

**Biological Resources Survey Report  
for the  
El Paso de Robles Wastewater Treatment  
Plant Upgrade Project, Paso Robles,  
San Luis Obispo County, California**

Prepared for:

**Cornerstone Engineering**

Prepared by:

**SWCA Environmental Consultants®**

Revised November 2009

**BIOLOGICAL RESOURCES SURVEY REPORT  
FOR THE  
EL PASO DE ROBLES WASTEWATER TREATMENT PLANT  
UPGRADE PROJECT**

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## TABLE OF CONTENTS

<b>1. Introduction .....</b>	<b>1</b>
1.1 Purpose of Biological Resources Survey Report.....	1
1.2 Site Location And Description.....	1
1.3 Project Background.....	1
1.4 Methodology.....	2
<b>2. Existing Conditions .....</b>	<b>2</b>
2.1 Site Description.....	2
2.2 Plant Communities and Habitat Types.....	2
2.2.1 Windrow.....	7
2.2.2 Landscaped/Developed.....	7
2.2.3 Ruderal.....	7
2.2.4 Seasonal Wetland.....	8
2.2.5 Sewage Ponds.....	8
2.2.6 Central Coast Live Oak Riparian Forest.....	8
2.2.7 Central Coast Arroyo Willow Riparian Forest.....	9
2.2.8 Central Coast Riparian Scrub.....	9
2.2.9 Riverine.....	10
<b>3. Special-status Species and Sensitive habitats.....</b>	<b>10</b>
3.1 Special-status Plants.....	10
3.2 Sensitive Habitats.....	11
3.3 Special-status Wildlife Species.....	11
<b>4. Regulatory Overview .....</b>	<b>28</b>
4.1 Federal Policies and Regulations.....	28
4.1.1 Federal Endangered Species Act.....	28
4.1.2 Migratory Bird Treaty Act.....	28
4.2 State Policies and Regulations.....	28
4.2.1 California Endangered Species Act.....	28
4.2.2 California Fish and Game Code.....	29
<b>5. Impacts and Mitigation Measures .....</b>	<b>29</b>
5.1 Impacts to Special-status Plant Species.....	29
5.2 Impacts to Sensitive Habitats.....	30
5.2.1 Sensitive Natural Communities.....	30
5.2.2 Oak Trees.....	32
5.3 Impacts to Special-status Plant Species.....	32
5.4 Impacts to Special-status Wildlife Species.....	32
5.4.1 Invertebrates.....	32
5.4.2 Reptiles and Amphibians.....	33
5.4.3 Mammals.....	36
5.4.4 Nesting Migratory Birds.....	39
5.4.5 Roosting Bats.....	39
<b>6. References .....</b>	<b>40</b>

**TABLES**

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Table 1. Special-status Plants Evaluated for Potential Occurrence within the Project Study Area..... 16  
Table 2. Special-status Wildlife Evaluated for Potential Occurrence within the Project Study  
Area ..... 22

**FIGURES**

---

Figure 1. Site Vicinity Map ..... 3  
Figure 2. Project Location Map ..... 4  
Figure 3. Habitat Map ..... 5

**ATTACHMENTS**

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- Attachment A: Photo Documentation
- Attachment B: Species Observed within the Project Study Area
- Attachment C: City of Paso Robles Oak Tree Preservation Ordinance

## **1. INTRODUCTION**

### **1.1 PURPOSE OF BIOLOGICAL RESOURCES SURVEY REPORT**

This Biological Resources Survey Report (BRSR) has been prepared by SWCA Environmental Consultants (SWCA) to document existing biological resources present within and adjacent to the El Paso de Robles Wastewater Treatment Plant (WWTP) Upgrade Project (project) within the city of Paso Robles, San Luis Obispo County, California. In order to support the environmental review and permit applications, which will be required for this project, this BRSR evaluates potential impacts to the identified biological resources that could result from implementation of the proposed project. Where potential impacts to sensitive resources are identified, mitigation measures and best management practices are proposed, with the objective of avoiding or minimizing the impacts.

This BRSR is intended for use by the City of Paso Robles (City) and applicable state or federal regulatory agencies during the project environmental review process. It should be noted that jurisdictional areas are generally described in this BRSR; a separate Preliminary Jurisdictional Determination was prepared to specifically address jurisdictional areas within the project impact area (SWCA 2009).

### **1.2 SITE LOCATION AND DESCRIPTION**

The proposed project is located at 3200 Sulphur Springs Road between Highway 101 and the Salinas River in the city of El Paso de Robles (refer to Figures 1 and 2). The entire WWTP property consists of four parcels (APN: 008-021-006; 008-051-002; -004; and, -026) totaling approximately 69 acres; the project study area for the purposes of this report is 17 acres in size. This project study area was determined by overlaying an aerial base map with the most current design plans (Black and Veatch 2009). The project study area boundary line incorporated permanent impact areas that would occur as a result of the proposed upgrade project, and included a setback that would reasonably accommodate any unforeseen temporary impacts. This area also took into account temporary impacts that would result from equipment staging. This setback ranges from 50 to 100 feet wide around the permanent impact areas. The limits of the project study area are shown in Figure 3.

In general, the proposed project would include improvements to Pond B, the WWTP facilities, and the existing outfall structure. In addition, the facility upgrades would include the construction of a new administrative building to be located near the entrance of the existing plant (refer to Figure 3). A portion of the historical agricultural land to the south of the WWTP would be impacted by staging activities and equipment storage.

### **1.3 PROJECT BACKGROUND**

The City currently owns and operates the WWTP under Waste Discharge Requirements Order No. R3-2004-0031, and National Pollution Discharge Elimination System (NPDES) No. CA0047953. The discharge permit is scheduled to be considered for renewal by the Regional Water Quality Control Board (RWQCB) in 2009. At that time, City staff expects that a new limit on nitrogen will be placed upon the river discharge. The treatment plant was not originally designed for nitrogen removal and is becoming obsolete. The City has also had challenges meeting effluent limits for total dissolved solids (TDS), sodium, and sulfate. The purpose of the WWTP upgrade project is to bring the plant into compliance with current and anticipated discharge regulations. In addition to regulatory compliance, the WWTP upgrade project will support the City's Integrated Water Resources Plan (IWRP) and help achieve the City's adopted water resources goals. Furthermore, the high quality treated effluent to be produced by the WWTP upgrade, will likely be suitable for irrigation and other uses, and thus become an integral element in the City's future water supply. The upgrades will not increase the treatment capacity of the plant, and the upgraded facility is anticipated to manage wastewater for the City's population through 2025.

## 1.4 METHODOLOGY

A database query of the California Department of Fish and Game (CDFG) Natural Diversity Data Base (CNDDDB) was conducted to identify special-status species and sensitive habitats that have been observed within the U.S. Geological Survey (USGS) 7.5-minute quadrangle for Paso Robles and the surrounding eight quadrangles. The California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Vascular Plants of California was also reviewed to provide information on rare plants that have potential to occur in the vicinity of the project study area. Lastly, existing environmental documents and various reports were reviewed for background information and recent findings information. The result of the literature search and database review was reviewed in order to evaluate the potential for occurrence of sensitive resources within or near the project study area.

Following the literature review and database query, field surveys were conducted by SWCA biologists Jon Claxton, Fabio Fortunat, Sarah Millus, and Barrett Holland on February 19, May 13, July 8, and August 10, 2009. The purpose of the field surveys was to: (1) characterize the existing conditions within the BSA; and (2) identify those biological resources that may be impacted, given the estimated area of disturbance that would result from the proposed project activities.

Wildlife within the project study area was documented based on visual observation, auditory cues (i.e., calls and songs), and indirect signs (e.g., tracks, scat, skeletal remains, burrows, etc.). It should be noted that protocol-level surveys for special-status species were not conducted as part of this study.

Plant communities were classified based on CDFG's *Preliminary Description of Terrestrial Natural Communities of California* (Holland 1986), *California Vegetation* (Holland and Keil 1995), *A Manual of California Vegetation* (Sawyer and Keeler-Wolf 1995) and the *CDFG List of California Terrestrial Natural Communities Recognized by the Natural Diversity Data Base* (CDFG 2007). SWCA biologists also inventoried botanical resources on the project study area using dichotomous keys as necessary (Hickman, ed. 1993; Hoover 1970). The timing of the surveys was such that the sensitive plants with potential to exist on-site would be flowering, allowing for positive identification should the species occur in the project study area should they be present.

## 2. EXISTING CONDITIONS

### 2.1 SITE DESCRIPTION

The WWTP is located on the northern end of the city, between Highway 101 to the west and the Salinas River to the east (refer to Figure 2). The facilities cover approximately 52 acres and the project study area is 17 acres in size. Elevation of the WWTP is approximately 700 feet above sea level. The WWTP process includes influent screening, aerated grit removal, primary sedimentation, two-stage trickling filters, secondary clarification, and disinfection. The disinfected effluent flows into a series of six ponds adjacent to the Salinas River. The third and sixth ponds discharge to the river.

### 2.2 PLANT COMMUNITIES AND HABITAT TYPES

The plant communities within the project study area include: landscaped/developed, ruderal, seasonal wetland, windrow, central coast live oak riparian forest, central coast arroyo willow riparian forest, central coast riparian scrub, and riverine habitat (refer to Figure 3). Of these plant communities, central coast live oak riparian forest, central coast arroyo willow riparian forest, and central coast riparian scrub are considered sensitive by CDFG. A detailed discussion of the plant communities found within the project study area is included below.

Figure 1. Site Vicinity Map



Figure 2. Project Location Map

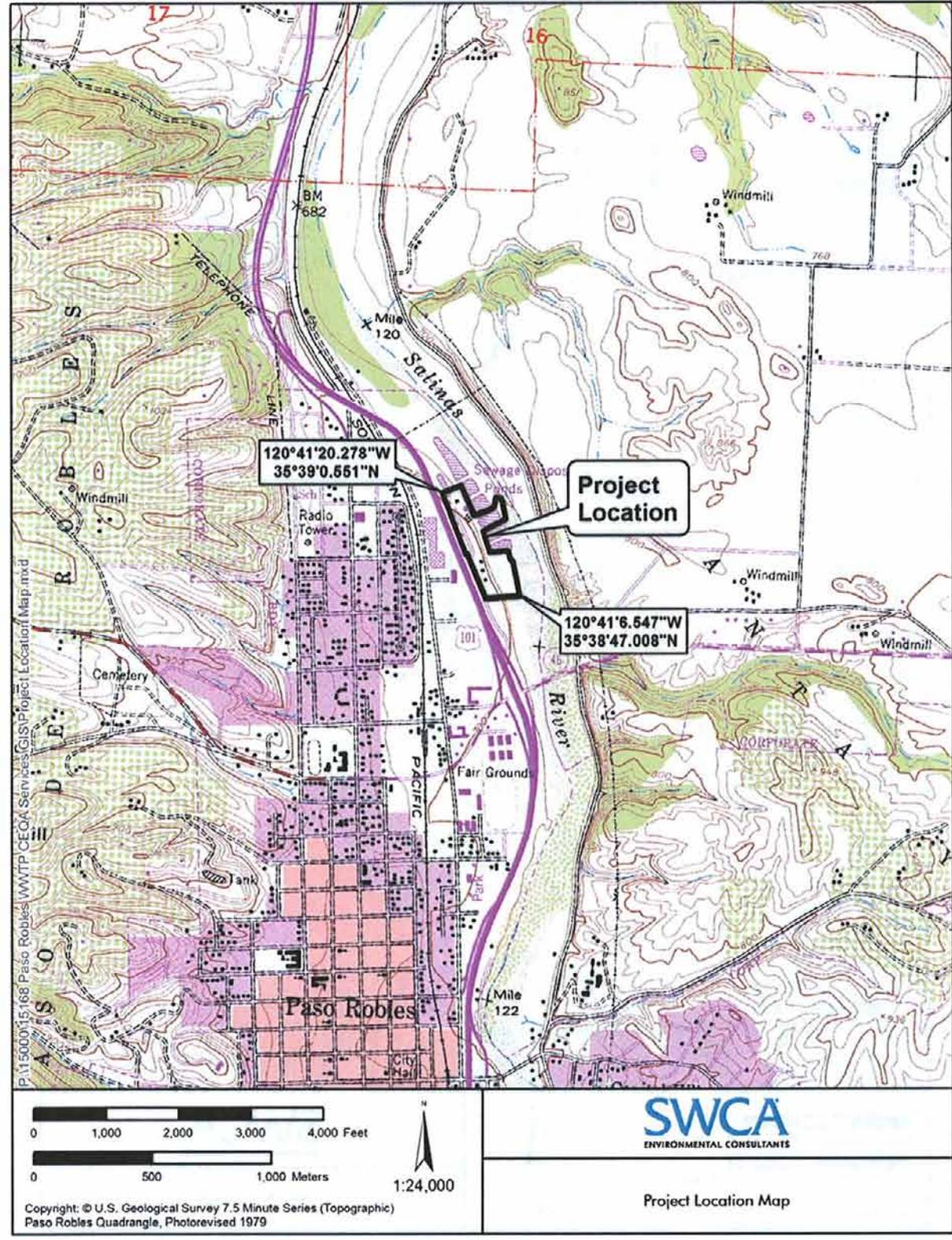


Figure 3. Habitat Map





### 2.2.1 Windrow

Windrows consist of trees planted for wind protection and are generally associated with agriculture and urban landscapes. A windrow dominated by red gum eucalyptus (*Eucalyptus camaldulensis*) and blue gum eucalyptus (*Eucalyptus globulus*) was observed along the west boundary of the WWTP (refer to Attachment A, Photo 1). Plants in this genus were imported primarily from Australia and originally planted in groves throughout many areas of coastal California as a potential source of lumber, for their use as windbreaks, and for their horticultural novelty. The windrow within the project study area provides a visual barrier of the WWTP from the 101 Freeway and is also a part of the WWTP landscaping. Other trees observed within this windrow include coast live oak (*Quercus agrifolia*), white alder (*Alnus rhombifolia*), and elderberry (*Sambucus mexicana*).

Windrows have limited wildlife habitat value other than roosting and nesting habitat for various bat, bird, and raptor species. Birds observed foraging in windrow habitat during surveys of the project study area include yellow-rumped warbler (*Dendroica coronata*), dark-eyed junco (*Junco hyemalis*), scrub jay (*Aphelocoma californica*), bushtit (*Psaltiriparus minimus*), American crow (*Corvus brachyrhynchos*), and house sparrow (*Passer domesticus*). Two ospreys (*Pandion haliaetus*), a California Species of Special Concern (SSC), were observed flying over the WWTP during the February survey. One of the two ospreys was observed flying into a blue gum eucalyptus tree north of the project study area.

### 2.2.2 Landscaped/Developed

Landscaped/developed portions of the project study area occur primarily within the WWTP boundaries, along the east side of Sulphur Springs Road, and at the entrance to the WWTP. Landscape trees observed throughout the project site include Japanese maple (*Acer palmatum*), London plane tree (*Platanus acerifolia*), myoporum (*Myoporum laetum*), oleander (*Nerium oleander*), white alder, pomegranate (*Punica granatum*), olive (*Olea europaea*), and Oregon ash (*Fraxinus latifolia*). Other plants observed in the landscaping include English ivy (*Hedera helix*), periwinkle (*Vinca major*), and honeysuckle (*Lonicera* sp.).

Landscaped and developed areas have limited wildlife habitat value other than roosting and nesting habitat for various bat, bird, and raptor species. Violet-green swallows (*Tachycineta thalassina*) were observed nesting on a WWTP building during the May survey (refer to Figure 3).

### 2.2.3 Ruderal

Ruderal vegetation is usually found in disturbed areas that have been significantly altered by construction, landscaping, or other types of land-clearing activities. Plant species found within this habitat are typically introduced Mediterranean species that exhibit clinging seeds, adhesive stems, and rough leaves that assist their invasion and colonization of disturbed lands. Areas with ruderal vegetation within the project study area include the disked area located south of the WWTP ponds (refer to Figure 3 and Attachment A, Photo 2) and the stockpile area located on the east side of Sulphur Springs Road. The disked area is maintained regularly for non-native plant control and was historically used for agricultural purposes. A new building is proposed in the stockpile area.

Plant species observed in ruderal areas on the project site include short-pod mustard (*Hirschfeldia incana*), prickly-lettuce (*Lactuca serriola*), white sweetclover (*Melilotus alba*), horehound (*Marrubium vulgare*), Italian thistle (*Carduus pycnocephalus*), rancher's fireweed (*Amsinckia menziesii* var. *intermedia*), yellow star-thistle (*Centaurea solstitialis*), coyote brush (*Baccharis pilularis*), Russian thistle (*Salsola tragus*), cheeseweed (*Malva parviflora*), and hoary cress (*Lepidium draba*).

The wildlife habitat values provided by this community are dependent on the level of on-going disturbance and the type of plants present. Overall, ruderal habitats within the project study area receive regular disturbance and are expected to provide only minimal habitat values for wildlife. Wildlife found in ruderal areas includes species tolerant of disturbance such as coyote (*Canis latrans*), California ground squirrel (*Spermophilus beecheyi*), deer mouse (*Peromyscus maniculatus*), red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), mourning dove (*Zenaida macroura*), western toad (*Bufo boreas*), western fence lizard (*Sceloporus occidentalis*), side-blotched lizard (*Uta stansburiana*), and gopher snake (*Pituophis melanoleucus*).

#### 2.2.4 Seasonal Wetland

A small seasonal wetland feature was observed within the ruderal vegetation located within the southern portion of the project study area (refer to Figure 3 and Attachment A, Photo 3). This wetland feature was dry during the four surveys conducted in 2009; however, wetland vegetation was present. Plants observed in this area include cattail (*Typha latifolia*), short-pod mustard, poison hemlock (*Conium maculatum*), and tall flat-sedge (*Cyperus eragrostis*). The boundaries of this wetland area were mapped using a Trimble® Pathfinder Global Positioning System (GPS) capable of sub-meter accuracy, and is discussed in the Preliminary Jurisdictional Determination prepared for the project (SWCA 2009).

The seasonal wetland area is most likely a function of a leaking water pipeline and ponded rain water during the rainy season. This plant community may provide potential breeding habitat for western toad and western spadefoot toad (*Spea hammondi*). Several western fence lizards were observed in seasonal wetland during surveys of the project study area in 2009.

#### 2.2.5 Sewage Ponds

Pond habitat within the project study area consists of standing water from the six WWTP ponds (refer to Figure 3). Vegetation surrounding the ponds consists of ruderal vegetation such as white sweet-clover, short-pod mustard, horseweed (*Conyza canadensis*), Australian saltbush (*Atriplex semibaccata*), and tobacco (*Nicotiana* sp.). Pond B is the only pond that currently discharges to the Salinas River.

The pond habitat within the project study area provides suitable habitat conditions for a variety of waterfowl, shorebirds, migratory birds, and bats. Birds observed utilizing these areas during surveys of the study area include killdeer (*Charadrius vociferus*), American coot (*Fulica americana*), mallard (*Anas platyrhynchos*), black phoebe (*Sayornis nigricans*), and Canada goose (*Branta canadensis*). Approximately 10 western pond turtles (*Actinemys marmorata pallida*) were observed in the sewage ponds during the May survey of the project study area.

#### 2.2.6 Central Coast Live Oak Riparian Forest

Central coast live oak riparian forest (Holland 1986) occurs along the upper banks of the Salinas River (refer to Figure 3 and Attachment B, Photo 4). This habitat is considered a sensitive plant community by CDFG. A portion of this habitat could also be considered a valley oak series (Sawyer and Keeler-Wolf 1995) due to an area of the overstory being dominated by valley oaks (*Quercus lobata*). However, based on the dominance of coast live oaks and other riparian tree species habitat, this habitat is classified as coast live oak riparian forest. Plant species observed in central coast live oak riparian forest within the project study area include coast live oak, toyon (*Heteromeles arbutifolia*), valley oak, and arroyo willow (*Salix lasiolepis*). Species dominating the understory of central coast live oak riparian forest include California rose (*Rosa californica*), California blackberry (*Rubus ursinus*), stinging nettle (*Urtica dioica*), jimsonweed (*Datura wrightii*), and wild carrot (*Daucus pusillus*).

Wildlife expected to use central coast live oak forest include common and characteristic wildlife of the Salinas River riparian corridor such as Virginia opossum (*Didelphis virginianus*), raccoon (*Procyon lotor*), dusky-footed woodrat (*Neotoma fuscipes*), red-tailed hawk, and great horned owl (*Bubo virginianus*). A large raptor nest (refer to Attachment A, Photo 6) was observed in this habitat during the February 2009 survey; however, the nest was not determined to be active at the time of the survey. The site was not surveyed again until May 2009; therefore, it is unknown whether or not this nest was active between the months of February and May. Birds observed during the surveys of this habitat include yellow-rumped warbler, red-tailed hawk, dark-eyed junco, scrub jay, and bushtit.

### 2.2.7 Central Coast Arroyo Willow Riparian Forest

Central coast arroyo willow riparian forest occurs along the existing flowing stream channel of the Salinas River (refer to Figure 3 and Attachment A; Photo 7). This habitat is considered a sensitive plant community by CDFG. The vegetation within this habitat is largely dominated by arroyo willow, box-elder (*Acer negundo*), Fremont's cottonwood (*Populus fremontii*), mulefat (*Baccharis salicifolia*), and red willow (*Salix laevigata*). Other plants observed on the margins and in the understory of this plant community include, willow herb (*Epilobium ciliatum*), mugwort (*Artemisia douglasiana*), salt heliotrope, tall flat-sedge, naked buckwheat (*Eriogonum nudum*), and poison oak. The area of understory within this habitat also consists of sediment deposits from the Salinas River that lack vegetation.

Willow riparian habitats support a wide diversity of wildlife due to the availability of important features such as nesting sites, escape and thermal cover, food, and dispersal corridors. Animal species which utilize the willow riparian habitat include, but are not limited to species such as striped skunk (*Mephitis mephitis*), coyote (*Canis latrans*), raccoon, Virginia opossum, and common garter snake (*Thamnophis sirtalis*). Some of the more common birds expected to nest in this habitat include, but are not limited to: Pacific-slope fly catcher (*Empidonax difficilis*), warbling vireo (*Vireo gilvus*), western scrub jay (*Aphelocoma californica*), Bewick's wren (*Thryomanes bewickii*), Wilson's warbler (*Wilsonia pusilla*) and American robin (*Turdus migratorius*).

Wildlife observed in this habitat during surveys of the project study area include western scrub jay include yellow-rumped warbler, violet-green swallow, western scrub jay, bushtit, white-crowned sparrow (*Zonotrichia leucophrys*), and house sparrow.

### 2.2.8 Central Coast Riparian Scrub

Riparian scrub communities occur in scattered locations adjacent to existing flowing stream channels or along seasonally flooded arroyos, and in depressional areas located close to ground water. Riparian scrub consists of scrubby streamside thickets, varying from open to dense. The CDFG further classifies riparian scrub habitat as central coast riparian scrub (Holland 1986), and considers this habitat type a sensitive community. Portions of this habitat could also be classified as a coyote brush series (Sawyer and Keeler-Wolf 1996), due to a high percentage of coyote brush (refer to Attachment A, Photo 8). However, due to the dominance of other riparian species and the location of this habitat within the project study area (refer to Figure 3), this community was classified as Central Coast riparian scrub. Dominant plant species of riparian scrub habitat within the project study area include coyote brush, narrow-leaved willow, and mulefat. This habitat type usually occurs as a transitional habitat between riverine habitat, the riparian canopy, and upland habitat.

Wildlife expected to associate with riparian scrub habitat includes nesting passerine birds, raccoon, striped skunk, Virginia opossum, and coyote. Wildlife observed in this area includes western fence lizard, black phoebe, coast horned lizard, and flocks of bushtits and white crowned sparrows. A coast horned lizard (*Phrynosoma coronatum frontale*), was observed in this habitat during the July survey. The observation was east of the project study area (refer to Figure 3).

### 2.2.9 Riverine

Riverine habitat is present within the streambed of the Salinas River. Using the nomenclature of Cowardin et al. (1979), this habitat type would be classified as riverine, lower perennial, unconsolidated bottom/shore. This habitat type is seasonally variable, and includes open water components (active, flowing channel), unvegetated sandbars (riverwash, active floodplain), and seasonally emergent wetlands. The stream gradient of this habitat type is low; water velocities are slow, and floodplains are typically well developed. Substrate within this habitat type is variable and consists of a mixture of fine silt and sand, with occasional small to medium-sized cobbles.

Aquatic species expected to occur within riverine habitat include Sacramento sucker (*Catostomus occidentalis*) speckled dace (*Rhinichthys osculus*), three-spined stickleback (*Gasterosteus aculeatus*), Sacramento pikeminnow (*Ptychocheilus grandis*), southwestern pond turtle, Pacific chorus frog (*Pseudacris regilla*), bull frog (*Rana catesbeiana*), and the federally threatened California red-legged frog (*Rana aurora draytonii*). Great blue heron (*Ardea herodias*), green heron (*Butorides virescens*) and great egret (*Casmerodias albus*) are common predators within riverine habitats and were observed during the May and July surveys of the project study area.

## 3. SPECIAL-STATUS SPECIES AND SENSITIVE HABITATS

The following describes those sensitive biotic resources that have been documented within an approximate ten-mile radius of the project BSA. Sensitive biotic resources include sensitive plant and/or animal species as described below.

### 3.1 SPECIAL-STATUS PLANTS

For the purposes of this section, special-status plant species are defined as the following:

- 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. 73, No. 238, pp. 75175-75244, December 10, 2008).
- Plants that meet the definitions of rare or endangered species under the CEQA (State CEQA Guidelines, §15380).
- Plants considered by the CNPS to be "rare, threatened, or endangered" in California (Lists 1B and 2 in California Native Plant Society, 2006).
- 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, 2006).
- 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.

Based on the literature review for this project, a total of twenty eight sensitive plant species have been documented in an approximate 10-mile radius of the site (refer to Table 1). Because the plant species list presented in Table 1 is considered regional, the range and habitat preferences of those species was analyzed to identify which special-status plant species have potential to occur within the project area. This analysis considered existing habitats, elevation, and soil types found within the site. This analysis determined that the following two sensitive plant species may have potential to occur within or directly adjacent to the project study area based on the presence of potential suitable habitat: 1) Davidson's bush mallow; and, 2) San Bernardino aster. The study area does not support suitable conditions for the remaining 23 plant species. No special-status plant species were observed during the spring and summer survey efforts.

#### **Davidson's Bush Mallow (*Malacothamnus davidsonii*)**

Davidson's bush mallow is a deciduous shrub in the Malvaceae family. This species is documented in San Luis Obispo, Monterey, San Mateo, Santa Clara, and Los Angeles Counties. It is a California endemic found in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. The blooming period for this species is June through January. The CNPS considers this species to be rare and fairly endangered in California (List 1B.2).

The project study area includes riparian and forest habitat capable of supporting Davidson's bush mallow; however, this species was not observed during field surveys conducted during July and August 2009.

#### **San Bernardino Aster (*Symphotrichum defoliatum*)**

San Bernardino aster is a rhizomatous herb in the Asteraceae family. This presence of this species is documented in San Luis Obispo County, south to San Diego County, and east towards San Bernardino and Riverside Counties. It is a California endemic found in cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and sceps, marshes and swamps, valley and foothill grassland (vernally mesic)/near ditches, streams, and spring habitats. This species flowers from July to November. The CNPS considers this species to be rare and fairly endangered in California (List 1B.2).

The project study area supports riparian and forest habitat capable of supporting San Bernardino aster; however, this species was not observed during field surveys conducted during July and August 2009.

### **3.2 SENSITIVE HABITATS**

Sensitive habitats are those habitats which are considered sensitive by the resources agencies or local policies. Within the project study area, there are three sensitive habitats identified, including: central coast live oak riparian forest, central coast arroyo willow riparian forest, and central coast riparian scrub. A description of these habitats area included in Section 2.2. In addition, there are several mature oak trees located within the project study area that area protected under the City's Oak Tree Preservation Ordinance (NO. 835 N.S.). The ordinance requires that a permit be issued for the removal of any oak (*Quercus* spp.) tree six inches or greater (refer to Attachment C). Several mature coast oak species were identified within the coast live oak riparian forest habitat, ruderal areas located east of Sulphur Springs Road, and in the windrow located along the west boundary of the project study area.

### **3.3 SPECIAL-STATUS WILDLIFE SPECIES**

Special-status wildlife species are defined as the following:

- Animals listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (FESA) (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 FESA (Federal Register Vol. 67, No. 114, pp. 40657-4067, June 13, 2002);
- Animals listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA) (14 CCR 670.5);
- Animal species that are fully protected in California (California Fish and Game Code, Section 3511 [birds], 4700 [mammals], and 5050 [reptiles and amphibians]);
- Animal species of special concern to the CDFG (Remsen, 1978 for birds; Williams, 1986 for mammals); and,
- Animals that meet the definitions of rare or endangered species under the CEQA (State CEQA Guidelines, Section 15380).

Based on a CNDDDB query and a review of existing literature, a total of twenty-five special-status wildlife species were investigated for potential occurrence within the project study area. Within the property, thirteen special-status wildlife species were determined to have suitable habitat conditions (refer to Table 2). Suitable habitat was also considered to be present for nesting migratory bird species, which are protected under Migratory Bird Treaty Act (MBTA) of 1918. Those wildlife species physically observed on the property appear in boldface type in Table 2.

- South-central California coast steelhead
- California red-legged frog
- Western spadefoot toad
- Monterey dusky-footed woodrat
- Southwestern pond turtle
- Coast horned lizard
- Pallid bat
- Roosting bats
- Coopers hawk
- Bald Eagle
- Yellow warbler
- Least Bell's vireo
- Osprey
- Nesting migratory birds

#### **South-central California coast Steelhead (*Oncorhynchus mykiss*)**

South-central California coast steelhead is a Federally Threatened (FT) fish species that historically occupied the headwaters of the Salinas River before the Salinas Dam was built in 1954. Over time the valley portions of the Salinas River (main stem) have become unsuitable for spawning and rearing juvenile steelhead. Steelhead habitat has declined in this portion of the Salinas River due to the presence of a sandy/silt substrate, low flows during the summer and high water temperatures. The lower portions of the Salinas River located in Monterey County function as migration corridor when flows are great enough to connect to the Pacific Ocean (Titus et al 2006). Although steelhead are not expected to occur within the project study area, the WWTP does influence the amount of water within a localized section of the Salinas River, which could provide some habitat for steelhead or resident trout.

**California Red-Legged Frog (*Rana draytonii*)**

The California red-legged frog was listed as federally threatened by the U.S. Fish and Wildlife Service (USFWS) in 1996 (USFWS 1996), and is also considered a SSC species by CDFG. Riparian habitat degradation, urbanization, predation by bullfrogs, and historic market harvesting have all reportedly contributed to population declines in this species. The California red-legged frog occurs in various habitats during its life cycle. Breeding areas include aquatic habitats such as lagoons, streams and ponds, and siltation and irrigation ponds. California red-legged frogs prefer aquatic habitats with little or no flow, the presence of surface water to at least early June, surface water depths to at least 0.7 meters (2.3 feet), and the presence of fairly sturdy underwater supports such as cattails (*Typha* spp.). The largest densities of California red-legged frog are typically associated with dense stands of overhanging willows and an intermixed fringe of sturdy emergent vegetation. Although no California red-legged frogs were observed while conducting surveys of the project study area in 2009, the study area does contain suitable breeding and foraging habitat for this species. For the purposes of conducting future consultation with the USFWS, a California red-legged frog Site Assessment has been included as an appendix to this report as a stand-alone document.

**Western Spadefoot (*Spea hammondi*)**

The western spadefoot toad is considered a SSC by CDFG. The species ranges from Shasta County in the north, southward into northwestern Baja California, Mexico. In California, the known range is entirely west of the Sierra Nevada and desert regions. It is known to occur in elevations that range from near sea level to 4,470 ft (Zeiner et al. 1990). The western spadefoot is a terrestrial species that enters water to breed. It inhabits underground burrows, primarily in washes, floodplains, alluvial fans, playas, alkali flats, and also in foothills and mountains. For breeding, the species uses temporary rain pools (vernal pools) that persist for more than three weeks. The pools are often associated with ephemeral stream courses. During surface activity between late February and late May, females attach egg masses to plant material or submerged rocks in rain pools, and larval development occurs in three to 11 weeks. Successful reproduction occurs in pools that lack fishes, bullfrogs, and crayfish (Jennings and Hayes 1994). This species typically preys on invertebrates. Although, no western spadefoot toads were observed while conducting surveys of the project study area there is potential breeding habitat within the seasonal wetland located in the southern portion of the project study area. This seasonal wetland area may also provide suitable estivation habitat for this species.

**Southwestern Pond Turtle (*Actinemys marmorata pallida*)**

The southwestern pond turtle is considered a SSC species by CDFG. Pond turtles prefer quiet waters of ponds, lakes, streams, and marshes. This subspecies inhabits reaches of streams that contain deep pools, from 3.0 to 5.2 feet in depth (Stebbins 1972). The ponds favored by turtles typically support emergent and floating vegetation such as cattails and algal mats. The southwestern pond turtle historically has been present in most Pacific slope drainages between the Oregon and Mexican borders (Jennings and Hayes 1994). It is mostly aquatic, leaving its aquatic site to reproduce, estivate, and over-winter. Pond turtles also bask on half-submerged logs, rocks, or flat shorelines close to the edge of water. In warmer areas along the central and southern California coast, pond turtles may be active all year (Zeiner et al. 1988). Nesting sites may be more than 400 meters from the aquatic site, but most nests are within 200 meters. Approximately ten pond turtles were observed in the WWTP ponds during the May survey.

**Coast Horned Lizard (*Phrynosoma coronatum frontale*)**

The coast (California) horned lizard is considered a SSC species by CDFG. This species is a relatively large horned lizard, less rounded than other species, with numerous pointed scales along the sides of the body and over the back. Only the horns around the head are rigid. The range of the species extends from northern California to the tip of Baja California, distributed throughout foothills and coastal plains in

areas with abundant, open vegetation such as chaparral or coastal sage scrub. The species typically occupies open country, especially sandy areas, washes, flood plains and wind-blown deposits in a wide variety of habitats. The coast horned lizard is a ground dweller, and does not climb shrubs or trees. Egg-laying in southern California extends from late May through June with a mean clutch size of 13 eggs. Coast horned lizards feed on ants and other small insects. One coast horned lizard was observed in the central coast riparian scrub during the July survey. This species was observed within the project study area along the banks of the Salinas River.

#### **Monterey Dusky-footed Woodrat (*Neotoma fuscipes luciana*)**

The Monterey dusky-footed woodrat occurs in coastal central California and is considered a SSC by the CDFG. This subspecies prefers habitats that exhibit a moderate vegetative canopy, with a brushy understory. Dusky-footed woodrats primarily breed in the spring; however, breeding activities may continue throughout the year during favorable conditions (San Diego Natural History Museum [SDNHM] 2008). This species can have multiple litters during the year. Nests (middens) are typically built of sticks and leaves at the base of, or within, a tree or shrub, or at the base of a hill. Middens may measure up to eight feet in height and diameter. This nocturnal species forages on the ground and primarily feeds on woody plants, but also eats fungi, flowers, grasses, and acorns (Zeiner et al. 1990). A large woodrat midden was observed in central coast live oak riparian forest (refer to Figure 3).

#### **Cooper's Hawk (*Accipiter cooperi*)**

Cooper's hawks are protected by the MBTA and are found in dense stands of live oak (*Quercus* spp.), riparian or other forest habitats, near water. Cooper's hawk forages in broken woodland and habitat edges, where they capture small birds and mammals in the air, on the ground, and in vegetation. This species nests in deciduous trees, usually six to 15 meters above the ground; breeding occurs March through August, with peak activity May through July. The project study area provides both nesting and foraging habitat for Cooper's hawk.

#### **Yellow Warbler (*Dendroica petechia brewsteri*)**

Yellow warblers are migratory and are broadly distributed throughout North America, though their California distribution is largely restricted to the northern and coastal portions of the State, and the Sierra Nevada foothills. Within San Luis Obispo County, this species is a fairly common summer transient of deciduous riparian habitats. Breeding and nesting of yellow warbler typically occurs from mid-April to early August, with peak activity occurring in June. Eggs (typically three to six) are incubated for approximately 11 days, and young fledge approximately nine to 12 days thereafter. The nesting lifestage of yellow warbler is considered a SSC by CDFG. Brood parasitism by brown-headed cowbirds has reportedly reduced numbers of this species statewide, though predation and destruction/clearing of riparian habitat is also implicated in population declines of this species. This species was not observed or heard during surveys; however, due to the presence of suitable habitat this species has a potential to occur within the project study area.

#### **Bald Eagle (*Haliaeetus leucocephalus*)**

The bald eagle was listed as federally and state endangered in 1971 and then proposed for delisting in 1999. Currently, the species is state listed as endangered and recognized as a Fully Protected species by the CDFG. The bald eagle is a large, dark brown raptor that weighs about eight to 14 pounds and has a wingspan of 6.5 to eight feet. Adults have a white head and tail. They are rare or uncommon to locally fairly common winter visitor from October to late March and early April. The breeding range is mainly in mountainous habitats of northern California and the Central Coast Range near reservoirs, lakes and rivers. Nests are built in the upper canopy of large trees, usually conifers. In most of California, the breeding season lasts from about January through July or August. Bald eagles winter throughout the state

in areas that have medium to large bodies of water where their main food source is from fish. The project study area provides potential wintering opportunities for bald eagles. Based on personal communication with WWTP Plant Manager, Chad Slater (July 8, 2009), this species has been observed as an infrequent forager within the project study area. However, the WWTP do not contain any fish species for the bald eagle to prey upon.

### **Osprey (*Pandion haliaetus*)**

Osprey is considered a SSC species by the CDFG, and it is protected under CDFG Codes 3503, 3503.5, 3513, and MBTA. Osprey is associated with large, fish-bearing waters, primarily in ponderosa pine through mixed conifer habitats. This species preys mostly on fish in rivers, lakes, reservoirs, bays, estuaries, and surf zones. Nests are placed on a platform of sticks at the top of large snags, dead-topped trees, on cliffs, or on human made structures. Breeding takes place between March and September, with a clutch size of one to four eggs. This species needs tall, open-branched "pilot trees" for landing before approaching the nest, and for use by young for flight practice. Two ospreys were observed flying over the project study area during a survey conducted by SWCA in February 2009. One of the two was observed flying into a blue gum eucalyptus tree just north of the study area.

### **Least Bell's Vireo (*Vireo bellii pusillus*)**

Least Bell's vireo is a state and federally listed endangered species. This species primarily occurs in association with low, dense riparian growth in the vicinity of water or dry river bottoms. Nesting usually occurs along the margins or on twigs of various shrubs including low-growing species of willow. Breeding and nesting of the species primarily occurs in May and June. The nearest known documented occurrence of least Bell's vireo was observed over the Salinas River in 1983 upstream and downstream of the Bradley Bridge. This species was not observed or heard during surveys. Although riparian vegetation is present within the project study area, this vegetation is not considered suitable habitat for nesting least Bell's vireo due to the high level of disturbance that has resulted in very sparse, low-density vegetation. This species may occur within the project area as an infrequent foraging transient during its migration, but is not expected to be nesting within the immediate vicinity of the project study area.

### **Nesting Birds (Class *Aves*)**

A number of other bird species have the potential for nesting within the project study area, and are protected during their nesting period under the provisions of the federal MBTA and CDFG Code Section 3503. Birds may nest in urban habitats (such as buildings, bridges, and landscaped ornamental vegetation), windrows, riparian forest and scrub areas and ruderal habitats. During the survey, several bird species protected under MBTA were observed within the project study area. It is likely that these species are utilizing the project study area for nesting.

### **Roosting Bat Species**

Roosting bats are protected under CESA and CEQA. CDFG is responsible for administering these acts relative to roosting bats. Large trees on and adjacent to the project study area have the potential to support unknown bat species, including the pallid bat (*Antrozous pallidus*) and hoary bat (*Lasiurus cinereus*). No bats were observed during surveys conducted in 2009; however, if bats are utilizing onsite trees for roosting, CDFG is empowered to review the project for impacts to the bats and require mitigation for any impacts that may occur. No roosting bats were observed during surveys conducted in 2009.

Table 1. Special-status Plants Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State /CNPS	Rationale for Expecting Presence or Absence
oval-leaved snapdragon <i>Antirrhinum ovatum</i>	Annual herb that occurs in chaparral, cismontane woodland, pinyon and juniper woodland, and valley and foothill grassland (clay, gypsum or alkaline). Elevation 200-1000 meters.	May– November	--/–/4.2	<b>Absent.</b> The appropriate soils and habitats were not present for within the project study area. This species was not observed during surveys conducted during the normal blooming period.
Indian Valley spinelower <i>Aristocapsa iridigris</i>	Annual herb that occurs in cismontane woodland (sandy). Elevation 300-600 meters.	May– September	--/–/1B.2	<b>Absent.</b> Sandy soils are present within the project study area; however, known habitat associations are not present. Project study area is below the known elevation range for this species. Lastly, this species was not observed during surveys conducted during the normal blooming period.
round-leaved filaree <i>California macrophylla</i>	Annual herb that occurs in cismontane woodland, and valley and foothill grassland (clay soils). Elevation 15-1200 meters.	March–May	--/–/1B.1	<b>Absent.</b> The appropriate soils and habitats were not present for within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
dwarf calycadenia <i>Calycadenia villosa</i>	Annual herb that occurs in chaparral, cismontane woodland, meadows and seeps, and valley and foothill grassland (rocky). Elevation 240-1350 meters.	May– October	--/–/1B.1	<b>Absent.</b> The appropriate soils and habitats were not present for within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
Santa Cruz Mountains pussypaws <i>Calyptridium parryi</i> var. <i>hesseae</i>	Annual herb that occurs in chaparral and cismontane woodland. Elevation 305-1530 meters.	May–August	--/–/1B.1	<b>Absent.</b> Suitable habitat was not observed within the project study area. Project study area is below the known elevation range for this species. Lastly, this species was not observed during surveys conducted during the appropriate flowering period.

Table 1. Special-status Plants Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State (CNPS)	Rationale for Expecting Presence or Absence
Hardham's evening primrose <i>Camissonia hardhamiae</i>	Annual herb that occurs in chaparral and cismontane woodland. Elevation 140-945 meters.	March-May	--/1B.2	<b>Absent.</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
San Luis Obispo owl's cover <i>Castilleja densiflora</i> ssp. <i>obispoensis</i>	Annual herb that occurs in meadows and seeps, and valley and foothill grassland. Elevation 10-400 meters.	March-May	--/1B.2	<b>Absent.</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
Lemmon's jewelflower <i>Caulanthus coulteri</i> var. <i>lemmoni</i>	Annual herb that occurs in pinyon and juniper woodland, valley and foothill grassland (dry, exposed slopes). Elevation 80-1220 meters.	March-May	--/1B.2	<b>Absent.</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
purple amole <i>Chloragalum purpureum</i> var. <i>purpureum</i>	Annual herb that occurs in chaparral, cismontane woodland, and valley and foothill grassland. Elevation 205-350 meters	April-June	FT/--/1B.1	<b>Absent.</b> Suitable habitat was not observed for this species. This species was not observed during surveys conducted during the appropriate flowering period.
straight-awned spineflower <i>Chorizanthe rectispina</i>	Annual herb that occurs in chenopod scrub, cismontane woodland, valley and foothill grassland (poorly drained alkaline soils). Elevation 3-750 meters.	March-May	--/1B.2	<b>Absent.</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
umbrella larkspur <i>Delphinium umbraculorum</i>	Perennial herb that occurs in cismontane woodland. Elevation 400-1600 meters.	April-June	--/1B.3	<b>Absent.</b> The project study area is below the known elevation range for this species. This species was not observed during surveys conducted during the appropriate flowering period.

Table 1. Special-status Plants Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State /CNPS	Rationale for Expecting Presence or Absence
Koch's cord moss <i>Entosthodon kochii</i>	Moss that occurs in cismontane woodland. Elevation 180-1000 meters.	N/A	--/--/1B.3	<b>Absent.</b> Suitable habitat for this species is not present within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
yellow-flowered eriastrum <i>Eriastrum luteum</i>	Annual herb that occurs in broadleaved upland forest, chaparral and cismontane woodland (sandy or gravelly). Elevation 290-1000 meters.	May-June	--/--/1B.2	<b>Absent.</b> Sandy soils are present within the project study area; however, known habitat associations are not present. This species was not observed during surveys conducted during the normal blooming period.
mesa horkelia <i>Horkelia cuneata</i> ssp. <i>puberula</i>	Perennial herb that occurs in chaparral, cismontane woodland and coast scrub (sandy or gravelly). Elevation 70-810 meters.	February-July (September)	--/--/1B.1	<b>Absent.</b> Sandy soils are present within the project study area; however, known habitat associations are not present. This species was not observed during surveys conducted during the normal blooming period.
Kellogg's horkelia <i>Horkelia cuneata</i> ssp. <i>sericea</i>	Perennial herb that occurs in closed-cone coniferous forest, chaparral (maritime), coastal dunes, and coastal scrub (sandy or gravelly). Elevation 10-200 meters.	April-September	-- / -- / 1B.1	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
pale-yellow layia <i>Layia heterotricha</i>	Annual herb that occurs in dismontane woodland, piñon and juniper woodland, valley and foothill grassland (alkaline or clay soils). Elevation 300-1705 meters.	March-June	--/--/1B.1	<b>Absent:</b> Suitable habitat was not observed within the project study area. The project study area is below the known elevation range for this species. This species was not observed during surveys conducted during the appropriate flowering period.

Table 1. Special-status Plants Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State /CNPS	Rationale for Expecting Presence or Absence
Panoche pepper-grass <i>Lepidium jaredii</i> ssp. <i>jaredii</i>	Annual herb that occurs in valley and foothill grassland (alluvial fans and washes). Elevation 185-275 meters.	February–June	--/1B.2	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
Davidson's bush mallow <i>Malacothamnus davidsonii</i>	Deciduous shrub that occurs in chaparral, cismontane woodland, coastal scrub, and riparian woodland. Elevation 185-855 meters.	June–January	--/1B.1	<b>Absent.</b> Riparian forest habitat is present within the project study area. However, this species was not observed during surveys conducted during the appropriate flowering period.
Santa Lucia bush-mallow <i>Malacothamnus palmeri</i> var. <i>palmeri</i>	Deciduous shrub that occurs in chaparral. Elevation 60-360 meters	May–July	-- / -- / 1B.2	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
Carmel Valley malacothrix <i>Malacothrix saxatilis</i> var. <i>arachnoidea</i>	Rhizomatous herb that occurs in chaparral and coastal scrub. Elevation 25-1036 meters.	(March) June–December	--/1B.2	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
Mt. Diablo cottonweed <i>Micropus amphibolus</i>	Annual herb that occurs in broadleaved upland forest, chaparral, cismontane woodland, and valley and foothill grassland. Elevation 45-825 meters.	March–May	--/3.2	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
Moran's navarretia <i>Navarretia fossalis</i>	Annual herb that occurs in chenopod scrub, marshes and swamps, playas, and vernal pools. Elevation 30-1300 meters.	April–June	FT/--/1B.1	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.

Table 1. Special-status Plants Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State /CNPS	Rationale for Expecting Presence or Absence
shining navarretia <i>Navarretia nigelliformis</i> ssp. <i>radians</i>	Annual herb that occurs in cismontane woodland, valley and foothill grasslands, and vernal pools. Elevation 76-1000 meters.	May–July	--/–/1B.2	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
prostrate vernal pool navarretia <i>Navarretia prostrata</i>	Annual herb that occurs in coastal scrub, marshes and swamps, vernal pools, and valley and foothill grassland. Elevation 15-700 meters.	April–July	--/–/1B.1	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
hooked popcorn flower <i>Plagiobothrys uncinatus</i>	Annual herb that occurs in chaparral, valley and foothill grassland, and cismontane woodland. Elevation 300-760 meters.	April–May	--/–/1B.2	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
Santa Cruz microseris <i>Stebbinsosens decipiens</i>	Annual herb that occurs in broadleaved upland forest, closed-cone coniferous forest, coastal scrub, valley and foothill grassland, and coastal prairie. Elevation 10-500 meters.	April–May	--/–/1B.2	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.
San Bernardino aster <i>Symphotrichum deltoifolium</i>	Rhizomatous herb that occurs in cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic)/near ditches, streams, springs. Elevation 2-2040 meters.	July–Nov	--/–/1B.2	<b>Absent:</b> Riparian forest habitat is present within the project study area. However, this species was not observed during surveys conducted during the appropriate flowering period.
Cook's triteleia <i>Triteleia ixioides</i> ssp. <i>cookii</i>	Bulbiferous herb that occurs in closed-cone coniferous forest and cismontane woodland (serpentine seeps). Elevation 150-700 meters.	May–June	--/–/1B.3	<b>Absent:</b> Suitable habitat was not observed within the project study area. This species was not observed during surveys conducted during the appropriate flowering period.

Table 1. Special-status Plants Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat and Distribution	Flower Season	Legal Status Federal/State (CNPS)	Rationale for Expecting Presence or Absence
Natural Communities of Concern				
Valley Oak Woodland	Highly variable climax woodland dominated by valley oak ( <i>Quercus lobata</i> ) usually below 6000 meters. Occurs in the Sacramento and San Joaquin valleys, and valleys of the Coast Ranges			<b>Absent:</b> The project study area contains several large valley oaks; however, a woodland habitat dominated solely by valley oaks was not observed.
Central Coast Live Oak Riparian Forest	A low, evergreen riparian forest, usually with an open appearance, dominated by <i>Quercus agrifolia</i> .			<b>Present:</b> This natural community was observed within the project study area.
Central Coast Arroyo Willow Riparian Forest	Dense, low, closed-canopy broadleaved winter-deciduous riparian forests dominated by <i>Salix lasiolepis</i> .			<b>Present:</b> This natural community was observed within the project study area.
Central Coast Riparian Scrub	A scrubby streamside thicket, varying from open to impenetrable, dominated by any of several willows.			<b>Present:</b> This natural community was observed within the project study area.

General references: CDFG 2009, CNDDB 2009, Hickman (ed.) 1993, Holland 1986, CNPS 2009.

**Status Codes**

-- = No status

**Federal:**

FE = Federal Endangered

FT = Federal Threatened

**State:**

SE = State Endangered

ST = State Threatened

**Species / habitat with bold type were observed on the property.**

**California Native Plant Society (CNPS):**

List 1B = rare, threatened, or endangered in California and elsewhere.

List 2 = rare, threatened, or endangered in California, but more common elsewhere.

List 3 = plants that about which more information is needed.

**Threat Code:**

.1 = Seriously endangered | California (over 80% of occurrences threatened / high degree and immediacy of threat)

.2 = Fairly endangered in California (20-80% occurrences threatened)

.3 = Not very endangered | California (<20% of occurrences threatened or no current threats known)

Table 2. Special-status Wildlife Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat	Legal Status Federal/State/CDFG	Rationale for Expecting Presence or Absence
<b>Invertebrates</b>			
vernal pool fairy shrimp <i>Branchinecta lynchi</i>	Small, clear-water depressions in sandstone and clear-to-turbid clay/grass-bottomed pools in shallow swales.	FT/--/--	<b>Habitat Present / Occurrence Unlikely:</b> Seasonal wetland habitat occurs within the southern portion of the project study area. The occurrence of this species within this seasonal pool is unlikely as the area consists of sandy soils and has been significantly disturbed by agricultural practices and maintenance activities in the past.
Atascadero June beetle <i>Polyphylla nubila</i>	Occurs in sand dunes of San Luis Obispo County	--/SA/--	<b>Habitat Absent / Occurrence Unlikely:</b> Suitable habitat is not present within the project study area. Impacts to this species are not expected.
Lompoc grasshopper <i>Trimerotropis occulens</i>	Known to occur in San Luis Obispo and Santa Barbara Counties.	--/SA/--	<b>Habitat Absent / Occurrence Unlikely:</b> Project study area is within San Luis Obispo County; however, this species was not observed during surveys of the project study area. Impacts to this species are not expected.
<b>Fish</b>			
South-central California coast steelhead ESU <i>Oncorhynchus mykiss</i> <i>irideus</i>	Clear, cool water with abundant in-stream cover, well-vegetated stream margins, relatively stable water flow, and a 1:1 pool-to-riffle ratio.	FT,CH/--/SSC	<b>Habitat Present / Occurrence Unlikely:</b> The project study area directly affects the Salinas River, which is known as critical habitat for steelhead. Historically, steelhead occurred within the portion of the Salinas River near Paso Robles. The area is now limited to resident trout who do not migrate to the ocean. The upper portions of the Salinas River have become unsuitable for spawning/rearing juvenile steelhead due to the presence of a sandy/silt substrate, low flows during the summer and high water temperatures (Titus et al, 2006). It is unlikely that this species would occur within the project study area.

Table 2. Special-status Wildlife Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat	Legal Status Federal/State/DFG	Rationale for Expecting Presence or Absence
Amphibians			
California red-legged frog <i>Rana aurora draytonii</i>	Aquatic habitats with little or no flow and surface water depths to at least 2.3 feet. Presence of fairly sturdy underwater supports such as cattails.	FT/--/SSC	<b>Habitat Present / Occurrence Likely:</b> Suitable aquatic habitat is present within the project study area. This species is documented as occurring in Paso Robles Creek and Graves Creek (CNDDDB, 2009). These creeks are both tributaries to the Salinas River..
western spadefoot <i>Spea hammondi</i>	Inhabits vernal pools primarily in grassland, but also in valley and foothill hardwood woodlands. Requires seasonal pools for breeding and egg-laying.	--/--/SSC	<b>Habitat Present / Occurrence Unlikely:</b> Suitable estivation, breeding, and foraging habitat is present within the project study area. This species is considered to be unlikely to occur within the project study area due distance to the nearest known location, east of Paso Robles. This species breeds from January to May and may remain underground from 8-9 months.
Coast range newt <i>Taricha torosa torosa</i>	Breeds in ponds, reservoirs, and slow-moving streams. Frequents terrestrial habitats such as oak woodlands.	--/--/SSC	<b>Habitat Absent / Occurrence Unlikely:</b> Suitable estivation and breeding habitat was not observed within the project study area.
Reptiles			
southwestern pond turtle <i>Actinemys marmorata pallida</i>	Quiet waters of ponds, lakes, streams, and marshes. Typically in the deepest parts with an abundance of basking sites.	--/--/SSC	<b>Habitat Present / Occurrence Known:</b> The project study area contains suitable habitat for this species. Approximately 10 pond turtles were observed in the treatment ponds during the May survey.
Coast horned lizard <i>Phrynosoma coronatum frontale</i>	Coastal sage, chaparral, annual grasslands, oak woodland, riparian woodland, and coniferous forest. Typically in loose, fine soils, with a high sand fraction.	--/--/SSC	<b>Habitat Present / Occurrence Known:</b> This species was observed in the riparian scrub habitat during the July survey.

Table 2. Special-status Wildlife Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat	Legal Status Federal/State/CDFG	Rationale for Expecting Presence or Absence
<b>Mammals</b>			
pallid bat <i>Anrozous pallidus</i>	Roosts in deep crevices, trees, caves, mines, rock faces, bridges and buildings.	--/--SSC	<b>Habitat Present / Occurrence Likely:</b> The project study area supports trees and buildings that provide potential roosting habitat.
hoary bat <i>Lasturus cinereus</i>	Prefers open habitats or habitat mosaics, with access to trees for cover and open areas for feeding. Roosts in dense foliage of medium to large trees and requires water.	--/SA/--	<b>Habitat Present / Occurrence Likely:</b> The project study area supports trees and buildings that provide potential roosting habitat.
Monterey dusky-footed woodrat <i>Neotoma fuscipes luciana</i>	Occurs in coastal central California in habitats that exhibit a moderate vegetative canopy, with a brushy understory. Builds nests of sticks and leaves at the base of, or within, a tree or shrub, or at the base of a hill. Primarily feeds on woody plants, but also eats fungi, flowers, grasses, and acorns.	--/--SSC	<b>Habitat Present / Occurrence Known:</b> The project study area contains several woodrat middens capable of supporting this species.
San Joaquin pocket mouse <i>Perognathus inornatus inornatus</i>	Typically found in saltbush scrub, grasslands, and blue oak savannas; needs friable soils.	--/SA/--	<b>Habitat Absent / Occurrence Unlikely:</b> Friable soils are present within the project study area; however, known habitat associations for this species are not present. Impacts to this species are not expected.
Salinas pocket mouse <i>Perognathus inornatus psammophilus</i>	Annual grassland and desert shrub communities in the Salinas Valley.	--/--SSC	<b>Habitat Absent / Occurrence Unlikely:</b> Known habitat associations for this species are not present.
American badger <i>Taxidea taxus</i>	Occurs in open stages of shrub, forest, and herbaceous habitats; needs uncultivated ground with friable soils.	--/--SSC	<b>Habitat Present / Occurrence Unlikely:</b> Friable soils are present within the project study area; however, the study area is highly disturbed and does not contain a suitable prey base for this species.

Table 2. Special-status Wildlife Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat	Legal Status Federal/State/CDFG	Rationale for Expecting Presence or Absence
San Joaquin kit fox <i>Vulpes macrotis mutica</i>	Inhabits annual grasslands or grassy open stages with scattered shrubby vegetation; needs loose-textured sandy soils for burrowing, and suitable prey base.	FE/ST/--	<b>Habitat Present / Occurrence Unlikely:</b> The Salinas River is a known wildlife corridor for the San Joaquin kit fox. Friable soils are present within the project study area; however, the study area is highly disturbed and does not contain a suitable prey base for this species. This species may occur as an infrequent transient; however, the likelihood of this occurrence is very low considering recent studies on the Camp Roberts population and distance to other known populations.
Birds			
Cooper's hawk <i>Accipiter cooperii</i>	Deciduous riparian woodland habitat throughout California. Nests in deciduous trees and conifers.	MBTA/--/--	<b>Habitat Present / Occurrence Likely:</b> The project study area contains suitable nesting and foraging habitat for Cooper's hawk.
tricolored blackbird <i>Agelaius tricolor</i>	(Nesting colony); requires open water, protected nesting substrate, and foraging area with insect prey.	MBTA/--/SSC	<b>Habitat Present/ Potentially Unlikely:</b> The project study area contains open water habitat. Wastewater ponds within the WWTP do not provide suitable habitat for this species due to the lack of vegetation; however, the Salinas River does provide suitable habitat for nesting and foraging. This species is only expected to occur within the project study area as an infrequent forager.
golden eagle <i>Aquila chrysaetos</i>	Occurs in rolling foothills, mountain areas, sage-juniper flats, and desert areas. Nests in cliff-walled canyons and in large trees within open areas.	MBTA/--/--	<b>Habitat Absent / Potential Unlikely:</b> Known habitat associations are not present on the project site.
great blue heron <i>Ardea herodias</i>	Colonial nester in tall trees, cliff sides, and areas near marshes. Nest sites located in close proximity to foraging areas (marshes, lake margins, rivers and streams, and meadows).	MBTA/--/--	<b>Habitat Present/ Occurrence Likely:</b> Suitable foraging habitat present within the project study area. However, a rookery site for nesting was not identified within the project study area. This species was observed foraging in riverine habitat during the May survey.

Table 2. Special-status Wildlife Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat	Legal Status Federal/State/CDFG	Rationale for Expecting Presence or Absence
burrowing owl <i>Athene cucularia</i>	Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation.	MBTA/--SSC	<b>Habitat Present / Occurrence Unlikely:</b> The southern portion of the project site may provide habitat for burrowing owl; however, the occurrence is unlikely due to a lack of available burrows and the disturbed nature of the habitat.
ferruginous hawk <i>Buteo regalis</i>	(Wintering) open grasslands, sagebrush flats, desert scrub, low foothills, and fringes of pinyon-juniper habitats; eats lagomorphs, ground squirrels, and mice; population trends may follow lagomorph population cycles.	MBTA/--/--	<b>Habitat Absent / Occurrence Unlikely:</b> Project study area does not contain habitat suitable for wintering ferruginous hawks.
yellow warbler <i>Dendroica petechia brewsteri</i>	Riparian associations, prefers willows, cottonwoods, aspens, sycamores, and alders for nesting and foraging.	MBTA/--/--	<b>Habitat Present / Occurrence Likely:</b> Suitable nesting and foraging habitat was observed within the project study area.
California horned lark <i>Eremophila alpestris actia</i>	Occurs in short grass prairies, coastal plains, fallow grain fields and alkali flats. Found in coastal regions from Sonoma to San Diego county, and west to the San Joaquin Valley.	MBTA/--/--	<b>Habitat Absent / Occurrence Unlikely:</b> Known habitat associations are not present within the project study area.
prairie falcon <i>Falco mexicanus</i>	Occurs in dry, open terrain that is level or hilly and breeds on cliffs.	MBTA/--/--	<b>Habitat Absent / Occurrence Unlikely:</b> Project study area does not contain dry open habitat for foraging or suitable cliff habitat for nesting.
bald eagle <i>Haliaeetus leucocephalus</i>	Occurs near the ocean shore, on lake margins, and along rivers. Nests in large, old growth, or dominant live tree with open branches within a mile of water.	MBTA/SE/--	<b>Habitat Present / Occurrence Unlikely:</b> Although this species was identified within the project study area by WWTP staff, the potential for occurrence is considered to be unlikely because the lack of a suitable prey base within the WWTP ponds and the size of the known population within the area. The Salinas River may provide suitable habitat for foraging bald eagles within areas of open water and fish presence. Therefore, the species may occur within the project study area as an infrequent forager.

Table 2. Special-status Wildlife Evaluated for Potential Occurrence within the Project Study Area

Species Name	Habitat	Legal Status Federal/State/CDFG	Rationale for Expecting Presence or Absence
osprey <i>Pandion haliaetus</i>	The Osprey historically inhabited all continents except Antarctica. Their diet consists solely of fish; therefore, they live close to water bodies. Nests are generally found within 3 to 5 km of a water body and in dead or open-topped trees.	MBTA/--/SSC	<b>Habitat Present / Occurrence Likely:</b> Two ospreys were observed flying over the project study area during the February survey. One of the two was observed flying into a blue gum eucalyptus tree just north of the study area.
least Bell's vireo <i>Vireo bellii pusillus</i>	Summer resident of southern California. This species occurs in low riparian areas or in dry river bottoms (below 2000 feet). Nests along the margins of willows, <i>Baccharis</i> sp. or mesquite.	MBTA, FE/SE/--	<b>Habitat Present / Occurrence Unlikely:</b> Riparian habitat is present within the project study area; however, this habitat is not considered suitable for least Bell's vireo as the area is highly disturbed and lacks the dense foliage that this species requires for nesting.
Class Aves Other migratory bird species (nesting)	Non-native grassland, valley oak woodland, central coastal scrub, windrows, landscaping, water tanks, and structures may provide nesting habitat.	MBTA/--/--	<b>Habitat Present / Occurrence Likely:</b> Nesting habitat occurs throughout the project study area.

**Status Codes**

--= No status

**Federal:**

FE = Federal Endangered

FT= Federal Threatened

FC= Federal Candidate

CH= Federal Critical Habitat

PCH= Proposed Federal Critical Habitat

MBTA= Protected by Federal Migratory Bird Treaty Act

**State:**

SE= State Endangered

**California Department of Fish and Game:**

SSC= California Special Concern Species

FP= Fully Protected Species

SA= Not formally listed but included in CDFG "Special Animal" List.

Species with **bold type** were observed on the property.

## 4. REGULATORY OVERVIEW

### 4.1 FEDERAL POLICIES AND REGULATIONS

#### 4.1.1 Federal Endangered Species Act

The Federal Endangered Species Act of 1973 (FESA) provides legislation to protect federally listed plant and animal species. Impacts to listed species resulting from the implementation of a project would require the responsible agency or individual to formally consult with USFWS or National Marine Fisheries Service (NOAA Fisheries Service) to determine the extent of impact to a particular species. If USFWS or NOAA Fisheries Service determine that impacts to a federally-listed species would likely occur, alternatives and measures to avoid or reduce impacts must be identified. USFWS and NOAA Fisheries Service also regulate activities conducted in federal critical habitat, which are geographic units designated as areas that support primary habitat constituent elements for listed species.

Federally threatened or endangered species have been documented in the project vicinity (refer to Tables 1 and 2). Of the documented occurrences, two federally listed species, the California red-legged frog and Least Bell's vireo, have the potential to occur within the project study area. If the appropriate mitigation measures are initiated prior to construction, project activities are not expected to impact any species protected by the FESA.

#### 4.1.2 Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (MBTA) protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800's. The MBTA is enforced by the USFWS, and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies. Several migratory bird species may be present within all habitats within the project study area, including landscaped/developed and ruderal areas. If nesting bird surveys are conducted prior to any ground disturbing activities, impacts to nesting birds are not expected.

### 4.2 STATE POLICIES AND REGULATIONS

#### 4.2.1 California Endangered Species Act

The California Endangered Species Act (CESA) ensures legal protection for plants listed as rare or endangered, and wildlife species formally listed as endangered or threatened. The state also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have 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 special-status species and their habitats. Under CESA, CDFG reserves the right to request the replacement of lost habitat that is considered important to the continue existence to CESA protected species. Sixteen wildlife species protected under the CESA are known to occur in the project vicinity (refer to Table 2). Nine of these sixteen species have the potential to be present within the study area based on suitable habitat. Of the sixteen wildlife species known to occur in the project vicinity, two SSC (southwestern pond turtle and coast horned lizard) were observed during surveys conducted in 2009 (refer to Figure 3). If the appropriate mitigation measures are initiated, project activities are not expected to impact wildlife species protected by the CESA.

#### **4.2.2 California Fish and Game Code**

California Fish and Game Code Section 3511 includes provisions to protect Fully Protected (FP) species, such as: (1) Prohibiting take or possession "at any time" of the species listed in the statute, with few exceptions; (2) stating that no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to "take" the species; and (3) stating that no previously issued permits or licenses for take of the species "shall have any force or effect" for authorizing take or possession. The CDFG is unable to authorize incidental take of "fully protected" species when activities are proposed in areas inhabited by those species. Sections 3503 and 3503.5 of the Fish and Game Code state that it is unlawful to take, possess, or destroy the nest or eggs of any bird, with occasional exceptions. In addition, Section 3513 states that it is unlawful to take or possess any migratory bird as designated in the MBTA or any part of such migratory birds except as provided by rules and regulations under provisions of the MBTA. The osprey is a fully protected species under Section 3511. If the appropriate mitigation measures are initiated prior to construction, project activities are not expected to impact any species that are protected under Section 3503, 3503.5, 3511, or 3513.

#### **Section 1603 of the Fish and Game Code**

The CDFG is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the law requires any person, state or local government agency, or public utility proposing a project that may impact a river, stream, or lake to notify the CDFG before beginning the project. If the CDFG determines that a project may adversely affect existing fish and wildlife resources, a Lake or Streambed Alteration Agreement is required. A Streambed Alteration Agreement lists the CDFG conditions of approval relative to the proposed project, and serves as an agreement between the City and the CDFG for a term of not more than five years for the performance of activities subject to this section. The project will require issuance of a Lake or Streambed Alteration Agreement prior to beginning work associated with the facility upgrade.

## **5. IMPACTS AND MITIGATION MEASURES**

This impact assessment focuses on identifying potential impacts associated with implementation of the proposed project. The emphasis is on determining the effects of the project on special-status species and habitats known from the vicinity of the project area. Adverse impacts are expected to occur when proposed construction activities would result in temporary or permanent modification to sensitive habitats, or to habitats occupied by special-status species. Where potential project-related impacts to sensitive resources have been identified, measures for avoiding, minimizing, or mitigating adverse effects to these resources are recommended. Please note that additional mitigation measures will be required by state and federal agencies as part of their permit application and authorization process.

### **5.1 IMPACTS TO SPECIAL-STATUS PLANT SPECIES**

Field surveys were conducted during the appropriate blooming period for all plant species determined to have the potential to occur within or immediately adjacent to the project work areas. No special-status plant species were observed during the survey efforts in 2009; therefore, no impacts to special-status plant species would occur. No mitigation measures for special-status plant species are recommended.

## 5.2 IMPACTS TO SENSITIVE HABITATS

### 5.2.1 Sensitive Natural Communities

Central coast live oak riparian forest, central coast arroyo willow riparian forest, central coast riparian scrub, seasonal wetland, and riverine are sensitive plant communities located within and adjacent to the project study area. As proposed, the project would include improvements to Pond B, the WWTP facilities, and the existing outfall structure. The facility upgrades would include the construction of a new administrative building to be located near the entrance of the existing plant. A portion of the historical agricultural land (ruderal/disturbed habitat) to the south of the WWTP would also be impacted for staging and equipment storage purposes.

It is anticipated that central coast arroyo willow riparian forest habitat will be impacted during the improvements associated with Pond B and the existing outfall structure. Central coast live oak riparian forest areas adjacent to staging locations could be impacted during construction. The seasonal wetland feature located in the proposed staging area (refer to Figure 3), could also be impacted by project activities. If impacts are proposed in any sensitive plant communities, preparation of a Revegetation and Mitigation Plan will be necessary to compensate for any permanent or temporary impacts resulting from the proposed project.

**BIO-1** Prior to construction, the City shall develop a Revegetation and Mitigation Plan in consultation with USACE and CDFG due to the known presence of sensitive communities within the project study area. An agency-approved biologist/botanist shall be retained to prepare the Revegetation and Mitigation Plan, complete with success criteria goals and a five-year monitoring schedule. The qualified biologist/botanist shall supervise site preparation, timing, species utilized, planting installation, maintenance, monitoring, and reporting of the revegetation/restoration efforts. The following measures shall be incorporated into the Revegetation and Mitigation Plan:

1. Prior to construction, locations/boundaries of sensitive communities shall be flagged by a qualified biologist. The areas to be protected shall be shown on all applicable construction plans.
2. Prior to any grubbing or vegetation removal, exclusionary fencing shall be erected by the contractor at the boundaries of all construction areas to avoid equipment and human intrusion adjacent habitats, including the seasonal wetland feature located within the southern portion of the project study area. The fencing shall be maintained by the contractor and remain in place throughout construction activities.
3. Prior to construction, the City shall specify an onsite mitigation strategy in the Revegetation and Mitigation Plan to mitigate for impacts to sensitive communities which would be impacted. This plan shall identify the following:
  - i. Suitable onsite mitigation locations based on soil type, hydrologic conditions, and proximity to existing habitat;
  - ii. Seed collection requirements and protocol;
  - iii. Soil seed bank conservation strategies;
  - iv. Mitigation site preparation techniques;
  - v. Seeding regime;

- vi. Mitigation site maintenance schedule, including weed abatement strategies, erosion control monitoring, etc.; and,
  - vii. Monitoring requirements.
4. Following construction, areas of temporary disturbance shall be restored using topsoil salvage, returning disturbed areas to original contours, and hydroseeding impacted areas with a seed mix characteristic of the plant species present onsite. Appropriate species for erosion control and eventual native shrub and herb cover shall be utilized. Because native plant species are likely to be out-competed by non-native species, a ground-cover mix is recommended for impacted areas. Topsoil salvage methods and seed mixes shall be specified in the Revegetation and Mitigation Plan. Hydroseeded areas shall be monitored by a qualified restoration biologist and/or horticulturalist for viability and overall success, with additional recommendations as necessary.
- BIO-2** Prior to construction, the contractor shall prepare a SWPPP acceptable to the City of Paso Robles, which shall include detailed sediment and erosion control plans. The SWPPP shall specifically address protection of drainages and sensitive communities within the project study area.
- BIO-3** Prior to start of construction, an agency-approved biological monitor shall conduct a worker orientation program for all construction staff. The training shall include information on and emphasizes the presence of special-status species and habitats within the project site, and applicable regulatory policies and provisions regarding their protection, and measures to be implemented to avoid and/or minimize impacts.
- BIO-4** Construction monitoring shall be conducted at a frequency and duration specified by the appropriate regulatory agency permit requirement which may be required for the proposed project. A biological monitor shall be present during all excavation, vegetation removal, and earthmoving work conducted for the project.
- BIO-5** Prior to and during construction, the project shall implement erosion control best management practices. To reduce the potential for inadvertent release of sediment from construction areas to adjacent stream, drainage, wetland, or other sensitive resource areas, the contractor shall install appropriate erosion control devices (i.e., straw wattles, silt fence) around the perimeter of each work site, and other areas experiencing disturbance of the ground surface. Storm drains and gutters leading to drainage and wetland areas shall be protected by installation of erosion control measures or shall be blocked to prevent water entry. Erosion control devices shall be checked on a daily basis to ensure proper function.
- BIO-6** The contractor shall prepare and implement a Spill Prevention and Contingency Plan that includes provisions for avoiding and/or minimizing impacts to sensitive habitat areas, including wetland and riparian areas due to equipment-related spills during project implementation. The plan shall include the following provisions:
1. All equipment fueling shall be conducted within the designated staging areas of the project site. Such areas shall consist of roadway or ruderal habitat. At no time shall any equipment fueling be conducted within 50 feet of any wetland or riparian area;

2. An overview of the containment measures to appropriately store and contain all fuels and associated petroleum products during the project shall be included in the plan. This shall include specific provisions for equipment staging areas, such as the need for drip pans underneath all parked equipment and designated storage areas for fuel dispensing equipment with visqueen lining and secondary containment; and,
3. A description of the response equipment that will be on-site during construction and exact procedures for responding to any inadvertent spills including miscellaneous fuel and/or lubricant spills from construction equipment and vehicles during operations. Final specifications of the Spill Prevention and Contingency Plan shall be reviewed and approved by the City prior to project implementation.

### 5.2.2 Oak Trees

Several oak trees (*Quercus* spp.) protected by the City of Paso Robles Oak Tree Preservation Ordinance (refer to Attachment C), are present on the site. Based on personal communication with Chad Slater (July 08, 2009) of the Paso Robles Wastewater Treatment Staff, mature oaks are not currently proposed to be removed or impacted as part of the facility upgrade. However, the project does have the potential to impact oak trees based on the current site plans available for the project.

**BIO-7** The project shall remain in compliance with the City Paso Robles Oak Tree Preservation Ordinance, Section 10.01.090 (Safeguarding Trees during Construction) and Section 10.01.100 (Safeguarding Trees Following Construction) of the City's Oak Tree Preservation Ordinance.

## 5.3 IMPACTS TO SPECIAL-STATUS PLANT SPECIES

Field surveys were conducted during the appropriate blooming period for all plant species determined to have the potential to occur within or immediately adjacent to the project work areas. No special-status plant species were observed during the survey efforts in 2009; therefore, no impacts to special-status plant species would occur. No mitigation measures for special-status plant species are recommended.

## 5.4 IMPACTS TO SPECIAL-STATUS WILDLIFE SPECIES

As proposed, project activities are proposed directly adjacent to sensitive habitats. These habitats contain or have potential to contain a variety of sensitive wildlife species, including vernal pool fairy shrimp, California red-legged frog, southwestern pond turtle, western spadefoot toad, roosting bats, and nesting birds. The potential for impacts, and recommended mitigation measures for sensitive species are presented below.

### 5.4.1 Invertebrates

Vernal pool fairy shrimp is known to occur approximately two miles south of the project study area. The seasonal wetland feature within the southern portion of the project study area may provide suitable habitat for this species. The occurrence is considered unlikely due to the historical disturbance and the soil type of the area. Should the proposed project result in impacts to the seasonal wetland area, there is a potential that this species may be impacted. Based on the location of the seasonal wetland area outside of areas proposed for facility improvements, the potential sensitive habitat can be avoided during construction and operation of the project. Mitigation to avoid and protect this habitat shall be implemented to ensure less than significant effects.

**BIO-8** The seasonal wetland area located within the southern portion of the project study area shall be avoided. Grading, structures, landscaping, and other project related activities including equipment staging shall occur a minimum of 100 feet away from known or potential vernal pool (seasonal wetland) habitat. Before grading and/or construction activities commence, a qualified specialist shall establish exclusion zones around known vernal pool habitat and including the 100-foot buffer area. Project activities, including equipment and materials staging, shall occur outside of the exclusion zones, which shall remain in place throughout project activities.

#### 5.4.2 Reptiles and Amphibians

Southwestern pond turtle were observed directly within the wastewater treatment ponds during field surveys conducted during May 2009. The proposed project would include improvements to Pond B that would result in potential impacts to this species.

Coast horned lizard was identified within sandy riverine habitat located within the project study area, but not directly within the proposed project impact area. Due to the presence of sandy soils surrounding the outfall structure, there is a potential that this species may be present within this area. As a result, coast horned lizard may be impacted by outfall improvements. This species may also occur within the proposed staging area; however, the likelihood of this occurrence is considered low due to the disturbed nature of this habitat and the presence of more suitable habitat nearby (Salinas River).

Western spadefoot toad was not observed within the project study area during surveys conducted by SWCA in 2009. However, due to the known presence of this species in the Paso Robles area, the subterranean lifecycle of the species, and the presence of suitable habitat within the project site, there is a potential that this species may occur within the southern portion of the project study area. Although the likelihood of this occurrence is low, this species may be impacted should grading heavy equipment impact the seasonal wetland area within the southern portion of the project area.

California red-legged frog was not observed during surveys conducted by SWCA in 2009. In order to evaluate the potential for California red-legged frog to occur within the project study area, SWCA conducted a USFWS California Red-legged Frog Site Assessment (USFWS 2005). As a result of this study, it was determined that this species does not occur within a one mile radius of the project study area; however, there is a presence of suitable breeding and foraging habitat within the project study area. Therefore, this species may be impacted by construction activities which include potential habitat areas such as Pond B and the Salinas River. It is unlikely that the species would occur within the seasonal wetland feature located within the southern portion of the property since it lacks appropriate cover from predators, pool depth, and the presence of surface hydrology during the non-rainy season.

Due to the potential for California-red-legged frog to occur within the project site, albeit low, the City should assume presence of California red-legged frog during all project activities within proximity to suitable habitat.

The following mitigation measures are recommended to avoid potential impacts to California red-legged frog, western spadefoot toad, southwestern pond turtle, and coast horned lizard.

**BIO-9** Prior to construction, the City shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies. These may include, but may not be limited to: (1) Army Corps of Engineers, Section 404 Nationwide Permit 12; (2) Regional Water Quality Control Board, Section 401 Water Quality Certification; and, (3) CDFG, Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever extends furthest from the streambeds) of drainages.

The City shall adhere to all conditions included within these permits, approvals, and authorizations.

- BIO-10** Prior to construction, all riparian and wetland areas shall be shown on all construction plans. All riparian vegetation planned for removal shall also be specified and shown on the construction plans.
- BIO-11** Prior to construction, the perimeter of the construction impact area shall be delineated (construction fencing, flagging, rope, etc.) to avoid inadvertent impacts to sensitive habitats and/or sensitive species. The fencing shall remain in place throughout construction and shall be maintained by the contractor.
- BIO-12** Implement Mitigation Measures BIO-2.
- BIO-13** Prior to site disturbance, the City shall print Best Management Practices (BMPs) on all applicable construction plans. BMPs shall be implemented prior to, during, and following construction activities. Measures shall include, but not be limited to the following:
- a. Silt fencing shall be placed along the down-slope side of the construction zone.
  - b. A spill and clean-up kit shall be stored onsite at all times.
  - c. Temporary and permanent erosion and sedimentation measures shall be implemented (e.g., silt fencing, hay bales, straw wattles, etc.).
- BIO-14** Prior to and during construction, an approved biologist shall permanently remove, from the project area, any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes, to the maximum extent possible. The City shall have the responsibility to ensure that their activities are in compliance with the California Fish and Game Code.
- BIO-15** During construction, all fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 100 feet from any riparian habitat or water body. The City shall ensure contamination of habitat does not occur during such operations. Prior to the onset of work, the City shall ensure that the contractor has prepared a plan to allow a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measure to take should a spill occur.
- BIO-16** During construction, 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.
- BIO-17** To the extent practicable, construction activities within or adjacent to Salinas River shall be conducted during the dry season (May 1 through November 1). This will reduce potential impacts to aquatic and semi-aquatic species that might be using the Salinas River and associated riparian vegetation as a movement/dispersal corridor.
- BIO-18** At least 30 days prior to the onset of activities, the City shall submit the name(s) and credentials of biologists to the USFWS who would conduct activities in support of the

proposed project. No project activities shall begin until the City has received written approval from the USFWS that the biologist(s) is qualified to conduct the work.

- BIO-19** At least 30 days prior to the onset of activities, the City shall obtain a letter of permission from CDFG to relocate any southwestern pond turtles, western spadefoot toads or coast horned lizards that are present within the project study area. Qualified biologists shall perform a capture and relocation effort for pond turtles in the sewage ponds where construction activities will occur. It is anticipated that coast horned lizards would potentially occupy the proposed staging area due to the presence of friable soils and the observation of a coast horned lizard just east of the project study area. The qualified biologists shall capture and relocate any pond turtles, coast horned lizards, and spadefoot toads (if present) to safe locations outside of the area of impact. Observations of SSC species or other special-status species shall be documented on CNDDDB forms and submitted to CDFG upon project completion.
- BIO-20** At least 7 days prior to onset of activities, an approved biologist shall survey the work site for the presence of California red-legged frog, coast horned lizard, southwestern pond turtle, and western spadefoot toad. If special-status species, including mature individuals, tadpoles, or eggs are found, the approved biologist shall contact the USFWS and/or CDFG to determine if moving any of these life-stages is appropriate. In making this determination the USFWS or CDFG shall consider if an appropriate relocation site exists. If the USFWS or CDFG approves moving animals, the approved biologist shall be allowed sufficient time to move special-status species from the work site before work activities begin. Only USFWS-approved biologists shall participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.
- BIO-21** During construction, an approved biologist shall be present at the work site until such time as all removal of special-status species, instruction of workers, and habitat disturbance have been completed. After this time, the City shall designate a person to monitor on-site compliance with all minimization measures. The approved biologist shall ensure that this individual receives training in the identification of California red-legged frogs, steelhead, coast horned lizard, southwestern pond turtle, and western spadefoot toad. The monitor and the approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by the Corps, USFWS, and CDFG during review of the proposed action. If work is stopped, the Corps, USFWS, and CDFG shall be notified immediately by the USFWS-approved biologist or on-site biological monitor. The biological monitor shall also submit a report to the City documenting the implementation of mitigation measures.
- BIO-22** Prior to construction, the City shall obtain a letter of permission from CDFG to relocate any southwestern pond turtles, western spadefoot toads or coast horned lizards that are present within the project study area. Qualified biologists shall perform a capture and relocation effort for pond turtles in the sewage ponds where construction activities will occur. It is anticipated that coast horned lizards would potentially occupy the proposed staging area due to the presence of friable soils and the observation of a coast horned lizard just east of the project study area. The qualified biologists shall capture and relocate any pond turtles, coast horned lizards, and spadefoot toads (if present) to safe locations outside of the area of impact. Observations of SSC species or other special-status species shall be documented on CNDDDB forms and submitted to CDFG upon project completion.

**BIO-23** During construction, if the work site is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh not larger than five millimeters to prevent California red-legged frogs and tidewater goby from entering the pump system. Water shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, any barriers to flow shall be removed in a manner that would allow flow to resume with the least disturbance to the substrate.

**BIO-24** During construction, in order to reduce the potential for amphibious species and other wildlife species entering the construction area, standing water shall not be created as a result of construction activities.

### 5.4.3 Mammals

Monterey dusky-footed woodrat is known to occur within the project study area. Removal of vegetation within the project study area may result in impacts to this species.

**BIO-25** Prior to construction, woodrat middens shall be identified by a qualified biologist. Those middens that would be impacted by project activities shall be removed by heavy equipment operators, under supervision of the biologist. Due to the health risks surrounding this activity, removal by hand is not recommended.

1. Upon completion of clearing the vegetation surrounding the woodrat shelter, the operator shall gently nudge the intact middens with equipment or long handled tools. The operators shall place their equipment within the previously cleared area and not within the undisturbed woodrat shelter area. The objective is to alarm the woodrats so that they evacuate the midden and scatter away from the equipment and into the undisturbed habitat.
2. Once the woodrats have evacuated the midden, the operator shall gently pick up portions of the structure with a front loader and move it to the undisturbed adjacent habitat. The objective of moving the structure is to provide the displaced woodrats with a stockpile of material to scavenge while they build a new midden. Jeopardizing the integrity of the structure is not an issue.

San Joaquin kit fox utilizes the Salinas River as a wildlife corridor for the purposes of foraging. The project site is located within the 3:1 ratio for habitat replacement, based on the San Luis Obispo County Kit Fox Standard Mitigation Ratios Area Map (December 2007). Based on the existing footprint of facility use areas, including replacement of an existing outfall structure with a more natural bio-course, implementation of the project would not result in a loss of habitat. Although suitable habitat is present for this species within the project study area, it is unlikely to occur due to the low population numbers, and lack of recent observations within the area. In addition, due to the location of the project site, payments of San Joaquin kit fox mitigation fees are not required. Despite this low likelihood of occurrence, mitigation measures are recommended to reduce the potential impact to this species.

**BIO-26** Prior to construction, a qualified biological monitor shall perform the following monitoring activities:

- a. Within 30 days prior to initiation of site disturbance and/or construction, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the City reporting the date the survey was conducted, the survey protocol, survey results, and what measures were

necessary (and completed), as applicable, to address any kit fox activity within the project limits.

- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel, etc.) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-27 through BR-32. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for another reason. When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the City.

Prior to or during project activities, if any observations are made of San Joaquin kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. At the time the den is discovered, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a Federal and/or State incidental take permit is needed. If a potential den is encountered during construction, all work shall stop until such time the U. S. Fish and Wildlife Service and Department determine that it is appropriate to resume work.

If incidental take of kit fox during project activities is possible, before project activities commence, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Within 30 days prior to initiation of site disturbance and/or construction, fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet
  - b) Known kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.
3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

- BIO-27** During the site disturbance and/or construction phase, grading and construction activities after dusk shall be prohibited unless coordinated through the City, during which additional kit fox mitigation measures may be required.
- BIO-28** During the site-disturbance and/or construction phase, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BIO-29** During the site-disturbance and/or construction phase, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BIO-30** Prior to, during, and after the site-disturbance and/or construction phase, use of pesticides or herbicides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BIO-31** During the site-disturbance and/or construction phase, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and the Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to the Department for care, analysis, or disposition.
- BIO-32** Prior to final inspection, should any long internal or perimeter fencing be proposed or installed, the City shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12".
  - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.
- Upon fence installation, the applicant shall notify the County to verify proper installation. Any fencing constructed after issuance of a final permit shall follow the above guidelines.

#### 5.4.4 Nesting Migratory Birds

Project activities could have the potential to directly and/or indirectly impact a variety of nesting migratory bird species, including state and federally protected species (e.g., Cooper's hawk, osprey, bald eagle, least Bell's vireo, and yellow warbler). Project activities, including vegetation removal, equipment use, and associated noise could impact nesting migratory birds and/or special-status bird species adjacent to the project study area. No active nests were noted during surveys conducted in 2009; however, the following mitigation measures are recommended to avoid or minimize impacts to migratory bird species within the project study area.

**BIO-33** If construction activities are conducted during the typical nesting bird season (February 15 through September 15) pre-construction surveys shall be conducted by a qualified biologist prior to any construction activity to identify potential bird nesting activity. If nesting activity is identified during the preconstruction survey process, the following measures shall be implemented:

1. If active nest sites of bird species protected under the Migratory Bird Treaty Act are observed within the project study area, 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 bird species of special concern are observed within the vicinity of the project site, then 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 City, USFWS, and CDFG, documenting project compliance with the MBTA and applicable project mitigation measures.

#### 5.4.5 Roosting Bats

No roosting bats were observed during surveys conducted in 2009. However, pre-activity surveys are recommended to ensure that project activities do not impact roosting bat species.

**BIO-34** A qualified biologist shall conduct roosting bat surveys prior to any trimming or removal of trees. If roosting bats are present, work activities shall not occur within 100 feet of the active roost. If trees that provide bat roosting habitat are removed, the City shall consult with CDFG to determine the appropriate means of mitigation for loss of the roosting habitat. Removed trees shall be replaced by native trees that provide roosting habitat for bats.

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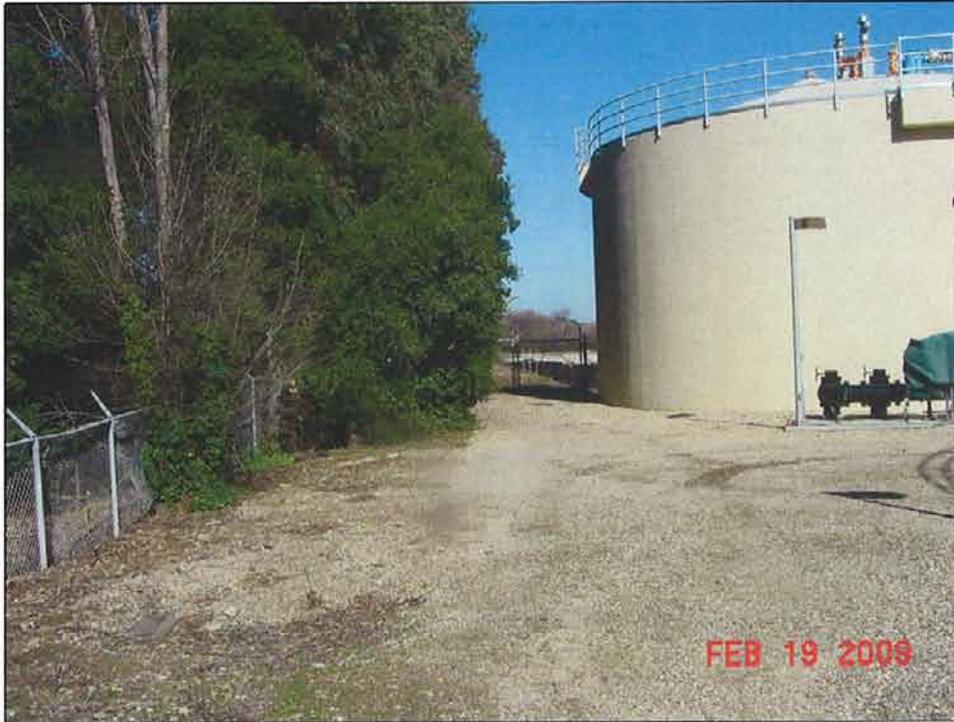
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**ATTACHMENT A:  
Photo Documentation**



**PHOTO 1:**

View of a windrow along the west boundary of the WWTP. Trees dominating this windrow include red gum eucalyptus and blue gum eucalyptus. This windrow provides a visual barrier of the WWTP from the 101 Freeway.

Picture taken on February 19, 2009

**PHOTO 2:**

View of ruderal / disturbed habitat within the project study area. This area is located south of the WWTP ponds and is maintained regularly for non-native plant control. This area is proposed for staging during construction.

Picture taken on May 13, 2009.

**PHOTO DOCUMENTATION**

**PHOTO 3:**

View of a small seasonal wetland feature observed within the ruderal vegetation shown in Photo 2 and located just south of the southern most treatment pond.

Picture taken on May 13, 2009.

**PHOTO 4:**

View of central coast live oak riparian forest (refer to arrows) and ruderal habitat within the project study area. Note seasonal wetland feature within ruderal habitat in the bottom left corner of the photo (refer to Photo 3).

Picture taken on July 08, 2009.

**PHOTO DOCUMENTATION**

**PHOTO 5:**

View of a broken waterline and/or abandoned water well from an old residence. This seep is located on the upper slope of central coast live oak riparian forest.

Picture taken on July 08, 2009.

**PHOTO 6:**

View of a raptor nest located at the northern extent of the coast live oak riparian forest present within the project study area.

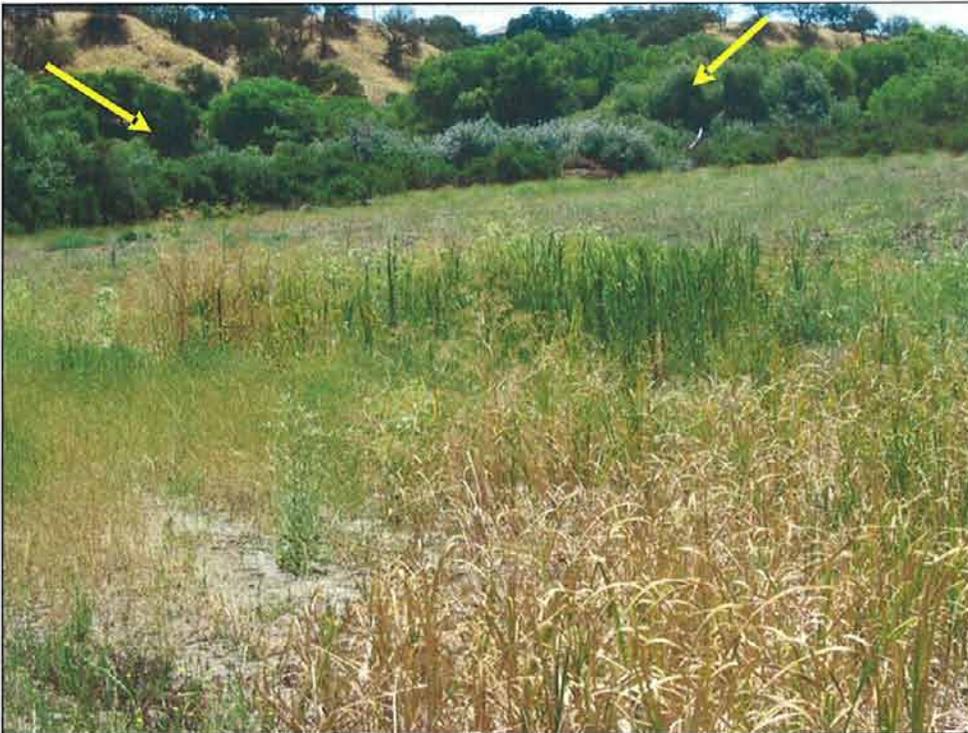
Picture taken on February 19, 2009.

**PHOTO DOCUMENTATION**

**PHOTO 7:**

View of central coast arroyo willow riparian forest (refer to arrows) and riverine habitat (Salinas River) within the project study area.

Picture taken on May 13, 2009.

**PHOTO 8:**

View of central coast riparian scrub (refer to arrows) within the project study area. Note seasonal wetland feature within ruderal habitat in the foreground.

Picture taken on July 08, 2009.

**PHOTO DOCUMENTATION**

**ATTACHMENT B:  
List of Species Observed**



## ATTACHMENT B

## Plant Species Observed within the Project Study Area

Scientific Name	Common Name	Native (Yes/No)
*Vascular Plants nomenclature follows " The Jepson Manual" and <a href="http://ucjeps.berkeley.edu/interchange.html">http://ucjeps.berkeley.edu/interchange.html</a>		
<b>ANGIOSPERMS</b>		
<b>DICOTYLEDONS</b>		
<b>ACERACEAE</b>		<b>MAPLE FAMILY</b>
<i>Acer palmatum</i>	Japanese maple	No
<b>AIZOACEAE</b>		<b>FIG-MARIGOLD FAMILY</b>
<i>Carpobrotus edulis</i>	iceplant	No
<b>AMARYLLIDACEAE</b>		<b>DAFFODIL FAMILY</b>
<i>Narcissus sp.</i>	daffodil	No
<b>ANACARDIACEAE</b>		<b>CASHEW FAMILY</b>
<i>Toxicodendron diversilobum</i>	poison oak	Yes
<b>APIACEAE</b>		<b>CARROT FAMILY</b>
<i>Conium maculatum</i>	poison hemlock	No
<i>Foeniculum vulgare</i>	fennel	No
<i>Daucus pusillus</i>	daucus	Yes
<b>APOCYNACEAE</b>		<b>DOGBANE FAMILY</b>
<i>Nerium oleander</i>	oleander	No
<i>Vinca major</i>	periwinkle	No
<b>ARALIACEAE</b>		<b>GINSENG FAMILY</b>
<i>Hedera helix</i>	English ivy	No
<b>ASTERACEAE</b>		<b>SUNFLOWER FAMILY</b>
<i>Ambrosia acanthicarpa</i>	annual bur-sage	Yes
<i>Artemisia douglasiana</i>	mugwort	Yes
<i>Artemisia dracunculus</i>	tarragon	Yes
<i>Baccharis douglasii</i>	mulefat	Yes
<i>Baccharis pilularis</i>	coyote brush	Yes
<i>Carduus pycnocephalus</i>	Italian thistle	No
<i>Centaurea solstitialis</i>	yellow star-thistle	No
<i>Cirsium vulgare</i>	bull thistle	No
<i>Conium maculatum</i>	poison hemlock	No
<i>Conyza canadensis</i>	horseweed	Yes

<i>Scientific Name</i>	<i>Common Name</i>	<i>Native (Yes/No)</i>
<i>Gnaphalium luteo-album</i>	cudweed everlasting	No
<i>Hazardia squarrosa</i>	saw-toothed goldenbush	Yes
<i>Helianthus annuus</i>	sunflower	No
<i>Heterotheca grandiflora</i>	telegraph weed	Yes
<i>Lactuca serriola</i>	prickly lettuce	No
<i>Madia sativa</i>	coast tarweed	Yes
<i>Sonchus asper</i>	prickly sow-thistle	No
<b>BETULACEAE</b>	<b>BIRCH FAMILY</b>	
<i>Alnus rhombifolia</i>	white alder	Yes
<b>BORAGINACEAE</b>	<b>BORAGE FAMILY</b>	
<i>Amsinckia menziesii var. intermedia</i>	rancher's fireweed	Yes
<i>Heliotropium curassavicum</i>	salt heliotrope	Yes
<b>BRASSICACEAE</b>	<b>MUSTARD FAMILY</b>	
<i>Hirschfeldia incana</i>	short-pod mustard	No
<i>Lepidium draba</i>	hoary cress	No
<i>Rorippa nasturtium-aquaticum</i>	water cress	Yes
<b>CAPRIFOLIACEAE</b>	<b>HONEYSUCKLE FAMILY</b>	
<i>Lonicera hispidula</i>	California honeysuckle	Yes
<i>Lonicera sp.</i>	honeysuckle	No
<i>Sambucus mexicana</i>	blue elderberry	Yes
<b>CHENOPODIACEAE</b>	<b>GOOSEFOOT FAMILY</b>	
<i>Atriplex semibaccata</i>	Australian saltbush	No
<i>Chenopodium album</i>	pigweed	No
<b>CONVOLVULACEAE</b>	<b>MORNING GLORY FAMILY</b>	
<i>Convolvulus arvensis</i>	bindweed	No
<b>EUPHORBIACEAE</b>	<b>SPURGE FAMILY</b>	
<i>Croton setigerus</i>	doveweed	Yes
<i>Ricinus communis</i>	castor bean	No
<b>FABACEAE</b>	<b>PEA FAMILY</b>	
<i>Lathyrus jepsonii var. californicus</i>	wild pea	Yes
<i>Lotus scoparius var. scoparius</i>	deerweed	Yes
<i>Medicago polymorpha</i>	burclover	No
<i>Melilotus indica</i>	sourclover	No

Scientific Name	Common Name	Native (Yes/No)
<i>Melilotus alba</i>	white sweetclover	No
<i>Trifolium angustifolium</i>	clover	No
<i>Trifolium hirtum</i>	rose clover	No
<b>FAGACEAE</b>	<b>OAK FAMILY</b>	
<i>Quercus agrifolia</i>	coast live oak	Yes
<i>Quercus lobata</i>	valley oak	Yes
<b>GERANIACEAE</b>	<b>GERANIUM FAMILY</b>	
<i>Erodium botrys</i>	filaree	No
<i>Erodium cicutarium</i>	red-stemmed filaree	No
<b>LAMIACEAE</b>	<b>MINT FAMILY</b>	
<i>Marrubium vulgare</i>	horehound	No
<b>MALVACEAE</b>	<b>MALLOW FAMILY</b>	
<i>Malva parviflora</i>	cheeseweed	No
<b>MYOPORACEAE</b>	<b>MYOPORUM FAMILY</b>	
<i>Myoporum laetum</i>	myoporum	No
<b>MYRTACEAE</b>	<b>MYRTLE FAMILY</b>	
<i>Eucalyptus camaldulensis</i>	red gum eucalyptus	No
<i>Eucalyptus globulus</i>	blue gum eucalyptus	No
<b>OLEACEAE</b>	<b>OLIVE FAMILY</b>	
<i>Fraxinus latifolia</i>	Oregon ash	Yes
<i>Olea europaea</i>	olive	No
<b>ONAGRACEAE</b>	<b>EVENING PRIMROSE FAMILY</b>	
<i>Epilobium ciliatum</i>	willow herb	Yes
<i>Mimulus guttatus</i>	creek monkeyflower	Yes
<b>PAPAVERACEAE</b>	<b>POPPY FAMILY</b>	
<i>Eschscholzia californica</i>	California poppy	Yes
<b>PLANTAGINACEAE</b>	<b>PLANTAIN FAMILY</b>	
<i>Plantago lanceolata</i>	English plantain	No
<i>Plantago major</i>	common plantain	No
<b>PLATANACEAE</b>	<b>SYCAMORE FAMILY</b>	
<i>Platanus acerifolia</i>	London plane tree	No
<b>POLYGONACEAE</b>	<b>BUCKWHEAT FAMILY</b>	
<i>Rumex crispus</i>	curly dock	No

Scientific Name	Common Name	Native (Yes/No)
PRIMULACEAE		PRIMROSE FAMILY
<i>Anagallis arvensis</i>	scarlet pimpernel	No
PUNICACEAE		POMEGRANATE FAMILY
<i>Punica granatum</i>	pomegranate	No
RHAMNACEAE		BUCKTHORN FAMILY
<i>Rhamnus crocea</i>	spiny red-berry	
ROSACEAE		ROSE FAMILY
<i>Heteromeles arbutifolia</i>	toyon	Yes
<i>Potentilla anserina ssp. pacifica</i>	cinquefoil	Yes
<i>Pyrus calleryana</i>	ornamental pear	No
<i>Rosa californica</i>	California rose	Yes
<i>Rubus ursinus</i>	California blackberry	Yes
SALICACEAE		WILLOW FAMILY
<i>Acer negundo</i>	box-elder	Yes
<i>Populus fremontii</i>	Fremont's cottonwood	Yes
<i>Salix exigua</i>	narrow-leaved willow	Yes
<i>Salix laevigata</i>	red willow	Yes
<i>Salix lasiolepis</i>	arroyo willow	Yes
SCROPHULARIACEAE		FIGWORT FAMILY
<i>Veronica anagallis-aquatica</i>	water speedwell	No
SIMAROUBACEAE		SIMAROUBA FAMILY
<i>Ailanthus altissima</i>	tree of heaven	No
SOLANACEAE		NIGHTSHADE FAMILY
<i>Datura wrightii</i>	Jimsonweed	Yes
<i>Nicotiana acuminata var. multiflora</i>	tobacco	No
TAMARICACEAE		TAMARISK FAMILY
<i>Tamarix sp.</i>	Tamarisk	No
URTICACEAE		NETTLE FAMILY
<i>Urtica dioica</i>	stinging nettle	Yes
<i>Urtica urens</i>	dwarf nettle	No
VERBENACEAE		VERVAIN FAMILY
<i>Phyla nodiflora</i>	common lippia	Yes
<i>Verbena lasiostachys</i>	verbena	Yes

<i>Scientific Name</i>	<i>Common Name</i>	<i>Native (Yes/No)</i>
VISCACEAE		MISTLETOE FAMILY
<i>Phoradendron villosum</i>	oak mistletoe	Yes
<b>MONOCOTYLEDONS</b>		
CYPERACEAE		SEDGE FAMILY
<i>Carex spissa</i>	sawgrass sedge	Yes
<i>Cyperus eragrostis</i>	tall flat-sedge	Yes
<i>Scirpus americanus</i>	American bulrush	Yes
POACEAE		GRASS FAMILY
<i>Avena fatua</i>	oats	No
<i>Bromus diandrus</i>	ripgut brome	No
<i>Bromus hordeaceus</i>	soft chess brome	No
<i>Bromus madritensis ssp. rubens</i>	red brome	No
<i>Cynodon dactylon</i>	Bermuda grass	No
<i>Lolium multiflorum</i>	Italian rye-grass	No
<i>Pennisetum clandestinum</i>	kikuyu grass	No
<i>Phalaris aquatica</i>	harding grass	No
<i>Vulpia myuros</i>	rattail fescue	No
TYPHACEAE		CATTAIL FAMILY
<i>Typha angustifolia</i>	narrow-leaved cattail	Yes
<i>Typha latifolia</i>	broad-leafed cattail	Yes



**ATTACHMENT C:  
City of Paso Robles Oak Tree Preservation Ordinance**



ORDINANCE NO. 835 N.S.  
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING SECTION 10.01 ET SEQ. AND RELATED PROVISIONS OF THE  
MUNICIPAL CODE (MUNICIPAL CODE AMENDMENT 2001-001 - OAK TREES)

WHEREAS, in 1988 the City Council of the City of El Paso de Robles adopted an Amendment to the City's Municipal Code to provide for an Oak Tree Preservation Ordinance; and

WHEREAS, based on changes in City organizational structure and experience in implementing the 1988 Ordinance, there is a need to up-date and refine the current ordinance; and

WHEREAS, Municipal Code Amendment 2001-001 also proposes to provide the desired up-date and refinement to the Oak Tree Preservation Ordinance, including, but not limited to provisions for the City to recover the costs of implementing the Oak Tree Preservation Ordinance; and

WHEREAS, at its meetings of January 29, 2002, and March 12 and 26, 2002, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, at its meeting of April 16, 2002, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Considered the Commission's recommendation from the Planning Commission's March 26, 2002, public meeting;
- e. Introduced said ordinance for first reading; and

WHEREAS, on July 16, 2002, the City Council determined the need to make further refinements to the subject ordinance and directed that the ordinance be re-introduced for first reading at the August 6, 2002 City Council meeting.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Section 10.01 et seq. is hereby amended to replace the current text with the text of the code amendment attached and labeled Exhibit "A" (Oak Tree Preservation Ordinance); and

By Separate Resolution the City Council shall establish processing fees for recovering the cost of the City implementing the provisions of the Oak Tree Preservation Ordinance.

**SECTION 1. Publication.** The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

**SECTION 2. Severability.** If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on August 6, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 20<sup>th</sup> day of August 2002 by the following roll call vote:

AYES:	Fingan, Heggarty, Nemeth, Picanco and Meehan
NOES:	None
ABSTAIN:	None
ABSENT:	None

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Frank R. Meehan, Mayor

ATTEST:

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Sharilyn Ryan, Deputy City Clerk

#### **10.01.010 Purpose and Intent.**

- A. It is declared that the public interest and welfare requires that the city establish a program for the preservation of oak trees in order to maintain the heritage and character of the City of El Paso de Robles ("The Pass of the Oaks") as well as preserve the beauty and identity of the community.
- B. This chapter provides policies, regulations and specifications necessary to govern the preservation of oak trees within the city and to control their pruning and/or removal. This code also prescribes measures to preserve existing oak trees. These provisions apply to private property owners and to tree maintenance services and arborists. These provisions also apply to new development, redevelopment and any discretionary considerations by the City of Paso Robles that could result in development of intensities that could impact existing oak trees.
- C. It is the intent of this ordinance to hold private property owners strictly liable for removing oak trees within the City without a required permit, and to avoid endangerment of oak trees that are to be preserved. Further, it is the intent of this ordinance that "tree maintenance services" and "Arborists" shall be Certified and licensed by the City and should be aware of the provisions of this ordinance and shall be held accountable for violation of the terms of this ordinance. Further, it is the intent of the City of Paso Robles to be construed as the "aggrieved party" in regards to any criminal enforcement of this manner in which restitution can be obtained.
- D. The policies and procedures contained in this chapter apply equally to private property and to projects being pursued by public agencies, including but not limited to the City of El Paso de Robles. It shall be the City's policy to encourage other agencies to comply with these provisions even when the City does not have legal jurisdiction over the actions of that agency.
- E. The permits required under this Chapter fall into two categories: permits for pruning oak trees, which are the purview of the Public Works Department, and permits for oak tree removal, which are processed by the Community Development Department.
- F. Preservation of existing oak trees and opportunities to promote the establishment of new oak trees shall be a focus of the Planning Commission and/or City Council in conjunction with consideration of any development project or development related entitlement. Public education regarding the value of preserving oaks and other trees shall be promoted by the City of Paso Robles.
- G. Modifications to Chapter 10.01 et seq shall apply to all projects and/or developments that have been approved by the Planning Commission or City Council as of the effective date of the ordinance implementing the Municipal Code Amendment, except that the new requirements for fencing and protection of oak trees shall apply as of the effective date of this ordinance.

#### 10.01.020 Definitions.

As used in this chapter:

- A. "Arborist" means a person who is Certified by the Western Chapter of the International Society of Arboriculture and who has specific knowledge regarding trees with the ability to determine whether such tree is diseased, and holds themselves out as able to make recommendations regarding preservation, pruning and cutting of trees and for which they receive remuneration.
- B. Bond" means a type of financial security; equivalent forms of financial security shall be subject to approval by the director.
- C. "Caliper" means the diameter of a tree trunk that is taken twelve (12) inches above the ground. Caliper is a basis for measuring oak trees that are less than six (6) inches in DBH.
- D. "Construction area" means any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, and any other change in the natural character of the land occurs as a result of site preparation, grading, building construction or any other construction activity.
- E. "Critical Root Zone" (CRZ) means an area of root space that is within a circle circumscribed around the trunk of a tree using a radius of 1 foot per inch DBH, e.g. a 20-inch diameter tree has a CRZ with a radius of 20 feet as measured from the center of the tree. For trees that do not have a circular trunk, CRZ shall be calculated by measuring the circumference of the tree and dividing that number by "pi".
- F. "DBH" (Diameter at breast height) means the diameter of a tree trunk measured in inches at a height of 4 ½ (four and one half) feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at its most narrow point beneath the split.
- G. "Director" means the director of the Community Development Department or his/her designated representative.
- H. "Oak tree" means any species of the genus "Quercus" that is native to the Paso Robles area.
- I. "Monitor" is a person hired by a certified, licensed Arborist. A Monitor is required in conjunction with an approval for development of a property that contains one or more oak tree(s) or which is impacted by the CRZ of an oak on an adjacent property. The function of a monitor is to insure that grading activities are conducted in a manner consistent with the approved development plan relative to oak tree preservation issues.
- J. "Permit to Prune" means a written authorization by the Director of Public Works that specifically designates the location, number, type and size of oak trees that a person has permission to prune.

- K. "Permit to Remove" means a written authorization by the director or the city council that specifically designates the location, number, type and size of oak trees that a person has permission to remove.
- L. "Person" means individuals, associations, corporations, public agencies, and their agents and employees.
- M. "Pruning" means the removal of any dead parts of a tree, and/or normal seasonal maintenance shaping or thinning of a tree necessary to its health, growth and view maintenance. The intent is to clean the crown of the tree and enhance the tree's structural strength. Foliage reduction shall not exceed one quarter of the total tree foliage.

**10.01.030 Permits Required.**

- A. Permit to Prune: No person shall prune an oak tree growing on private or public property within the City Limits of the City of Paso Robles if said pruning involves cutting a portion of the tree that is six (6) inches or greater diameter unless they have first received approval of a Permit to Prune issued by the City's Public Works Director. The Director of Public Works is authorized to establish standards for pruning of oak trees. Pruning of tree limbs of less than six (6) inches diameter does not require a permit. Exception to requirement for Permit to Prune: Owners of developed properties (parcels with existing buildings and related improvements) that are not being considered for new construction or other development entitlements may prune oak trees on their property without the need for a permit and without limitation as to limb size as long as the pruning does not endanger the health of the oak tree.
- B. Permit to Remove: No person shall remove or otherwise destroy an oak tree of six (6) inches or greater diameter (DBH) growing on private or public property within the City Limits of the City of Paso Robles unless they have first received approval of a Permit to Remove as authorized by the Director of Community Development or the City Council. See "Removal of Oak Tree – Application Process". Removal of oak trees of less than six (6) inches DBH does not require a permit from the City of Paso Robles.

**10.01.040 License and City Council Approval Required**

No tree maintenance service or arborist shall provide such services for remuneration within the City without a business license from the City and complying with any other applicable State license or permit requirements. In order to provide services as an Arborist in the City of Paso Robles a person must be a Certified Arborist and must be on the list of Arborists approved by the Paso Robles City Council.

**10.01.050 Removal of Oak Tree -- Application Process.**

- A. Any person wishing to remove one or more oak trees from any parcel in the city shall apply in writing to the Community Development Department for a Permit to Remove. A deposit in an amount to be established by City Council resolution shall be made at the time of application for each oak tree proposed to be removed. The director shall have the authority to adjust the deposit amount to reflect the City's

expected cost of time and materials to process the specific application(s). Administrative costs of processing the permit will be deducted from the deposit, and remaining funds shall be refunded to the applicant; if the City's costs for processing the applications (including the need for consulting Arborist assistance) exceeds the deposit amount, the director shall request additional funding and may delay work on the application until the additional funding is received.

- B. Exceptions to deposit requirement: A property owner may make a written request for authorization to remove a dead or diseased oak tree without the need to provide a deposit if he or she can provide documentation from an arborist concluding that the tree's death or disease is not their fault. Owners of developed properties that are not being considered for new construction or other development entitlements may apply for a permit to remove oak trees on their property without limitation as to tree size and without the need to post a deposit if the trees are located in a manner that is either inconsistent with or interferes with the growth and health of other oak trees (example: trees under the canopy of larger trees can be requested to be removed). The Community Development Director shall bring such requests forward to City Council for consideration.
- C. A Permit to Remove application shall contain a plot plan showing the location, type and size of tree(s) proposed to be removed, a brief statement of the reason for removal, and other pertinent information that the director may require.
- D. Except as specifically provided in Section 10.01.065 of this chapter, the director shall not be authorized to approve removal of a healthy oak tree that is six (6) inches or greater DBH. The only oak trees which are six (6) inches or greater DBH whose removal the director is authorized to permit are trees that are in the director's judgment, clearly dead or diseased beyond correction. The extent to which a tree may be diseased shall be subject to evaluation by an Arborist. Based on the recommendation of an Arborist the director may authorize removal of a tree that is diseased beyond correction.
- E. If a request is being made to remove one or more healthy oak trees for which a Permit to Remove is required, the director shall prepare a report to the city council, outlining the proposal and his recommendation, considering the following factors in preparation of his recommendation.
  - 1. The condition of the oak tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for a plant, pest or disease endangering other species of trees or plants with infection or infestation;
  - 2. The necessity of the requested action to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned. In this context, it shall be the burden of the person seeking the permit to demonstrate to the satisfaction of the director that there are no reasonable alternatives to the

proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom building design and incurring extraordinary costs to save oak trees;

3. The topography of land, and the potential effect of the requested tree removal on soil retention, water retention, and diversion or increased flow of surface waters. The director shall consider how either the preservation or removal of the oak tree(s) would relate to grading and drainage. Except as specifically authorized by the planning commission and city council, ravines, stream beds and other natural watercourses that provide a habitat for oak trees shall not be disturbed;

4. The number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty and the general welfare of the city as a whole;

5. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.

F. Conditions, Including Replacement Requirements: In conjunction with the intended decision made on an application for a Permit, the director shall attach or recommend for city council consideration reasonable conditions to ensure compliance with the stated purposes of this chapter, and a condition requiring replacement trees of the same species as the tree(s) requested for removal, based on the replacement oaks being equivalent to 25 percent of the diameter of the removed tree(s). (For example, the replacement requirement for removal of two trees of 15 inch DBH (30 total diameter inches), would be 7 ½ inches (30" removed x 0.25 replacement factor). This requirement could be satisfied by planting five (5) 1 ½ inch caliper trees, or three (3) 2 ½ inch caliper trees, or any other combination totaling 7 ½ inches). A minimum of two (2) 24 inch box, 1 ½ inch minimum trunk caliper measurement trees shall be required for each oak tree removed. Replacement trees shall be located on the same property as where the tree is approved for removal or, subject to approval of the director, arrangements can be made to locate the replacement trees on public property. Planting standards for replacement trees shall be consistent with City Standard Details and Specification L-4 except that deep root barriers shall not be required if the trees are not adjacent to sidewalk areas. Oak Tree preservation and maintenance measures shall be consistent with the provisions of this chapter.

G. Exceptions to replacement requirement: A property owner may make a written request for authorization to remove a dead or diseased oak tree without the need to provide the required replacement trees if he or she can provide documentation from a Certified Arborist on the City Council's approved list concluding that the tree's death or disease is not their fault. Owners of developed properties that are not being considered for new construction or other development entitlements may apply for a permit to remove oak trees on their property without limitation as to tree size and without

need for replacements if the trees are located in a manner that is either inconsistent with or interferes with the growth and health of other oak trees (example: trees under the canopy of larger trees can be requested to be removed). The Community Development Director shall bring such requests forward to City Council for consideration.

- H. In conjunction with the development or use of any property where there is a question in the mind of the director as to possible impacts on an existing oak tree that is intended to be protected and for which a "Permit to Remove" would be required, the director shall require that a tree preservation security be posted, in an amount based on the valuation of the trees according to the guidelines set forth within the Council of Tree and Landscape Appraisers "Guide for Plant Appraisal". The purpose of the security is to ensure the intention to preserve trees not approved for removal. The City Council may adopt a standard schedule for the value of replacement trees in lieu of utilizing the "Guide for Plant Appraisal".
- I. This security shall be held for a reasonable period of time following grading or other development activity on the parcel, not to exceed three years; the security is to be released upon the satisfaction of the director that the trees to be preserved have not been endangered. In instances where trees not approved for removal have been destroyed or damaged the security shall be applied, for the value of the destroyed tree(s), and be used for the replacement and preservation of city oak trees, as required by the director.
- J. Any fees or deposits to be charged pursuant to the provisions of Chapter 10.01 shall be established by City Council Resolution.

#### **10.01.51 Pruning of an Oak Tree – Application Process**

- A. Any person or agent of any person wishing to prune one or more oak trees in a manner that would involve cutting limbs of six (6) or more inches in diameter on any parcel within the City shall apply in writing to the Public Works Department for a permit. A processing fee in an amount to be established by City Council Resolution shall be made for each tree at the time of the application. For large numbers of trees or forested areas, the Director of Public Works shall have the authority to adjust the fee to reflect the City's actual costs for administering the permitting and inspection process, and shall be authorized to establish an oak tree management program for the subject property. (Please note exceptions to Permit to Prune requirements under Section 10.01.030A)

A Permit to Prune application shall contain a description of the subject tree and shall identify with specificity the limbs to be removed.

If a request is being made to prune one or more healthy, oak trees that would require a "Permit to Prune", the Director of Public Works shall approve or deny the request considering the factors described in Section 10.01.050 of this Code Section. The Public Works Director may, at his or her

discretion, require an arborist report prepared under contract to the City at the applicant's cost.

**10.01.055 Planning Commission Role in Implementing the Oak Tree Preservation Ordinance.**

- A. The first step in the City's consideration of any development entitlement that could impact existing oak trees that have a DBH of six (6) inches or greater shall be an inventory and map of the location, size and CRZ of any potentially impacted oak trees. The inventory shall be prepared by a registered civil engineer or land surveyor. The size or configuration of proposed parcels of land, and the extent of development on such parcels, shall be planned in a manner so as not to encroach into the CRZ of any oak tree with a DBH of six (6) inches or greater unless the Planning Commission can make findings of extenuating circumstances that warrant exception to the rule of not encroaching into the CRZ. In addition to the inventory, a photographic record shall be provided to the City illustrating the nature of oak trees on the subject property.
- B. The Planning Commission may act as an advisory committee for the director and city council and may, in the course of reviewing development applications before them, require that certain trees be retained and/or protected from destruction. Their decision can be appealed to the city council in the same manner as described within this chapter.
- C. The planning commission shall not have the authority to approve removal of any oak trees that have a DBH of six (6) inches or greater. The commission may, however, as part of a development review process, recommend to the city council that the council permit certain oak trees to be removed. The criteria to be used by the planning commission in making such recommendation shall be as specified in Section 10.01.050 of this chapter.
- D. The Planning Commission may approve the relocation of an existing oak tree based on the recommendation of a City approved Certified Arborist. The property owner shall post a security equal to the value of the tree proposed to be relocated and the City shall hold the security for three (3) years to have reasonable assurances that the tree has survived the relocation.

**10.01.060 Appeals of Permit Decisions.**

- A. Any person aggrieved or affected by a decision of either the Director of Community Development or the Director of Public Works may appeal the decision to the city council by filing a written appeal with the city clerk within fifteen days of the date of the director's notice. Any such appeal shall be accompanied by an appeal fee in the amount established by resolution of the city council.
- B. If no appeal is filed within such time, the Director of Community Development or the Director of Public Works shall promptly implement his intended decision by denying or issuing the permit, with or without conditions. An appeal shall automatically stay execution of the implementation of the intended decision until the appeal has been considered and decided by the city council.

- C. The City Clerk shall place all such appeals on the agenda of the next regular council meeting and shall give notice to the applicant and/or appellant. The city council shall consider and decide all issues raised in the appeal and may call for expert witness from a consulting Certified Arborist, for which the city may require to be reimbursed by the applicant. The decision of the council shall be final.

**10.01.065 Emergencies.**

- A. In the case of emergency caused by the dangerous condition of an oak tree requiring immediate action for the protection of life or property, a tree may be cut down in whole or in part on the order of the Public Works Director or any on-duty member of the police or fire departments. A report recording the reasons for such action shall be required by the director.
- B. Public utilities subject to the jurisdiction of the Public Utilities Commission of the State of California may also take such action as may be necessary to maintain a safe operation for their facilities.

**10.01.070 Preservation and Maintenance of Existing Oak Trees.**

- A. As a general rule, the existing ground surface within the CRZ of any oak tree shall not be cut, filled, compacted or paved. Excavation adjacent to any oak tree shall not be permitted where, in the judgment of the director, damage to the root system will result. Exceptions may be approved by the director based on consultation with a Certified Arborist from the City's list of approved arborists, at the cost of the developer, resulting in reasonable assurance that the tree will not be damaged. Anticipated exceptions include making allowances to construct planned public improvements such as roads and sidewalks when it is not feasible to design the public improvements in a manner that will avoid encroachment into the CRZ. The following criteria are to be used when considering permission to encroach into the CRZ of an oak tree:
  - 1. When proposed developments encroach into the CRZ of any oak tree, whether the tree is located on the property being developed or on an adjacent property, special construction techniques to protect the roots shall be required by the director with respect to any application for a building, grading or development permit. During construction, such protection measures may include, but not be limited to, installing a tree protection fence around the CRZ(s) of a tree or trees to be preserved. All development applications, where oak trees may be affected by development, shall include a certification by a registered civil engineer or land surveyor attesting to the accuracy of the tree trunk and CRZ locations.
  - 2. In connection with a proposed subdivision of land into two or more parcels, the subdivider shall design the lots such that development within the CRZ of any remaining oak trees can be entirely avoided. Details showing the footprint of the buildings shall be submitted at the time of tentative map approval to satisfy this requirement, and constructive notice shall be required to be recorded to advise future property owners of the limitation on development of the subject parcel(s).

3. Except unless specifically approved by a Certified Arborist from the City's list of approved Arborists, no trenching whatsoever shall be allowed within the CRZ(s) of oak trees. If it is absolutely necessary to install underground utilities within the CRZ(s) of an oak tree, the trench shall be either bored or drilled unless the Certified Arborist determines that the trenching can be accomplished without endangering the oak tree.

4. Landscaping beneath oak trees may include non-plant materials such as boulders, cobbles, wood chips, etc. The only plant species which shall be located within the CRZ(s) of oak trees are plants that are indigenous to the Paso Robles area. All landscaping shall be subject to the approval of the City.

5. Paving within the CRZ(s) of oak trees shall be stringently minimized. When it is absolutely necessary, porous material should be used.

6. During grading of any property on which there are oak trees of six (6) inches or greater DBH, the following standards of oversight shall apply:

(a) If grading, cutting or filling is approved for areas within the CRZ of oaks or within a five (5) foot distance of the CRZ of an oak to be preserved, the work shall be supervised by a Certified Arborist from the City's list of approved Arborists. The Arborist shall be responsible for maintaining protective fencing and insuring the oak trees are not damaged by grading related activities. The Arborist shall be paid for by the applicant / developer of the property. The City of Paso Robles reserves the right to hire an independent Certified Arborist if it is deemed necessary by the director to provide adequate supervision of grading.

(b) Grading, cutting and filling on property that has oak trees but which is planned to occur at least five (5) feet beyond the CRZ of any oak trees of six (6) inches or greater DBH shall not occur unless there is a monitor present to insure that grading occurs in accordance with approved plans and without encroachment into areas within five (5) feet of the CRZ of any oak tree(s) of six (6) inches or greater DBH. The monitor shall be paid for by the applicant / developer of the property and shall be present during all grading related activities. The City of Paso Robles reserves the right to hire an independent monitor if it is deemed necessary by the director to provide adequate supervision of grading.

#### **10.01.080 Building Permits.**

- A. When any building permit is applied for pursuant to this code and the proposed structure would require encroachment into the CRZ of an oak tree or the removal of an oak tree, the official responsible for issuing the permit shall take into consideration the provisions of this chapter in the granting or denying of such permit, and the applicant shall be required to obtain a permit in accordance with the provisions of this chapter.
- B. In the event a Permit to Remove an oak tree is issued in order to enable the applicant to carry out a development or improvement of his property, such permit shall be valid and

effective only in connection with the actual accomplishment of such project.

**10.01.090 Safeguarding Trees During Construction.**

- A. For the purposes of safeguarding oak trees during construction, the following conditions shall apply:
1. Prior to issuance of a grading or building permit, all oak trees in a construction area shall be inventoried by the owner of such site or by the contractor as to size and location on the site. Such inventory shall be submitted to the director, and field checked by city staff or contract assistance at the applicant's cost to verify the number, size and location of the trees and the adequacy of protective fencing.
  2. Damage to any tree during construction shall be immediately reported to the director. The property owner shall be responsible for correcting any damage to oak trees on the property in a manner specified by an Arborist hired by the City at the applicant's cost.
  3. Oil, gasoline, chemicals and other construction materials or equipment which might be harmful to certain oak trees shall not be stored within the CRZ of the tree.
  4. Drains shall be installed according to city specifications so as to avoid harm to the oak trees due to excess watering.
  5. Wires, signs and other similar items shall not be attached to the oak trees.
  6. Cutting and filling within the CRZ of an oak tree shall be done only after consultation with the director, and then only to the extent authorized.
  7. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or waste water shall be dumped on the ground or into any grate between the CRZ and the base of the oak trees, or uphill from any oak tree where such substance might reach the roots through a leaching process.
  8. Tree protection fences, of a type and design subject to the approval of the director or his/her designated representative shall be installed at the CRZ to prevent compaction and injury to a tree's surface roots.
  9. Wherever cuts are made in the ground near the roots of any oak tree, appropriate measures shall be taken to prevent exposed soil from drying out. All cuts within the CRZ of a tree are to be made with hand tools (no backhoes or graders).
  10. All root pruning is to be done by hand.
- B. If the director has reason to believe that construction or development activities may endanger an oak tree, he may seek professional consultation, at the expense of the applicant seeking to undertake construction or development of the property, to recommend measures necessary to safeguard the tree(s).

**10.01.100 Safeguarding Trees After Construction.**

Oak trees required to be kept on a building site and oak trees required to be planted as a condition of construction shall be maintained after completion of construction according to City requirements for the purpose of maintaining or furthering the health of such trees. The director may require that drought-resistant landscaping be installed as an alternative to irrigated landscaping where appropriate.

**10.01.110 Willful Destruction or Endangerment of Oak Trees.**

It is unlawful for any person to willfully destroy, mutilate, poison or attempt to kill an oak tree in the city. Any action that would endanger an oak tree and that results in its destruction shall be subject to the same penalties as removal without authorization. The person or party responsible for willfully causing the destruction or removal of an oak tree shall be held responsible for the payment of any penalties in conjunction with its removal.

**10.01.120 Enforcement.**

The director shall be responsible for the enforcement of this chapter in coordination with the Director of Public Works (who is responsible for issuance of Permits to Prune).

**10.01.130 Violation--Penalty. Remedies for Violations.**

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available for the City for violation of this chapter:

A. Against Property Owners and Developers:

1. Stop Work-Temporary Moratorium - If a violation occurs during development, the City may issue a Stop-Work Order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the Director, agreed to in writing by the property owner(s), and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for the protection of any remaining trees on the property, and shall provide for replacement of each tree removed on the property or at locations approved by the Director of Community Development and by the Director of Public Works, if replacement is to occur on public property. Replacement ratio shall be in accordance with the standard set forth in Section 10.01.050, and shall be at a ratio equal to twice that required where the tree removal is permitted pursuant to the provisions of this chapter.

If a violation occurs in the absence of development, or while an application for building permit or discretionary development approval for the lot upon which the tree is located is pending, the Director may issue a temporary moratorium on the development of the subject property, not to exceed 18 months from the date the violation occurred. The purpose of this moratorium is to provide the City an opportunity to

study and determine the appropriate mitigation measures for the tree removal, and to insure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the Director shall be imposed as a condition of any subsequent permits for the development on the subject property.

2. Civil Penalties - As a part of a civil action brought by the City, a court may assess against any person who commits, allows, or maintains a violation of any provision of this chapter a civil penalty in an amount not to exceed \$5,000.00 per violation.

a. Where the violation has resulted in the removal of a tree, the civil penalty shall be an amount not to exceed \$5,000.00 per tree unlawfully removed or the replacement value of such tree, whichever amount is higher. Such amount shall be payable to the City. The replacement value for the purpose of this section shall be determined utilizing the most recent addition of the Guide for Plant Appraisal, published by the Council of Tree and Landscape Appraisers.

3. Injunctive Relief - A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.

4. Costs - Any civil action brought pursuant to this chapter in which the City prevails, the Court shall award to the City all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action and reasonable attorneys' fees.

5. Criminal Citation - Any person violating any provision of this chapter is guilty of a crime. The crime may be charged as an infraction or a misdemeanor.

6. The remedies in this section shall be deemed to be cumulative and not mutually exclusive.

B. Against Tree Trimming Services and Arborists:

1. Any tree trimming service or arborist violating any provision of this chapter is guilty a crime. This crime can be charged as either an infraction or a misdemeanor. It shall be a separate violation for each oak tree trimmed, removed or destroyed.

2. It shall be an infraction for any tree trimming service or arborist to receive pay for such services within the City without a business license.

3. Any tree trimming service or arborist who is found in violation of any provision of this chapter shall have in addition to any other penalties, their license placed on probation for a period of one year. Any similar violation within a one year period shall be cause for suspension of the business license for a period of one

year. Any third violation within a five year period shall be cause for the termination of the business license and no further license shall be issued to the violator.

4. The remedies of this section shall be deemed to be cumulative and not mutually exclusive.
- C. Any person convicted for violation of any portion of this chapter is punishable by a fine. Further, any person convicted shall be charged for restitution in the amount which would be determined based upon the valuation of the trees or reduction in value of the tree where the tree has been trimmed, according to the guidelines set forth in the amount not to exceed \$25,000.00. The penalty shall be further specified as follows:
1. Infraction: Fine of \$500.00 plus restitution.
  2. Misdemeanor: Fine of \$1,000.00 plus restitution.

In instances of additional violations beyond the first conviction of a violation of this chapter, the amount of the fine shall be doubled (two times the fine amount that would be applicable).

Restitution shall be levied in full or in part as deemed appropriate by a court of law.

Fines and restitution collected shall be placed in The Oak Tree Preservation Replacement Fund to be utilized for the preservation and replacement of oak trees within the City. Fines and restitution shall be designed to cover the costs of prosecution of oak tree enforcement.

# **A & T ARBORISTS**

P.O. BOX 1311 TEMPLETON, CA 93465 (805) 434-0131



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## **Tree Preservation Plan For**

## **The City of Paso Robles Waste Water Treatment Plant Upgrades**

**Prepared by A & T Arborists  
and Vegetation Management**

Chip Tamagni  
Certified Arborist #WE 6436-A

A handwritten signature in black ink, appearing to read 'S. Alvarez', written over a faint circular stamp.

Steven Alvarez  
Certified Arborist #WE 0511-A

**Project Description:** This project involves the construction of a new building and additional waste water treatment facilities. The native oaks on site consist of coast live oaks (*Quercus agrifolia*) and valley oaks (*Quercus lobata*). The live oaks are mixed with the valley oaks at the upper elevation and valley oaks occur on the slopes down towards the riverbed. The proposed construction area is located adjacent to an old barn that appears to have been used to store equipment to farm the area. This area is adjacent to the current access road. The soil in this location is for all practical matters compacted from existing vehicular traffic. Of the 63 trees surveyed for the purposes of this report, five trees will be impacted and four are proposed for removal. Tree #6 is located adjacent to the proposed building. The impact will be root loss during over-excavation and compaction for the parking lot. Trees #7, #18, and #57 impacted from grading, building over-excavation and compaction for the driveway and parking lot. Tree #55 will be impacted from parking lot compaction. We feel these trees will all survive. Trees #11, #12, #13, and #14 are proposed for removal. They are all valley oaks ranging in size from eight to 10 inches. They are located at the proposed south entrance to the parking lot. Total diameter is 32 inches. The 25% replacement ratio will be eight diameter inches of replacement trees.

**Specific Mitigations Pertaining to the Project:** We feel the grading impact of 50% is a little excessive for tree #6 however, the tree is young and should survive with remedial measures including systemic insecticide and fungicide and mandatory arborist monitoring during excavation. We anticipate roots will be exposed, therefore, the project arborist must be present to perform proper root pruning. Future considerations concerning tree growth should be decided on today. One day in the future, this tree may cause structural problems for this building. Using chemical root barrier is advised to help discourage roots from growing towards the building. This is not a permanent fix. Because the tree is relatively young, consideration to remove and replant should be an alternative as would be moving the building away from the tree an additional five feet. This action would however, cause more impacts to the trees across the parking lot. This tree's canopy will also have to be periodically trimmed away from the building and parking lot. For the purposes of this report, we will consider the tree impacted only. The remaining trees adjacent to the parking lot have varying impacts ranging from 5-30%. The engineer should plan to have no grade lowering within the critical root zones. In other words, a base leveling course should be applied to existing soil grade. Asphalt would then be applied. Fencing shall be placed at the edge of the proposed parking lot, at the eastern edge of the over-excavation and at the edge of critical root zone of all trees with fencing mitigation listed on the spreadsheets. During the building construction, all trees with impacts in the parking lot area shall have full critical root zone fencing. On the day that base is brought in for the parking lot, the fencing can be moved back to the line of encroachment. All utilities shall be routed outside of the critical root zones. If any future plans dictate critical root zone encroachment other than what has been shown on the plans we received, additional analysis will be required.

The term "critical root zone" or CRZ is an imaginary circle around each tree. The radius of this circle (in feet) is equal to the diameter (in inches) of the tree. For example, a 10 inch diameter tree has a critical root zone with a ten foot radius from the tree. Working within the CRZ usually requires mitigations and/or monitoring by a certified arborist.

All trees potentially impacted by this project are numbered and identified on both the grading plan and the spreadsheet. Trees are numbered on the grading plans and in the field with an aluminum tag. Tree protection fencing is shown on the grading plan.

If pruning is necessary for building, road or driveway clearance, removal of limbs larger than 6 inches in diameter will require a city approved permit along with a deposit paid in advance (to the City of Paso Robles). The city will send out a representative to approve or deny the permit. Only 25% of the live crown may be removed.

### **Tree Rating System**

A rating system of 1-10 was used for visually establishing the general health and condition of each tree on the spreadsheet. The rating system is defined as follows:

<u>Rating</u>	<u>Condition</u>
0	Deceased
1	Evidence of massive past failures, extreme disease and is in severe decline.
2	May be saved with attention to class 4 pruning, insect/pest eradication and future monitoring.
3	Some past failures, some pests or structural defects that may be mitigated by class IV pruning.
4	May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.
5	Relatively healthy tree with little visual, structural and/or pest defects and problems.
6	Healthy tree that probably can be left in its natural state.
7-9	Has had proper arboricultural pruning and attention or have no apparent structural defects.
10	Specimen tree with perfect shape, structure and foliage in a protected setting (i.e. park, arboretum).

Aesthetic quality on the spreadsheet is defined as follows:

- **poor** - tree has little visual quality either due to severe suppression from other trees, past pruning practices, location or sparse foliage
- **fair** - visual quality has been jeopardized by utility pruning/obstructions or partial suppression and overall symmetry is average
- **good** - tree has good structure and symmetry either naturally or from prior pruning events and is located in an area that benefits from the trees position
- **excellent** - tree has great structure, symmetry and foliage and is located in a premier location. Tree is not over mature.

The following mitigation measures/methods must be fully understood and followed by anyone working within the critical root zone of any native tree. Any necessary clarification will be provided by us (the arborists) upon request.

It is the responsibility of the **owner or project manager** to provide a copy of this tree protection plan to any and all contractors and subcontractors that work within the critical root zone of any native tree and confirm they are trained in maintaining fencing, protecting root zones and conforming to all tree protection goals. It is highly recommended that each contractor sign and acknowledge this tree protection plan.

Any future changes (within the critical root zone) in the project will need Project Arborist review and implementation of potential mitigation measures before any said changes can proceed.

**Fencing:** The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4' high chain link, snow or safety fence staked (with t posts 8 feet on center) at the edge of the critical root zone or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth moving begins. The owner shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree. Weather proof signs shall be permanently posted by the general contractor on the fences every 50 feet, with the following information:

<p><b>Tree Protection Zone</b> No personnel, equipment, materials, and vehicles are allowed Do not remove or re-position this fence without calling: A &amp; T Arborists 434-0131</p>
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**Soil Aeration Methods:** Soils within the critical root zone that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include water jetting, adding organic matter, and boring small holes with an auger (18" deep, 2-3' apart with a 2-4" auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.

**Chip Mulch:** All areas within the critical root zone of the trees that can be fenced shall receive a 4-6" layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.

**Trenching Within Critical Root Zone:** All trenching within the critical root zone of native trees shall be **hand dug**. All major roots shall be avoided whenever possible. All exposed roots larger than 1" in diameter shall be clean cut with sharp pruning tools and not left ragged. A **Mandatory** meeting between the arborists and grading contractor(s) must take place prior to work start.

**Grading Within The Critical Root Zone:** Grading should not encroach within the critical root zone unless authorized. Grading should not disrupt the normal drainage

pattern around the trees. Fills should not create a ponding condition and excavations should not leave the tree on a rapidly draining mound.

**Exposed Roots:** Any exposed roots shall be re-covered the same day they were exposed. If they cannot, they must be covered with burlap or another suitable material and wetted down 2x per day until re-buried.

**Equipment Operation:** Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist.

**Existing Surfaces:** The existing ground surface within the critical root zone of all oak trees shall not be cut, filled, compacted or pared, unless shown on the grading plans and approved by the arborist.

**Construction Materials And Waste:** No liquid or solid construction waste shall be dumped on the ground within the critical root zone of any native tree. The critical root zone areas are not for storage of materials either.

**Arborist Monitoring:** An arborist shall be present for selected activities (trees identified on spreadsheet and items bulleted below). The monitoring does not necessarily have to be continuous but observational at times during these activities. It is the responsibility of the **owner(s) or their designee** to inform us prior to these events so we can make arrangements to be present. All monitoring will be documented on the field report form which will be forwarded to the project manager and the City of Paso Robles Planning Department.

- pre-construction fence placement inspection
- all grading and trenching identified on the spreadsheet
- any other encroachment the arborist feels necessary

**Pre-Construction Meeting:** An on-site pre-construction meeting with the Arborist(s), Owner(s), Planning Staff, and the earth moving team shall be required for this project. Prior to final occupancy, a letter from the arborist(s) shall be required verifying the health/condition of all impacted trees and providing any recommendations for any additional mitigation. The letter shall verify that the arborist(s) were on site for all grading and/or trenching activity that encroached into the critical root zone of the selected native trees, and that all work done in these areas was completed to the standards set forth above.

**Pruning** Class 4 pruning includes-Crown reduction pruning shall consist of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned **prior** to any grading activities to avoid any branch tearing.

**Landscape:** All landscape within the critical root zone shall consist of drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around critical root zones, otherwise above ground drip-irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation.

**Utility Placement:** All utilities, sewer and storm drains shall be placed down the roads and driveways and when possible outside of the critical root zones. The arborist shall supervise trenching within the critical root zone. **All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over roots larger than 3 inches in diameter.**

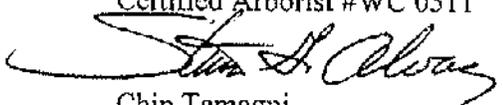
**Fertilization and Cultural Practices:** As the project moves toward completion, the arborist(s) may suggest either fertilization and/or mycorrhiza applications that will benefit tree health. Mycorrhiza offers several benefits to the host plant, including faster growth, improved nutrition, greater drought resistance, and protection from pathogens.

The included spreadsheet includes trees listed by number, species and multiple stems if applicable, scientific name, diameter and breast height (4.5'), condition (scale from poor to excellent), status (avoided, impacted, removed, exempt), percent of critical root zone impacted, mitigation required (fencing, root pruning, monitoring), construction impact (trenching, grading), recommended pruning, aesthetic value and individual tree notes along with canopy spread.

If all the above mitigation measures are followed, we feel there will be no long-term significant impacts to the native trees.

Please let us know if we can be of any future assistance to you for this project.

Steven G. Alvarez  
Certified Arborist #WC 0511



Chip Tamagni  
Certified Arborist #WE 6436A



TREE PROTECTION SPREAD SHEET

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
TREE #	TREE SPECIES	SCIENTIFIC NAME	TRUNK DBH	TREE COND.	CONST. STATUS	CRZ % IMPACT	CONST. IMPACT	MITIGATION PROPOSAL	MONT. REQUIRED	PRUNING CLASS	AESTH. VALUE	FIELD NOTES	NS EW	LTSI H-M-L-N	USEFUL LIFE EXP.
1	LO	Q. agrifolia	5x14	3	A	0%	NONE	NONE	NO		G		20x20	N	60
2	LO	Q. agrifolia	2x12	1	A	0%	NONE	NONE	NO		F	in fence	20x20	N	20
3	LO	Q. lobata	12	4	A	0%	NONE	NONE	NO		G		28x28	N	80
4	LO	Q. agrifolia	2x14	3	A	0%	NONE	F	NO		F		15x15	N	80
5	LO	Q. agrifolia	2x20	3	A	0%	NONE	NONE	NO		F		15x15	N	60
6	LO	Q. agrifolia	12	4	I	50%	GR	F.RP.M	YES		G		15x15	M	80
7	LO	Q. agrifolia	20	3	I	10%	COMP	F.M	YES		G		25x25	L	60
8	LO	Q. agrifolia	16	4	A	0%	NONE	F	NO		G		25x25	L	60
9	LO	Q. agrifolia	17	3	A	0%	NONE	F	NO		F		30x30	L	50
10	LO	Q. agrifolia	16	4	A	0%	NONE	F	NO		G		25x25	N	70
11	VO	Q. lobata	8	3	R	100%	GR	NONE	NO		F		10x10	N	80
12	VO	Q. lobata	7	3	R	100%	GR	NONE	NO		F		10x10	N	80
13	VO	Q. lobata	7	3	R	100%	GR	NONE	NO		F		10x10	N	60
14	VO	Q. lobata	10	4	R	100%	GR	NONE	NO		G		18x18	L	75
15	VO	Q. lobata	56	3	A	0%	NONE	F	NO		G	in decline	90x90	N	30
16	VO	Q. lobata	41	4	A	0%	NONE	F	NO		G		90x90	N	50
17	VO	Q. lobata	12	4	A	0%	NONE	F	NO		G		30x30	N	60
18	VO	Q. lobata	38	4	I	30%	GR	F.RP.M	YES		G		25x25	N	50
19	VO	Q. lobata	8	4	A	0%	NONE	NONE	NO		G		26x26	N	60
20	VO	Q. lobata	14	3	A	0%	NONE	NONE	NO		F		40x40	N	60

1 = TREE #, MOSTLY CLOCKWISE FROM DUE NORTH  
 2 = TREE TYPE COMMON NAME IE W O = WHITE OAK  
 3 = SCIENTIFIC NAME  
 4 = TRUNK DIAMETER @ 48"  
 5 = TREE CONDITION: 1 = POOR, 10 = EXCELLENT  
 6 = CONSTRUCTION STATUS: AVOIDED, IMPACTED, REMOVAL  
 7 = CRZ PERCENT OF IMPACTED CRITICAL ROOT ZONE  
 8 = CONSTRUCTION IMPACT TYPE: GRADING, COMPACTION, TRENCHING, FILL

9 = MITIGATION REQUIREMENTS: FENCING, MONITORING, ROOT PRUNING  
 10 = ARBORIST MONITORING REQUIRED YES/NO  
 11 = PRESCRIBED PRUNING CLASS 1-4  
 12 = AESTHETIC VALUE  
 13 = FIELD NOTES  
 13 = NORTH SOUTH EAST WEST CANOPY SPREAD  
 14 = CANOPY SPREAD  
 15 = LONG TERM SIGNIFICANT IMPACTS: HIGH, MEDIUM, LOW, NONE

TREE PROTECTION SPREAD SHEET

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
TREE #	TREE SPECIES	SCIENTIFIC NAME	TRUNK DBH	TREE COND.	CONST STATUS	CRZ % IMPACT	CONST IMPACT	MITIGATION PROPOSAL	MONT REQUIRED	PRUNING CLASS	GAESTH VALUE	FIELD NOTES	NS EW	LTSI H-M-L-N	USEFUL LIFE EXP.
21	VO	Q. lobata	7	3	A	0%	NONE	NONE	NO		P	suppressed	18x18	N	30
22	LO	Q. agrifolia	14	4	A	0%	NONE	NONE	NO		G		25x25	N	65
23	VO	Q. lobata	9	3	A	0%	NONE	NONE	NO		F		20x20	N	50
24	VO	Q. lobata	15	4	A	0%	NONE	NONE	NO		F		25x25	N	60
25	VO	Q. lobata	20	3	A	0%	NONE	NONE	NO		F	v crotch	30x30	N	40
26	VO	Q. lobata	16	3	A	0%	NONE	NONE	NO		F		50x50	N	40
27	VO	Q. lobata	18	3	A	0%	NONE	NONE	NO		F		30x30	N	50
28	VO	Q. lobata	8	3	A	0%	NONE	NONE	NO		F		12x12	N	60
29	VO	Q. lobata	11	3	A	0%	NONE	NONE	NO		F		16x16	N	50
30	VO	Q. lobata	8	3	A	0%	NONE	NONE	NO		F		12x12	N	50
31	VO	Q. lobata	20	4	A	0%	NONE	NONE	NO		G		45x45	N	50
32	VO	Q. lobata	13	1	A	0%	NONE	NONE	NO		P	dying from fill	18x18	N	5
33	VO	Q. lobata	15	4	A	0%	NONE	NONE	NO		G		35x35	N	60
34	LO	Q. agrifolia	30	2	A	0%	NONE	NONE	NO		F	leaning	70x70	N	40
35	VO	Q. lobata	32	4	A	0%	NONE	NONE	NO		G		80x80	N	50
36	VO	Q. lobata	18	4	A	0%	NONE	NONE	NO		G		40x40	N	60
37	VO	Q. lobata	28	4	A	0%	NONE	NONE	NO		G		75x75	N	60
38	VO	Q. lobata	11	4	A	0%	NONE	NONE	NO		G		30x30	N	80
39	VO	Q. lobata	12	4	A	0%	NONE	NONE	NO		G		30x30	N	80
40	VO	Q. lobata	10	4	A	0%	NONE	NONE	NO		F		25x25	N	40

1 = TREE #, MOSTLY CLOCKWISE FROM DUE NORTH  
 2 = TREE TYPE, COMMON NAME IE W.O. = WHITE OAK  
 3 = SCIENTIFIC NAME  
 4 = TRUNK DIAMETER @ 48"  
 5 = TREE CONDITION, 1 = POOR, 10 = EXCELLENT  
 6 = CONSTRUCTION STATUS, AVOIDED, IMPACTED, REMOVAL  
 7 = CRZ PERCENT OF IMPACTED CRITICAL ROOT ZONE  
 8 = CONSTRUCTION IMPACT TYPE, GRADING, COMPACTON, TRENCHING, FILL

9 = MITIGATION REQUIREMENTS, FENCING, MONITORING, ROOTPRUNING  
 10 = ARBORIST MONITORING REQUIRED, YES/NO  
 11 = PERSCRIBED PRUNING CLASS 1-4  
 12 = AESTHETIC VALUE  
 13 = FIELD NOTES  
 13a = NORTH SOUTH/EAST WEST CANOPY SPREAD  
 14 = CANOPY SPREAD  
 15 = LONG TERM SIGNIFICANT IMPACTS, HIGH, MEDIUM, LOW, NONE

16 = USEFUL LIFE EXPECTANCY

1/28/2010

TREE PROTECTION SPREAD SHEET

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
TREE #	TREE SPECIES	SCIENTIFIC NAME	TRUNK DBH	TREE COND.	CONST STATUS	CRZ % IMPACT	CONST IMPACT	MITIGATION PROPOSAL	MONT REQUIRED	PRUNING CLASS	AESTH. VALUE	FIELD NOTES	NS EW	LTSI H-M-L-N	USEFUL LIFE EXP.
41	VO	Q. lobata	44	4	A	0%	NONE	NONE	NO		F		60x60	N	40
42	VO	Q. lobata	16	3	A	0%	NONE	NONE	NO		G		30x30	N	50
43	VO	Q. lobata	22	3	A	0%	NONE	NONE	NO		F		45x45	N	60
44	VO	Q. lobata	20	3	A	0%	NONE	NONE	NO		G		60x60	N	80
45	VO	Q. lobata	40	4	A	0%	NONE	NONE	NO		P		50x50	N	30
46	VO	Q. lobata	26	4	A	0%	NONE	NONE	NO		G		60x60	N	40
47	VO	Q. lobata	2x40	4	A	0%	NONE	NONE	NO		G		50x50	N	40
48	LO	Q. agrifolia	17	4	A	0%	NONE	NONE	NO		P		30x30	N	35
49	LO	Q. agrifolia	2x25	4	A	0%	NONE	NONE	NO		E		50x50	N	50
50	VO	Q. lobata	10	3	A	0%	NONE	NONE	NO		G		25x25	N	50
51	LO	Q. lobata	2x28	4	A	0%	NONE	NONE	NO		E		38x38	N	50
52	LO	Q. lobata	18	4	A	0%	NONE	NONE	NO		G		25x25	N	50
53	VO	Q. lobata	40	4	A	0%	NONE	F	NO		F		50x50	N	40
54	VO	Q. lobata	29	3	A	0%	NONE	F	NO		G		60x60	N	40
55	VO	Q. lobata	70	2	I	5%	GR	F.M	YES		E		200	N	30
56	VO	Q. lobata	18	4	A	0%	NONE	NONE	NO		G		50x50	N	50
57	VO	Q. lobata	48	4	I	5%	GR	F.M	YES		G		75x75	N	40
58	VO	Q. lobata	10	4	A	0%	NONE	NONE	NO		F		22x22	N	50
59	VO	Q. lobata	14	3	A	0%	NONE	NONE	NO		F		25x25	N	50
60	VO	Q. lobata	24	4	A	0%	NONE	NONE	NO		G		35x35	N	50

1 = TREE # MOSTLY CLOCKWISE FROM DUE NORTH  
 2 = TREE TYPE, COMMON NAME IE W.O. = WHITE OAK  
 3= SCIENTIFIC NAME  
 4 = TRUNK DIAMETER @ 4ft  
 5 = TREE CONDITION, 1 = POOR, 10 = EXCELLENT  
 6 = CONSTRUCTION STATUS, AVOIDED, IMPACTED, REMOVAL  
 7 = CRZ PERCENT OF IMPACTED CRITICAL ROOT ZONE  
 8 = CONSTRUCTION IMPACT TYPE, GRADING, COMPACTION, TRENCHING, FILL

9 = MITIGATION REQUIREMENTS, FENCING, MONITORING, ROOTPRUNING.  
 10 = ARBORIST MONITORING REQUIRED, YES/NO  
 11 = PERSCRIBED PRUNING, CLASS 1-4  
 12 = AESTHETIC VALUE  
 13 = FIELD NOTES  
 13a = NORTH SOUTH/EAST WEST CANOPY SPREAD  
 14 = CANOPY SPREAD  
 15 = LONG TERM SIGNIFICANT IMPACTS, HIGH, MEDIUM, LOW, NONE

1/28/2010





CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

COMMUNITY DEVELOPMENT DEPARTMENT
OAK TREE REMOVAL PERMIT

PERMIT NUMBER: DATE ISSUED:

NAME OF APPLICANT: City of Paso Robles PHONE NO: 237-3790

STREET ADDRESS: 1000 Spring St, Paso Robles

LOCATION AND DESCRIPTION OF OAK TREE(S): The four valley oaks are located at the entrance to the proposed new building at the WWTP. There are two smaller valley oaks in the same area 46" that will also be removed

Pursuant to Section 10.01 (Oak Tree Preservation) of Title 10 of the Paso Robles Municipal Code, the property-owner is hereby requesting one of the following:

- A. Removal of Oak Tree(s) where no Development Application is pending
B. Removal of Oak Tree(s) clearly dead or diseased beyond correction
C. [checked] Removal of 4 Oak Tree(s) as part of a Development Application
D. Emergency Removal of Oak Tree (s)

As recommended and identified in the Arborist Report prepared for this Request for Removal by Chip Tomagni (ISA Certified Arborist) dated 1/28/10 #WE 6436-A

By: Community Development Director or authorized representative

Council Action: Date: Resolution No.:

**OAK TREE REPLACEMENT AGREEMENT**

I hereby agree to plant replacement Oak trees of the same species as those removed at the replacement ratio of 25% of the combined diameter of the removed trees. Each replacement tree shall be a minimum 24-inch box specimen with a 1½ inch minimum trunk diameter per Section 10.01.050 F of Ordinance No 835 N.S.

Total Diameter of Oak Trees Authorized for Removal: 32 inches per resolution # \_\_\_\_\_

Oak Trees to be Planted:

<u>4</u>	(number)	<u>valley oak</u> <u>(Quercus lobata)</u>	species	<u>2"</u>	size(s)
_____	(number)	_____	species	_____	size(s)
_____	(number)	_____	species	_____	size(s)
_____	(number)	_____	species	_____	size(s)

I hereby agree that the Oak Trees will be planted per City Standard Detail and Specification L-4 (except that deep root barriers shall not be required if the trees are not adjacent to sidewalk areas):

- In conjunction with authorized building permit and prior to issuance of the certificate of occupancy.
- In conjunction with a subdivision and prior to acceptance of the final improvements by the City Council for the tract or parcel.
- In compliance with the attached Oak Tree replacement plan containing recommendations of the project arborist for tree placement, and within ninety (90) days from the date of issuance of this permit. A letter providing verification of compliance with tree placement recommendations from the project arborist will be submitted to City staff within fourteen (14) days of planting.
- I hereby acknowledge that I need to post a tree preservation security with the City in order to ensure that the replacement trees are properly established, per the conditions of my approval for removal.

I hereby:

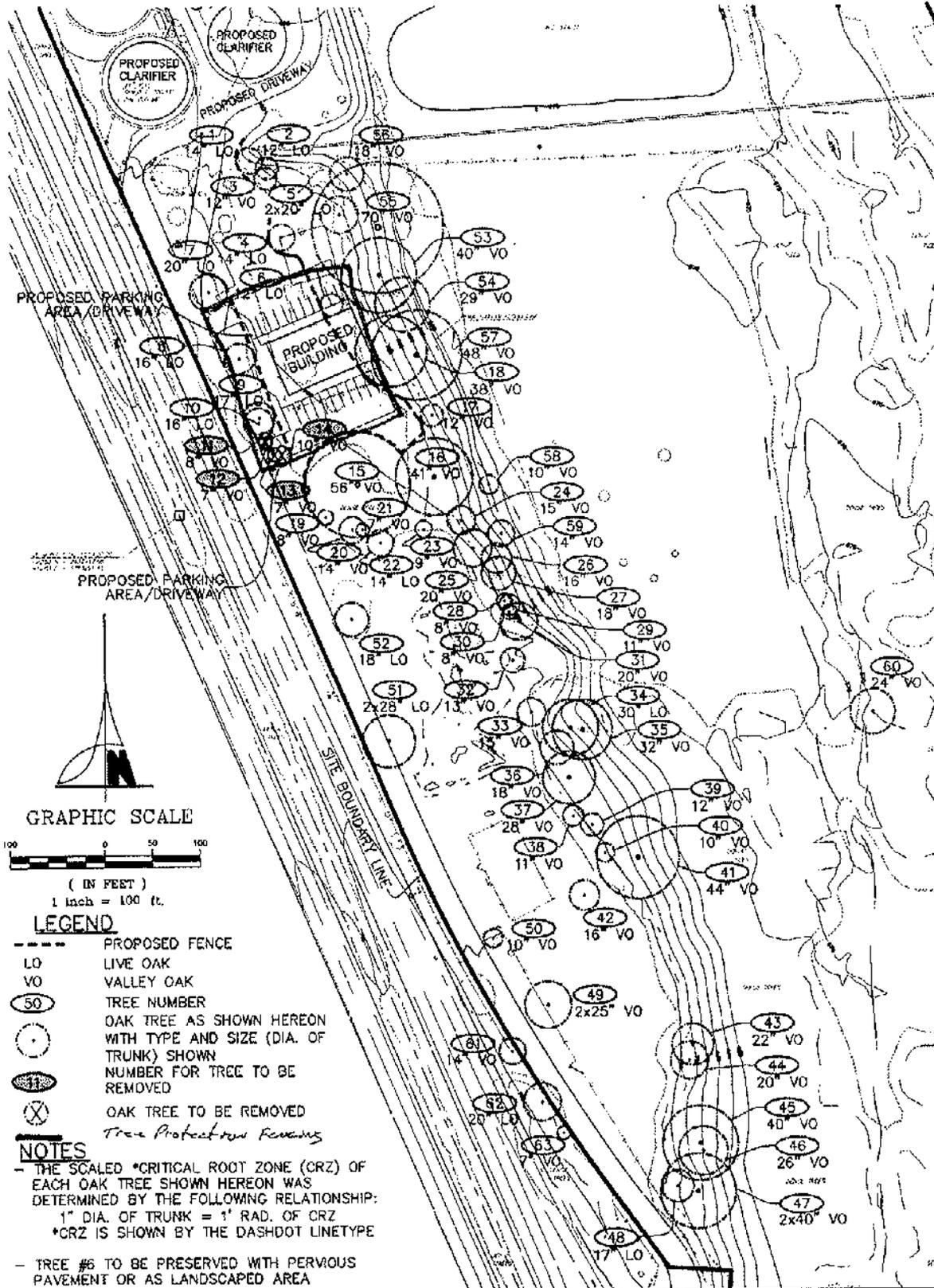
- Intend to plant the replacements trees on <sup>City</sup> ~~my~~ property located at: \_\_\_\_\_  
*At the City's discretion*
- Request to arrange for the replacement trees to be located on public property. I will provide a paid receipt from a local nursery for the value of the required sizes and species of trees to City staff within ninety (90) days from the date of issuance of this permit.

Applicant's Signature  
City of Palo Alto

Date: \_\_\_\_\_



# OAK TREES EXHIBIT FOR EL PASO DE ROBLES WWTP UPGRADE



### GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

### LEGEND

- PROPOSED FENCE
  - LO LIVE OAK
  - VO VALLEY OAK
  - (50) TREE NUMBER
  - ( ) OAK TREE AS SHOWN HEREON WITH TYPE AND SIZE (DIA. OF TRUNK) SHOWN
  - (11) NUMBER FOR TREE TO BE REMOVED
  - (X) OAK TREE TO BE REMOVED
- Tree Protection Review*

### NOTES

- THE SCALED \*CRITICAL ROOT ZONE (CRZ) OF EACH OAK TREE SHOWN HEREON WAS DETERMINED BY THE FOLLOWING RELATIONSHIP:  
1" DIA. OF TRUNK = 1' RAD. OF CRZ  
\*CRZ IS SHOWN BY THE DASHDOT LINETYPE
- TREE #6 TO BE PRESERVED WITH PERVIOUS PAVEMENT OR AS LANDSCAPED AREA

DEVELOPMENT BY:

**CITY OF PASO ROBLES**

1000 SPRING STREET  
PASO ROBLES, CA 93446



*Stan J. Clary*  
Certified Arborist  
dws-09114

*Derrell G. Whitten*  
DERRELL G. WHITTEN JR. DATE  
CS 7816 EXP. 12/31/11

### CORNERSTONE

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