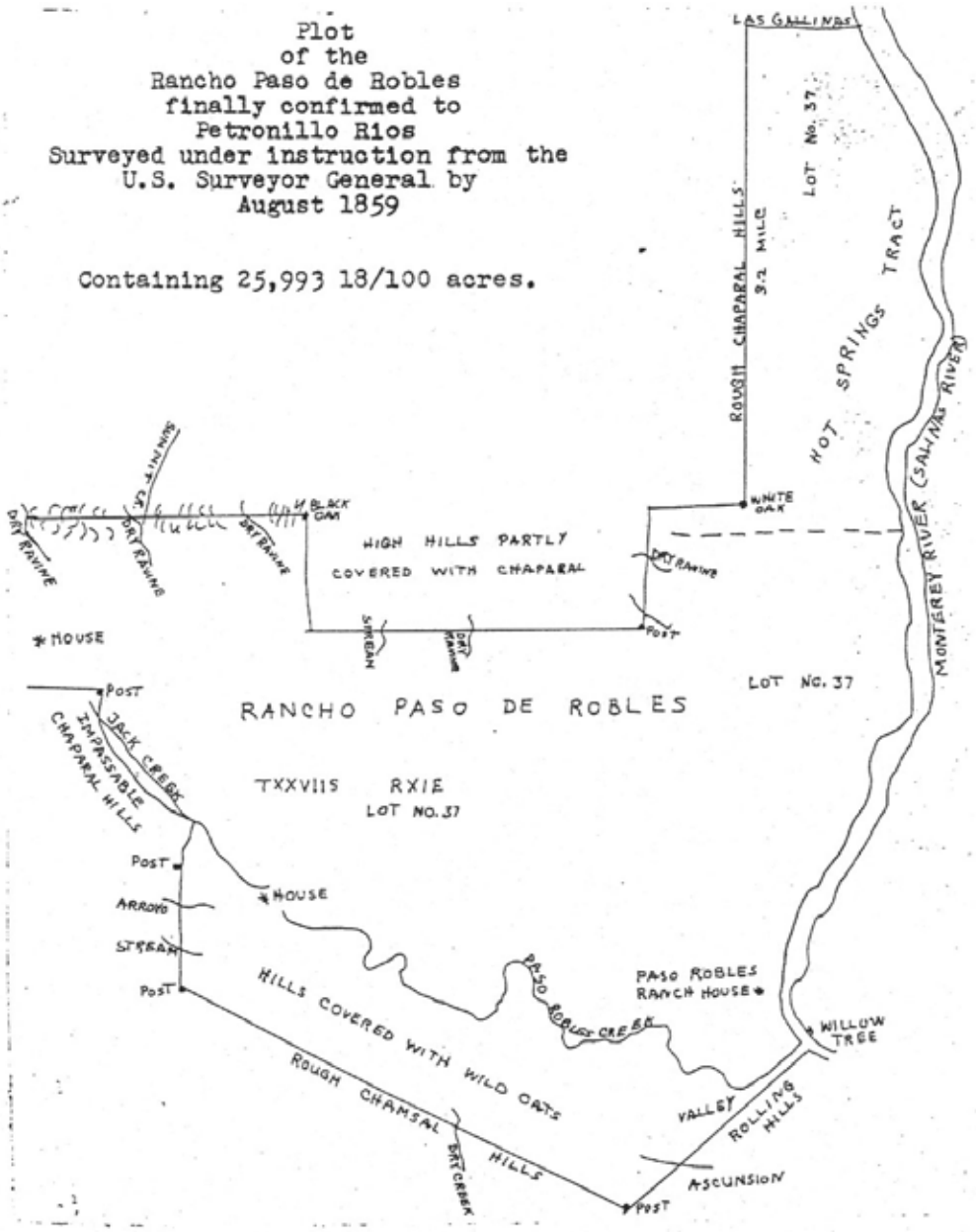

Figure 4: Plot of Rancho Paso de Robles

Reprint From Virginia Peterson's Masters Thesis, San Jose State

This cottage was located at the corner of Spring and 12th Streets. In 1860, when the ranch was divided among the partners, Daniel Blackburn took the one league of land called the "Hot Springs Tract."

In 1864, the Hot Springs Tract was briefly owned by Dr. Taliaferro D. Johnson, who built the first El Paso Robles Hotel and a bath-house over the main spring (at the northeast corner of 10th and Spring Streets) with eight private bathrooms and two enclosed plunges for men and women (Figure 5). He proved a better doctor than business man, and in September of that year, the property was returned to the Blackburn (Ohles 1993: 86). Drury James bought a half interest in the Paso de Robles tract in 1868 and in 1869 built the first large home in the city, on Spring Street near 10th. In 1873, J. H. Blackburn bought back a fourth interest. Thus the firm of Blackburn Brothers & James became the proprietors of the Paso de Robles Hot Springs.

Wells Fargo established an office in Paso Robles in 1864; guests at the Hot Springs were offered special rates on packages sent to San Francisco. The "Hot Springs" post office was established on June 14, 1867. The name of the post office was changed to "Paso Robles" later that same year. By the 1870s, the Paso Robles Hot Springs was a well known destination for people seeking the famous curative powers of the springs:

> From the following analysis it will very readily be seen that this is an exceedingly valuable thermal water, closely allied in chemical composition to the waters of Aix-la-Chapelle, in Rhenish Prussia. This is the unusual combination of thermality, considerable chloride of sodium, sulphurated hydrogen, carbonic-acid gas, and an active amount of alkaline carbonates. A water such as this cannot fail to be of benefit in very many cases of *gout*, *chronic rheumatism*, and *dartrous skin-diseases*; also, in *contraction of the joints* and *old gunshot -wounds*. (Walton 1873: 293-294)

The Southern Pacific Railroad finally came to Paso Robles on October 1886. Not coincidentally, a town plan for Paso Robles was commissioned that same year. The survey was completed by 1887 and the first town map published in 1888. Two blocks were donated to the city for the purposes of a park. A Sanborn fire insurance map from 1888 shows the present City Hall parcel as "Hot Sulphur Springs" (Figure 6). By 1888 the town already had a population of 523, and there was an average of 200 guests at the hotel (Peterson 1965: 131).

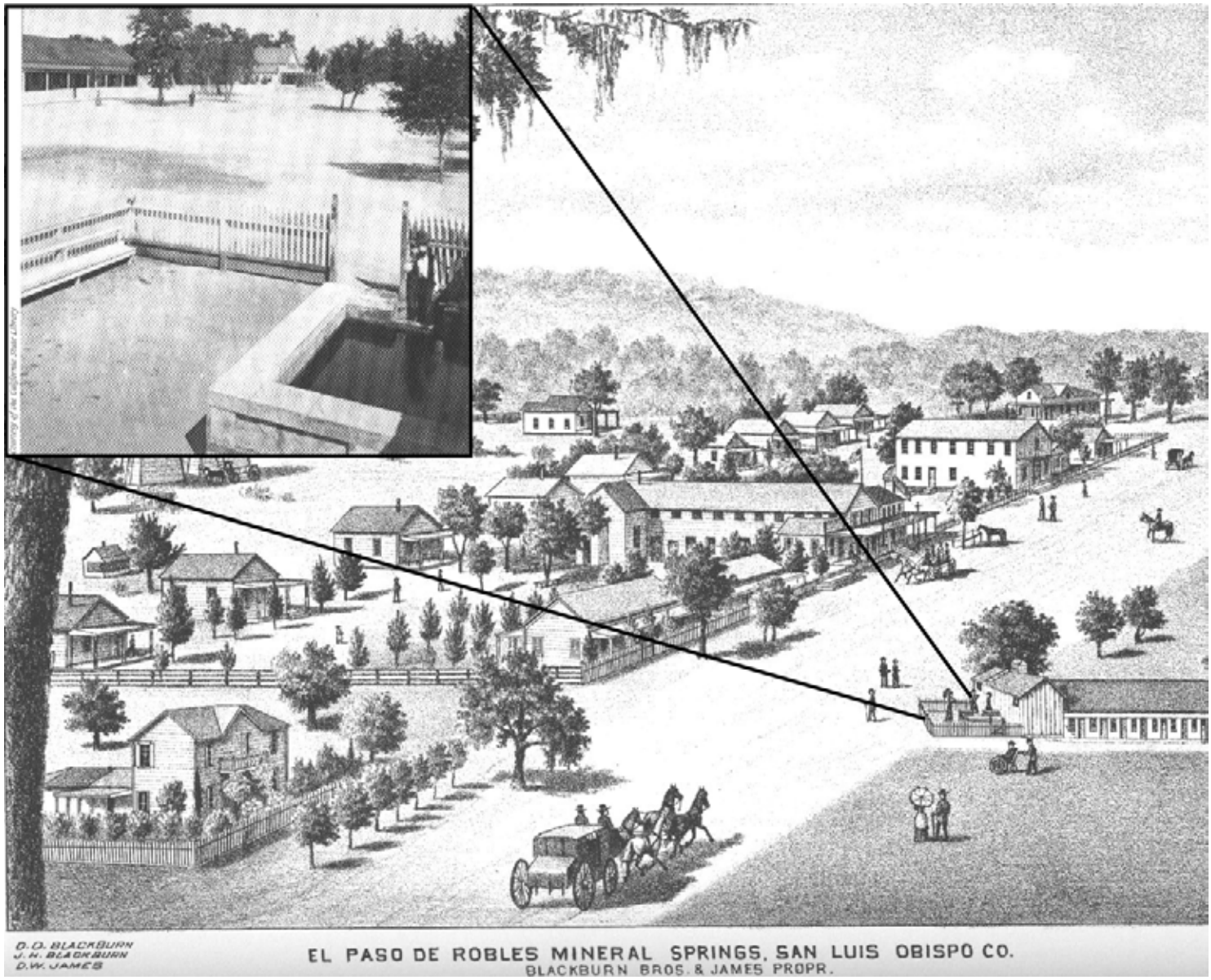

Figure 5: Hotel and Bathhouse, circa 1870, Inset Shows Masonry Enclosure and Spring Northeast Corner 10th and Spring Streets

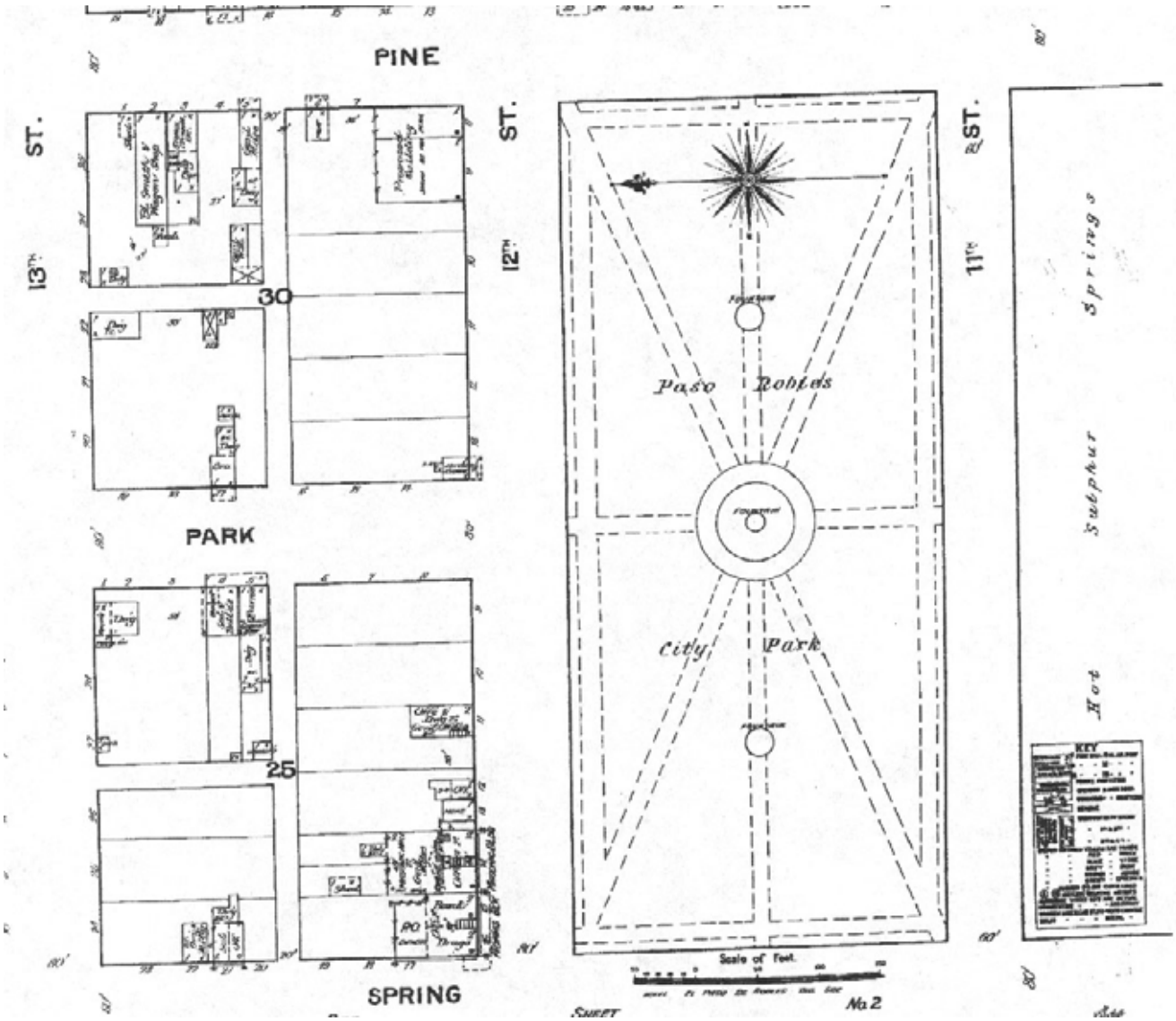

Figure 6: 1888 Sanborn Fire Insurance Map
Map Identifies Hot Sulphur Springs Between 11th and 10th Streets and Between Spring and Pine Streets

A new bathhouse, designed by John W. Curtis of San Francisco, was built in 1888, replacing the wooden structure of 1864. At a cost of $25,000, the 225 foot long building was quite the most magnificent in the new town, if not the County (Figure 7,8). In the sixty foot wide main building were thirty-two bathing rooms with connecting dressing rooms. A skylight along the center provided interior lighting and ventilation (Figures 9,10). At the west end of the building was an enclosure built over the spring itself. Inside was a Brick and cement reservoir two feet thick, twenty feet in diameter and fifteen feet high (Peterson 1965: 140). This building served until 1906, when the directors of the El Paso de Robles Hotel Company decided that a new bathhouse was need to serve the type of clientele that now came to their hotel. The huge, magnificent building had been completed in 1891 (Bowler 2003). A million bricks were reported to have been used in the construction. The new bathhouse and plunge, located to the south of the new hotel and connected by an arcade, was opened in January 1906.

By 1910, the Sanborn maps indicate the Main Spring bathhouse building as "Vac. & Dilap." (Vacant & dilapidated). A suspicious fire destroyed the old bathhouse on the night of June 19, 1913. By 1926, the building is gone, although the 10 foot high brick water tank is still present and noted as "Not used". In 1943, a "Gas & Oil" station is shown on the northeast corner of Spring and 10th Streets, just west of where the brick water tank had been located. This gas station later served as the Greyhound bus station until the construction of the present City Hall/Library in 1992-3.

On December 22, 2003, a magnitude 6.5 earthquake shook an area from Cambria to San Luis Obispo and Parkfield. Structural damage was substantial, especially in Paso Robles, where many masonry buildings had not yet been reinforced to current seismic standards. Another outcome of the earthquake was the eruption of two sulfur springs. At the location of the "new" spring beneath the City Hall, "Hot water and sediment were sprouting at a rate of approximately 82 liters per second (1300 gpm) at a temperature of 43 °c (110°f)..." (EERI 2004: 3). Emergency operations to stem the flow of the spring resulted in the excavation of a large pit in the parking lot (Figure 11) and the installation of a semi-permanent pump to dispose of the sulfurous water. The pit has remained open until 2007, pending a resolution of the water disposal problem.

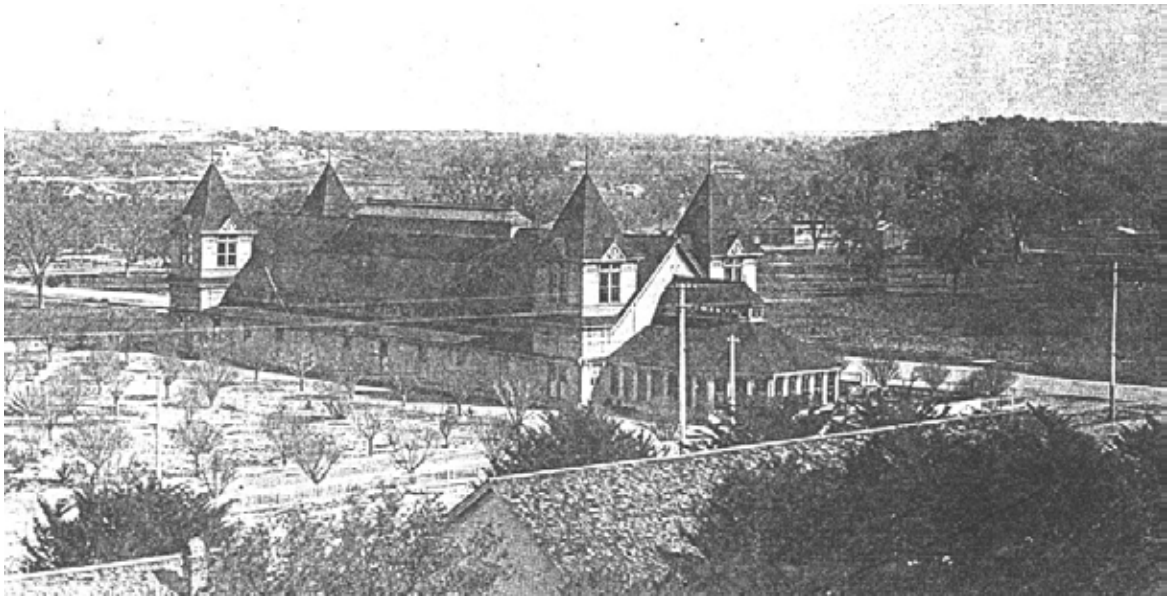

Figure 7: 1888 El Paso de Robles Hot Sulphur Springs Bathhouse, View Southeast

Photo Courtesy Of: Wallace Ohles, Paso Robles Historical Society

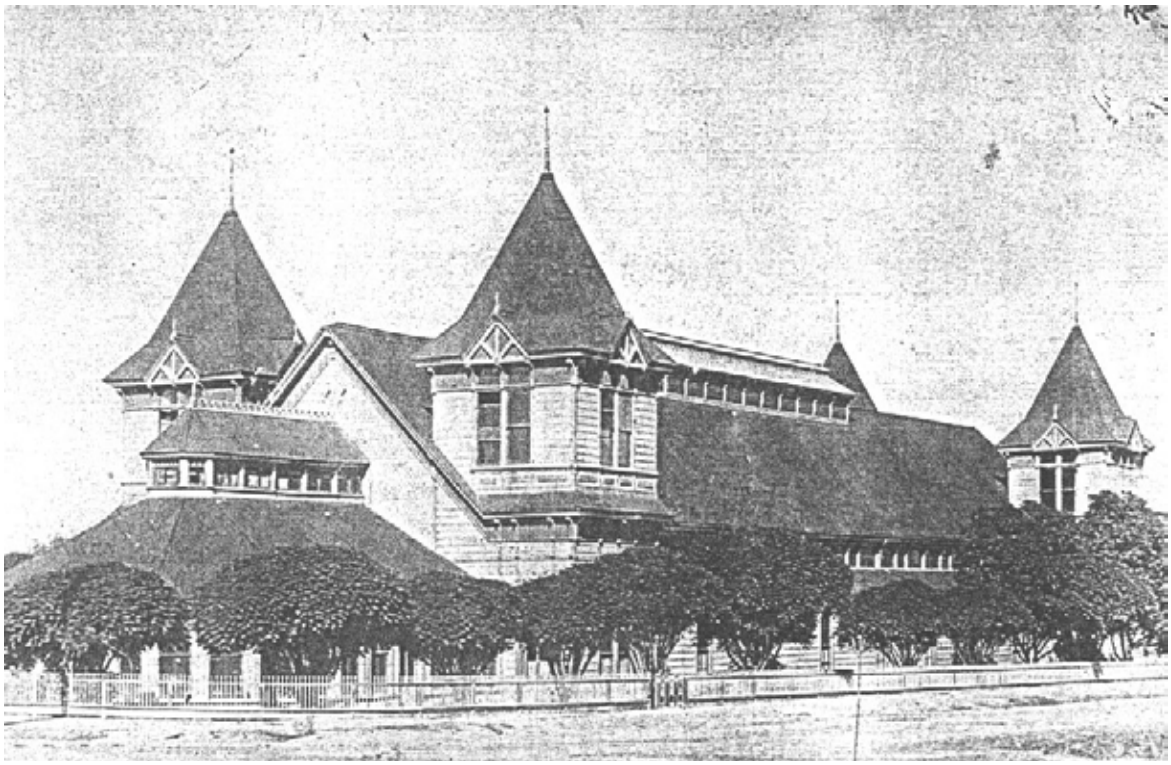

Figure 8: 1888 Mineral Springs Bathhouse, View Northeast

Photo Courtesy Of: Wallace Ohles, Paso Robles Historical Society

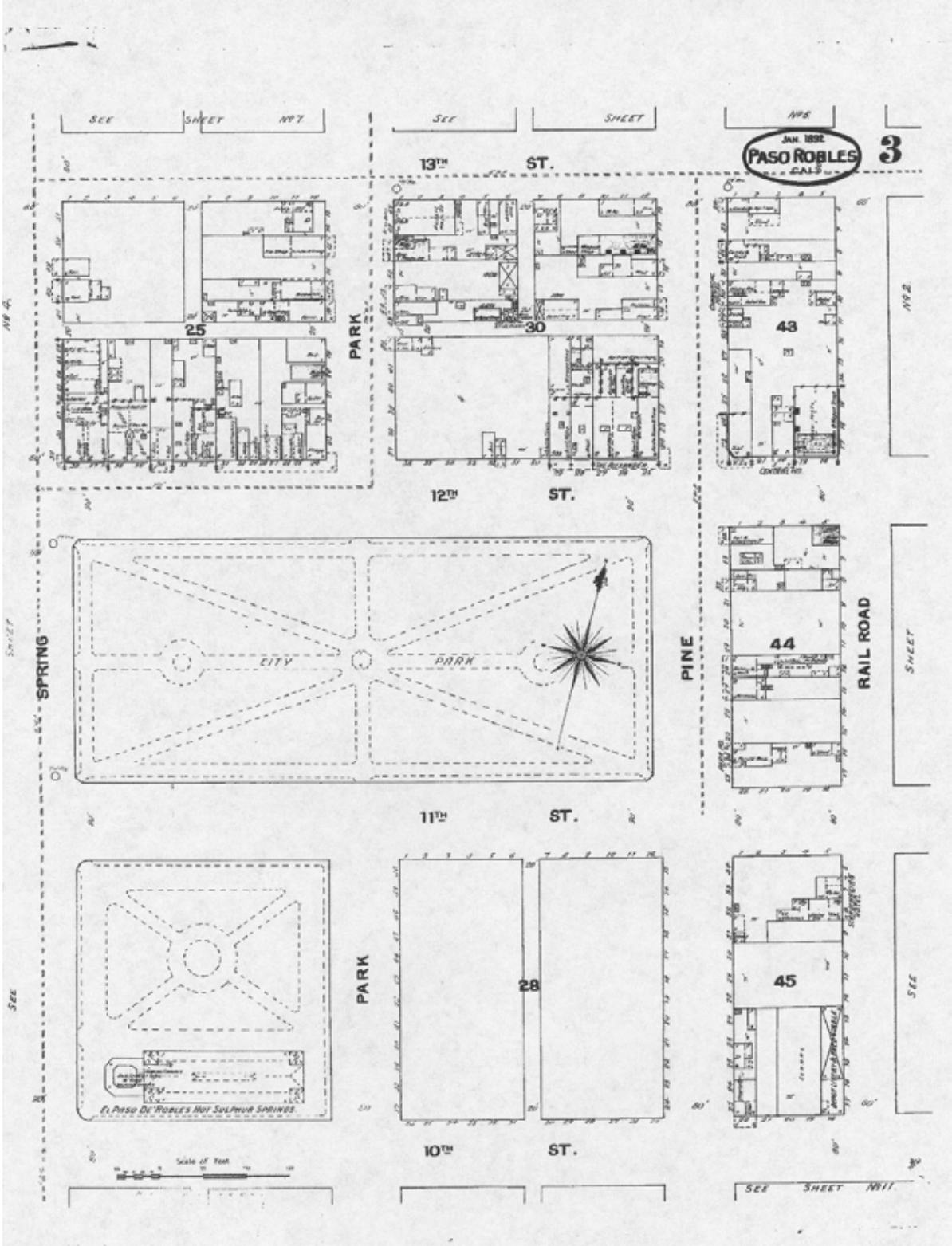

Figure 9: 1892 Sanborn Fire Insurance Map

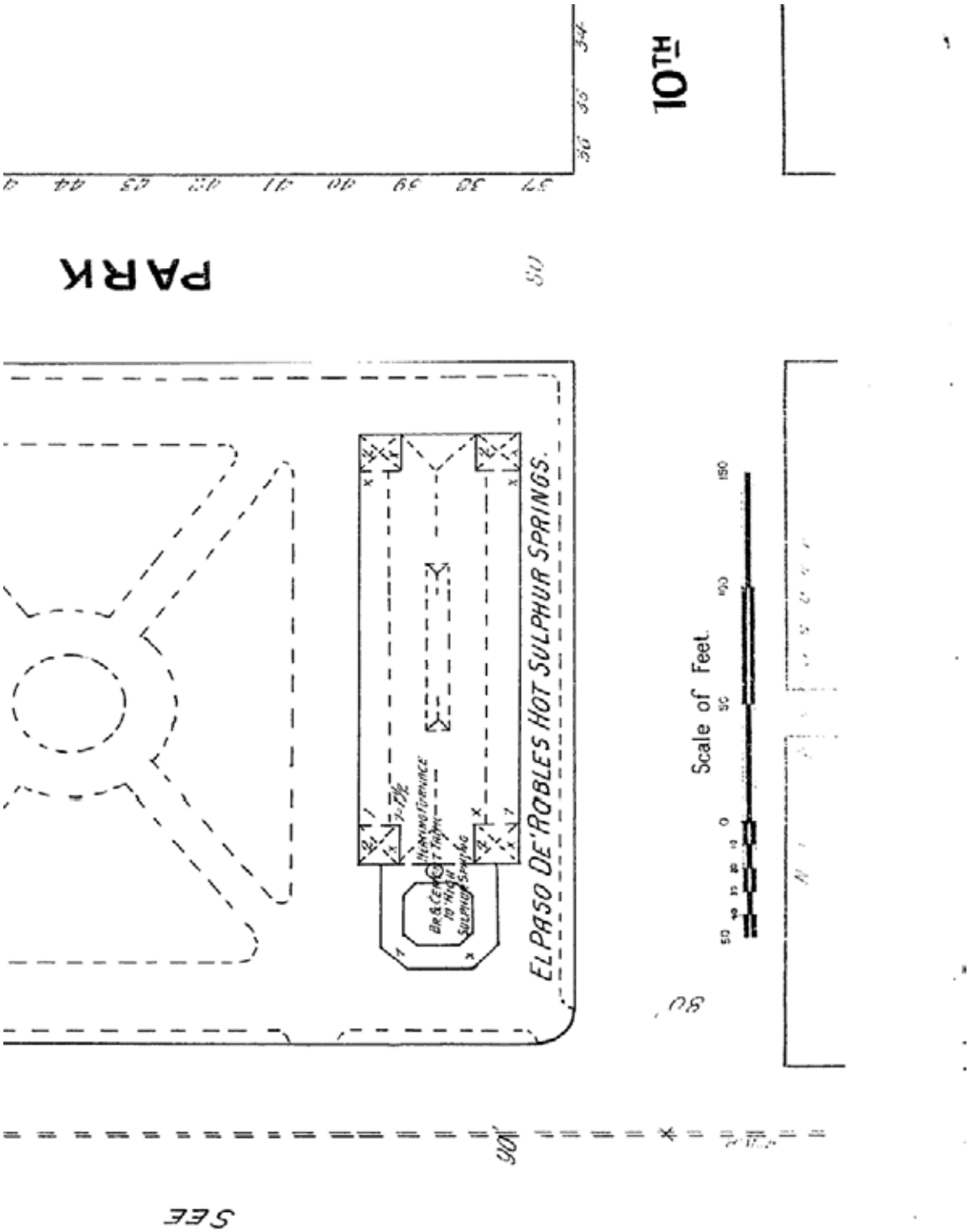

Figure 10: Detail 1892 Sanborn Fire Insurance Map, Showing 1888 Bathhouse

Figure 11: Emergency Excavations at the Sulfur Spring, December 2003
Photo Courtesy of: Tom Schweich

The second eruption was located at the Paso Robles Street freeway off-ramp from Highway 101 on the west side of Paso Robles Street between Paso Robles Street and the freeway on CalTrans right of way. Over the years, this had been a minor seep, however, after the earthquake, the flow increased dramatically, flowing over the off-ramp and into the river. Flow is now controlled by a culvert under the off-ramp to the river.

MAP AND RECORDS SEARCH RESULTS

A search of maps and records was undertaken at the Central Coast Information Center (CCIC), at the University of California, Santa Barbara, which provides archaeological and historical site data for San Luis Obispo County under agreement with the California Office of Historic Preservation. This search also included inventories for the State Historic Property Data Files, National Register of Historic Places, National Register of Determined-eligible Properties, California Historical Landmarks, California Points of Historic Interest, California Office of Historic Preservation Archaeological Determinations of Eligibility, and the Caltrans State and Local Bridge Survey. Four previous archaeological surface inventories have been conducted within one-half mile of the sulfur spring, transport, and proposed outflow location (Gibson 1977; Brasket and Joslin, 2002a, b; Stevens 2003; Singer 2005). No subsurface investigations have taken place. Eighty-two historic buildings have been recorded within or adjacent to the study area.

At the CRMS archives, local histories, historic maps of Paso Robles and a series of Sanborn Fire Insurance maps were also consulted in order to determine previous uses of the study area. The "parking lot" sulfur spring location was found to be at the center of the town plat map for the City of El Paso de Robles. Successive maps, photos demonstrated a long period of use of this location as a municipal bath house until the early twentieth century. The soils engineering report from the construction of the City Hall/Library in 1992 demonstrated that fill and debris, including brick, had been encountered to a depth of 10 or 11 feet in the vicinity of the old bathhouse (ESC 1992: 6-7).

RESULTS OF THE FIELD INVESTIGATION

It is CRMS understanding that no prior cultural resource investigations have been conducted for this project. In the Supplemental Environmental Assessment of June 2007, FEMA asserts that "the proposed action would not adversely affect historic properties". Apparently this conclusion was based on the assumption that the area "has been subject to extensive prior disturbance from heavy equipment storage and erosion associated with historic flooding" (FEMA 2007a, Section 3.5). There is no evidence of a site visit by a qualified archaeologist nor of any historical sources consulted.

A field reconnaissance of the study area was made on July 30, 2007 by Nancy Farrell and Ron Rose of CRMS. Since most of the proposed route for transport is currently paved, the surface survey was constrained.

Figure 12: Informal Bathing Area At Temporary Outflow To Salinas River, July 2007

- The proposed underground percolation system location has been used for a number of years as a storage area for the city and has occasionally been flooded by the Salinas. River. No significant cultural resources were seen, although the potential for buried prehistoric materials exists. At the current outfall for the sulfur spring flow, a bathing area has been devised by enterprising locals (Figure 12).

Figure 13: Safety Structure Over Sulfur Spring, July 2007 Photo

- In the City Hall parking lot "sulfur pit" a substantial amount of historic debris was seen, although safety issues did not allow us to fully investigate the entire area (Figure 13). The most notable artifacts seen were common bricks, of at least three different manufactures, and old window glass. A large section of brick wall or foundation was found (Figure 14). The only intact feature is a brick drain running in a northwest-southeast direction across the northeast of the open pit at a depth of about 10 feet (Figure 15). This appears to run towards the site of the El Paso de Robles Hotel and may have been part of the hotel bathing facility, or it may have been part of the original ca.1870s bathhouse on the site. The drain measures about 12 inches by 18 inches high, with an inside channel about 4 inches wide by 6 inches high.

Figure 14: Remnants of Brick and Mortar Structure, July 2007 Photo

Figure 15: Presently Existing Brick and Mortar Drain, July 2007 Photo

CONCLUSION AND RECOMMENDATIONS

Significance of Archaeological Resources

For the purposes of this analysis, "significant" sites have been defined as those that meet the criteria for significance defined in the California Environmental Quality Act (CEQA), Appendix K, and revised effective February 1999 (Public Resources Code §5024.1, Title 14 CCR, Section 4852). The State Historical Commission is officially responsible for determining whether a property is eligible for listing in the California Register of Historical Resources (CRHP)(Public Resources Code Section 21084.1; CEQA Guidelines Section 15064.5 (a) (1)). A resource shall be considered "historically significant" if it meets the criteria for listing in the California Register, including the following attributes:

> (a) Is associated with events that have made significant contribution to the broad patterns of California's history and cultural heritage;
>
> (b) Is associated with the lives of persons important in our past;
>
> (c) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possess high artistic values; or
>
> (d) Has yielded, or may be likely to yield, information important in prehistory or history.

Cultural resources that meet one or more of these criteria are defined as "historical resources" under CEQA. The other set of standards used for determining whether a site may be considered "significant" is the eligibility criteria for listing in the National Register of Historic Places (NRHP). These criteria provided the template for those now used for the California Register. The regulations for the NRHP, in title 36, part 60 of the Code of Federal Regulations (36 CFR 60), define the criteria for legally evaluating the significance of cultural resources:

> The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. that are associated with events that have made a significant contribution to the broad patterns of our history; or

B. that are associated with the lives of persons significant in our past; or

C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. that have yielded, or may be likely to yield, information important in prehistory or history.

After a preliminary examination of the sulfur spring archaeological site, it appears that the site meets criteria A, B and D under the NRHP and CEQA.

(A) The presence of sulfur springs is the primary reason that the city of Paso Robles was founded in its current location (Angel 1883: 370; Peterson 1965:4). Its development was intimately tied to the early success of the City: "It was these hot springs on the Rancho that became the nucleus of an impressive stagecoach-era resort and health center and, eventually, the site of the town of Paso Robles" (Historical Society 2003: 6).

(B) The founders of the City of Paso Robles, Daniel D. Blackburn, James H Blackburn and Drury James were all associated with the development of the El Paso de Robles Mineral Springs.

(D No historic archeological assessments have been conducted on the grounds of the original Hot Springs Bathhouse. Thus, any information regarding the infrastructure of the bathhouse complex, as well as evidence of use by Native Americans, Franciscan missionaries, or early settlers, must come from archaeological investigations.

Under CEQA "adverse change to the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its surroundings such that its significance is materially impaired." (sec. 15064.5 b).

Archaeological resources are considered a subset of "historical resources" under CEQA Sec. 15064.5. When a significant resource is involved, CEQA requires that the permitting agency first consider project alternatives, which will allow the "resources to be preserved in place and left in an undisturbed state" (CEQA sec. 21083.2 [b]). The following alternatives are listed in CEQA to accomplish this goal:

1. The project shall be designed to "avoid archaeological sites."(CEQA sec. 21083.2 (b1)

2. The project shall protect the resource by "deeding archaeological sites into a permanent conservation easement."(Sec. 21083.2 (b2)

3. The project shall protect the resource by "Capping or covering the archaeological sites with a layer of soil before building on the sites." (Sec. 21083.2 (b3)

4. The project shall protect the resource by "Planning parks, green space, or other open space to incorporate archaeological sites." (Sec. 21083.2 (b4)

None of the options listed above seem to be feasible in the current situation. Therefore, the following mitigation measures are recommended:

- Additional archival research should be conducted regarding the series of bath houses, the service station, and the bus station on the parcel at Spring Street and 10th Street.

- The material removed from the City Hall parking lot during the 2003 emergency excavations was spread at the proposed disposal site. This area should be examined to determine if any diagnostic artifacts from the historic period are present.

- Because the proposed routes for the disposal pipelines were not visible, excavation of trenches that have not been previously disturbed by the installation of the outfall pipeline (Railroad Street to freeway and freeway to leach field) should be monitored for buried cultural resources.

- The construction of the leach field should also be monitored by an archaeologist. This area is on the first terrace of the Salinas River and is a likely location for prehistoric archaeological deposits. The surface has been disturbed, and there

may have been flooding in the past, but that does not preclude the existence of intact deposits.

- If historic or prehistoric resources are found, they should be dealt with in a manner prescribed by an Archaeological Monitoring Plan (AMP) that has been approved by the City before construction. The AMP should include a discussion of: potentially archaeologically sensitive areas to be monitored during ground-disturbing activities; identification of archaeological monitors; authority to temporarily halt project activities if cultural resource(s) are discovered; the monitoring schedule; field methods; and monitoring documentation.

- At the City Hall parking lot, archaeological exploration is required to document the subsurface manifestations of early Paso Robles. The sulfur spring archaeological deposit was damaged by several previous construction events and by the unavoidable excavations during the December 2003 emergency. The brick drains should certainly be mapped, measured and photo-documented. Additional drains and/or other structural remains of the previous bathhouses, as well as evidence of prehistoric use, may also be present. For almost four years the site has been subject to erosion and the growth of weedy vegetation. Close examination and preparation of a "clean" profile at several locations around the "pit" could reveal the presence of the buried construction material and portions of the original tank or cistern reported by emergency workers in 2003.

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Exhibit A

Records and Literature Search
Central Coast Information Center
University of California
Santa Barbara

CENTRAL COAST INFORMATION CENTER

California
Archaeological
Inventory

SAN LUIS OBISPO AND
SANTA BARBARA COUNTIES

Department of Anthropology
University of California, Santa Barbara
Santa Barbara, CA 93106-3210
(805) 893-2474
FAX (805) 893-8707

7/12/2007

Nancy Farrell
Cultural Resource Management Services
829 Paso Robles Street
Paso Robles, CA 93446

Dear Ms. Farrell,

Enclosed are the results of the record search you requested for the Paso Robles Project. Our records were searched for all known archaeological sites, historic resources, and previous cultural resource surveys within a half mile radius of the project area.

In this search, zero archaeological site(s) and five previous cultural resource survey(s) were found. The survey locations were mapped in colored pencil onto portions of the Paso Robles & Templeton quad(s). A bibliography of these surveys is included. A search of the inventories for the State Historic Property Data Files, National Register of Historic Places, National Register of Determined Eligible Properties, California Historical Landmarks, California Points of Historic Interest, California OHP Archaeological Determinations of Eligibility, and the Caltrans State and Local Bridge Surveys yielded 82 property evaluation(s) within the search radius.

According to our records, the project area has not been surveyed. Therefore a cultural resource survey is recommended.

Please contact me if you have any questions about this search.

Sincerely,

Amy Gusick
Assistant Coordinator

APPENDIX D

CONSTRUCTION SITE STORM WATER QUALITY REQUIREMENTS

City of Paso Robles
Construction Site Storm Water Quality Requirements

Overview of the City's Construction Storm Water Program

The City of Paso Robles is committed to protecting the water quality of nearby creeks and streams and to preserving the overall health of our community. One of the major contributors of pollution within our City is construction activity, especially sediment laden storm water runoff. Sediment levels in construction site runoff are typically far greater than levels from urban areas or forest lands. During a short period of time, construction activity can contribute more sediment to streams than can be deposited naturally over several decades, causing physical and biological harm to our waters. The Environmental Protection Agency estimates that 20-150 tons of soil per acre is lost every year to storm water runoff from construction sites. Many studies indicate that controlling erosion can significantly reduce polluted storm water runoff.

Below is a list of pollutants commonly associated with construction activity:

- Sediment
- Concrete liquid waste
- Paint and stucco
- Soil amendments (lime fly ash)
- Trash
- Oil and grease
- Petroleum
- Asphalt products
- Herbicides, fertilizers, and pesticides
- Joint and curing compounds

To address construction related storm water pollution, the City of Paso Robles requires all projects to implement Best Management Practices (BMPs). BMPs are a practice or combination of practices that prevent or reduce adverse affects of storm water runoff and/or associated pollutants. Following are the major categories of BMPs that are required to be considered for all construction projects:

- **Soil Stabilization**- BMPs that prevent erosion from occurring.
- **Sediment Control**- BMPs that remove sediment once

it is suspended in storm water runoff.

- **Tracking Control**- BMPs that eliminate tracking of sediment off of a construction site.
- **Material and Waste Management**- BMPs that are implemented to protect storm water runoff from toxic materials or chemicals.
- **Dust Control**- BMPs which prevent wind erosion.
- **Vehicle and Equipment BMPs**- address pollutants associated with construction related equipment and vehicles.
- **Dewatering Measures**- BMPs that are implemented during dewatering activities (footing construction, culvert construction, groundwater, etc.)

The following section contains guidance that can be used by developers, contractors, commercial or small residential development to control storm water pollution during construction activities and outlines special requirements for projects that create 1 acre or more of disturbed soil areas.

SWPPP Information
Requirements for Projects That Will Create 1 Acre or More of Disturbed Soil Area.

The California State Water Resources Control Board (SWRCB) requires all construction projects that will disturb 1 acre or more of soil or smaller sites that are part of a common plan of development to obtain permit coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge Associated with Construction Activity (WQ Order No. 99-08-DWQ) (General Construction Permit). To obtain General Construction Permit Coverage, the owner or developer is required to submit a Notice of Intent (NOI) application, along with a fee, to the SWRCB. Once coverage under the General Construction Permit is obtained the owner/developer is required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The City of Paso Robles will require submittal of the SWPPP and proof of permit coverage prior to the issuance of a grading permit. The SWPPP must be accepted by the City and implemented prior to the start of construction. The General Permit and NOI application can be obtained at:

http://www.swrcb.ca.gov/stormwtr/construction.html

The SWPPP Document must be available at the construction site at all times.

The SWPPP must include the following:

- The NOI Receipt Letter with the Water Discharge

Identification Number (WDID#).

- A certification page signed by the owner of the construction site.
- Description of the nature of the construction activity.
- Identification of a person responsible for SWPPP implementation.
- Identification of potential pollutants.
- Amount of planned disturbed soil area.
- Identification of receiving water body.
- Description of soils present at site.
- Site calculations (run-off coefficient, amount of run-on coming onto the site, and pre and post construction amount of impervious surface)
- Construction activity schedule.
- Topographic map of site.
- Identification of post construction storm water controls.
- Identification of BMPs proposed.
- Identification of Sample and Analysis Plan (SAP) requirements.
- SWPPP site map, depicting locations of storm drain components, drainages, receiving waters, identification overland flow direction, site elevation, BMP implementation, material and waste storage areas, and discharge locations.
- Amendments to the SWPPP must be completed any time construction activates change, BMP implementation changes significantly, if there is a violation of the permit or at the request of the City or the Regional Water Quality Control Board (RWQCB) staff.
- Compliance with the SWPPP must be certified annually. The signed Annual Certification must be kept with the SWPPP Document on site.
- Site inspections must be completed on a bi-weekly basis during the non-rainy season (April 16th to October 14th), once per week during the rainy season (April 15th to October 15th), before and after a rain event and at 24-hour intervals during an extended event. The site inspection must include a maintenance log which identifies BMPs repaired, replaced, or new added.
- All site inspection records must be kept on site with the SWPPP Document.

This fact sheet only provides a summary of the requirements of the General Construction Permit. Please review the Permit itself for more detailed information.

Site Requirements

Site Clean Up Area
An area shall be designated for workers to clean up equipment and tools that will prevent stucco, concrete, paint or wash water from entering storm drains, lakes, streams or other watercourses. Clean up area must be a minimum of 10' back of walks, a minimum of 100' from any storm drain inlet, and large enough to accommodate disposal of concrete slurry. Stabilized access is required for any clean up area that is not accessible from a paved area. Current areas shall be identified as an amendment to the on-site SWPPP Document.

Solid Waste Management
An area shall be designated for construction workers to deposit construction waste materials in a location away from drop inlets, curbs or source of runoff. The area must be at least 50' from storm drains, road ditches, and watercourses unless protected. Provide separate containers for handling of used stucco and concrete bags, wet paint cans, oil, solvents, etc.

Drain Inlet (DI) Protection
All DIs affected by the construction activities shall be protected to keep all silt, construction materials, and any water containing construction materials from entering storm drains, lakes, streams or watercourses. DI protection is to be checked and serviced on a regular basis, with additional checks prior to and after each storm event. Cleaning of DI protection must always be performed away from any area that might allow dirty rinse water to flow into DIs. DI protection includes storm drain inlet filter bags, fiber rolls (as per manufacturers recommended installation instructions), and rock bags to trap excess silt.

Cleaning of Streets/Sidewalks
All silt, construction materials, and water containing construction materials need to be prevented from entering storm drains, lakes, streams or other watercourses. Shoveling, scraping or dry sweeping prior to water washing of streets, curbs and gutters, and after any storm event is effective maintenance.

Sediment and Erosion Control
Keep all loose dirt and mud off sidewalks, gutters, and streets to prevent silt, construction materials, and water containing construction materials from entering storm drains, lakes, streams or other watercourses by implementing preventive measures. Undercut back of walks to create a small trench, cut lots to grade away from walks, and install fiber rolls at back of walks to prevent sediments from washing out onto the sidewalks. Keep loose materials a minimum distance of 2' to 4' back of walk. Install sediment and erosion control blankets at back of walk and on slopes to stabilize soil. Lay gravel/rock bags in the gutters every 50' to 100' to collect silt.

Install straw with tackifier for erosion control.

Concrete/Stucco Equipment
Any concrete/water mixture or hazardous pollutants must not enter storm drains, lakes, streams or other watercourses. Concrete trucks and pumps must use designated area(s) for cleanup and washouts. When in use, keep pumps off sidewalks and streets. Use tarp under pumps, shovel off excess concrete mixture, and use absorbent for oil/fuel leaks. If concrete bags are used, bags must be disposed of in designated clean area(s).

Mixers are to be placed on lots. Lots are to be graded to prevent spilled concrete/stucco or water mixture from reaching the sidewalks, gutters, drop inlets or drainage ditches. Protect mixers with tarps or plastic under area and berms of sandbags or gravel bags around edges to contain spills and/or wash water. Pump contents of bermed area to a location that will prevent any contaminants from reaching storm drains. Any wash water from concrete aggregate flatwork shall be contained in a tarped and bermed area and removed in an approved manner.

Saw Cutting
Any saw cutting activities shall implement the same preventive measures included with concrete equipment. Containment of concrete/water mixture or hazardous material is required. A vacuum, dam, and pump shall be use to pump runoff from saw cutting to a truck or other approved area.

Paint Wash Area
Painting equipment and tools are to be cleaned in designated areas. If a wash area is not available, rinsing is not to be done on lot fronts where rinse water may reach the streets.

Concrete/Stucco Tools
Concrete and stucco equipment and tools should be cleaned in designated areas only. Concrete and stucco rinse water is highly alkaline and considered a pollutant to groundwater and surface water. Rinse areas should be visibly marked and self-contained. Wash-out units can be dirt berms, hay bales or metal containers, but must be water-tight and serviceable. Wash-out units should be serviced regularly and always have extra capacity for storm events.

Material/Dirt Stockpiles
All material stockpiles need to be protected from waterways, wind, and rainfall. All materials should be securely covered when not in use and kept away from gutters, creeks, ponds, and other waterways. Materials must be contained well enough to prevent runoff to adjacent lots, streets or waterways.

Tracking
Access to site should be limited to as few locations as possible. Inactive access points should be blocked to prevent unauthorized access and to direct construction traffic to active accesses. Access points should be stabilized with

rock to prevent track-out. Active accesses should be swept of dirt and debris immediately upon occurrence and at the end of each work day. Stabilized accesses should be at minimum 50 feet long and 15 feet wide.

Portable Toilets
Portable toilets should be kept off streets and behind curbs and sidewalks as much as possible and at least 50 feet from storm drain inlets. If there are no reasonable off-street locations for the placement of a portable toilet, it should be placed at least 100 feet from storm drain inlets. Portable toilets should always be secured or weighted to prevent tipping. Securing toilets with stakes or gravel bags is often effective protection against tipping.

Landscaping
Landscaping materials should always be stored away from streets and drainage ways. All active landscaping areas should be swept at the end of the day. Landscapers must be careful to keep irrigation water out of gutters that contain dirt from recent work. Be sure that all gutters are clean prior to irrigation.

Power Washing
When power washing, careful attention must be paid to resulting runoff. Power wash runoff must be reclaimed. Down gradient storm drains should be protected from rinse water. All rinse water should be pumped behind curbs to grass or other lot area where it will not enter the storm drain.

Available Resources

There are many resources available for free that can assist in the development and implementation of a SWPPP Document and to aid in BMP selection and implementation. In addition to the two sources identified below, City staff can also provide assistance.

California Stormwater Quality Association
http://www.cabmphandbooks.com/Construction.asp

California Department of Transportation (Caltrans) Construction Storm Water Program
http://www.dot.ca.gov/hq/construc/stormwater/stormwater1.htm