



City of Morro Bay
Water Reclamation Facility Project

Other Authorizations
SPECIAL CONDITION NO. 13

DRAFT | March 2020

APPROVED
KK 3-10-2020





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Water Reclamation Facility Project

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SPECIAL CONDITION NO. 13

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This document is released for the
purpose of information exchange review
and planning only under the authority of
Eric Casares, March 2020,
California PE 7No. 3351.

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Abbreviations

BOD	biochemical oxygen demand
CCC	California Coastal Commission
CDFW	California Department of Fish and Wildlife
CDP	Coastal Development Permit
City	City of Morro Bay
CRLF	California Red-Legged Frog
CWA	Clean Water Act
CWSRF	Clean Water State Revolving
EPA's	Environmental Protection Agency's
KMA	Kevin Merk Associates; LLC
mgd	million gallons per day
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
RWMP	Recycled Water Management Plan
RWQCB	Regional Water Quality Control Board
SWRCB	State Water Resources Control Board
TSS	total suspended solids
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
WIFIA	Water Infrastructure Finance and Innovation Act
WRF	water reclamation facility
WRFCAC	Water Reclamation Facility Citizens Advisory Committee
WWTP	wastewater treatment plant

Section 1

PROJECT BACKGROUND

On July 11, 2019, the California Coastal Commission (CCC) approved Coastal Development Permit (CDP) 3-19-0463 for the City of Morro Bay's (City's) Water Reclamation Facility (WRF) Project. On July 19, 2019, the City received the Notice of Intent (NOI) for the CDP, which contains sixteen special conditions. Four special conditions must be met prior to issuance of the CDP or prior to construction of the WRF including:

- Special Condition No. 1 - Final Plans and Specifications.
- Special Condition No. 2 - Construction Plan.
- Special Condition No. 6 - Recycled Water Management Plan (RWMP).
- Special Condition No. 13 - Other Authorizations.

The existing Morro Bay-Cayucos wastewater treatment plant (WWTP) is located at 160 Atascadero Road in Morro Bay and is jointly owned and operated by the City of Morro Bay (City) and the Cayucos Sanitary District. The WWTP was originally built in 1954 in a low-lying area near the confluence of Morro Creek with the Pacific Ocean, and it provides wastewater treatment services to the City and to the unincorporated community of Cayucos approximately six miles to the north. The WWTP was built before modern state and federal water quality standards, and does not meet federal Clean Water Act (CWA) standards for full secondary treatment. Instead, the WWTP has been operating under a CWA waiver for full secondary treatment requirements for biochemical oxygen demand (BOD) and total suspended solids (TSS) since 1984. In 2018, the City received a time schedule order from the Central Coast Regional Water Quality Control Board (RWQCB) requiring compliance with full CWA secondary treatment requirements by February 28, 2023.

Because of the age of the existing WWTP, its failure to meet core CWA water quality standards and the possibility of potential fines/penalties for failure to meet the RWQCB's mandate for CWA compliance by 2023, the City has been pursuing a new upgraded wastewater treatment facility for more than a decade. The City and the Cayucos Sanitary District initially proposed to redevelop the WWTP at its current site, but the CDP was appealed to the CCC, and ultimately in 2013, the CCC denied the City's redevelopment-in-place proposal on the basis of inconsistencies regarding avoiding coastal hazards, land use priorities, recycled water provisions and public view protections.

Following the CDP denial and given the CCC's direction to the City and the Cayucos Sanitary District on the appropriate path to upgraded wastewater and water reclamation functions, the City developed a Water Reclamation Facility Citizens Advisory Committee (WRFCAC), identified 17 potential sites for plant relocation, and developed criteria for a potential WRF project, including coastal hazards avoidance through plant relocation inland, water quality improvement through compliance with applicable water quality standards, and water supply security through recycled water provision. Over the past six and a half years, through significant public input that shaped this project, including making critical decisions in public forums regarding WRF siting

(e.g., in town vs. outside of town), components/operations, recycled water end uses (e.g., agricultural uses only or full potable reuse), funding (e.g., through two City-wide votes to raise utility fees to pay for the project), and process (i.e., two public hearings to approve the project Environmental Impact Report and two affirmative votes by the Morro Bay City Council and County Board of Supervisors to authorize a consolidated CDP approval process).

This proposed Project meets Coastal Act consistency on many fronts—for the protection and enhancement of coastal resources, for providing essential public services to Morro Bay residents and visitors, and for providing adaptation and resiliency in an era of increased hazards exacerbated by climate change. The Commission directed the City to propose a project of this type back in 2013, finding that a project that perpetuated the City’s water and wastewater status quo was not appropriate or consistent with the Coastal Act. The City responded to the CCC’s directive, and the proposed project is the end result that addresses the Coastal Act concerns previously raised by the CCC in a way that provides a more sustainable wastewater and water supply future for the City.

Section 2

PROJECT COMPONENTS

The City’s WRF Project involves replacing the City’s existing WWTP with an advanced water purification facility that will meet state regulations, protect the environment, and contribute a safe and reliable water source for Morro Bay’s homes and businesses. The project will create a drought buffer and will be capable of providing up to 80 percent of the City’s water needs in the future.

The Project includes construction of a new one million gallons per day (mgd) advanced treatment facility on South Bay Boulevard north of Highway 1, two new lift stations, approximately 3.5 miles of pipelines and wells to inject the purified water into the groundwater aquifer, which can be extracted for reuse through the City’s existing infrastructure. The current schedule includes construction beginning in 2019 and project completion by 2023.

Section 3

DOCUMENT PURPOSE

This document describes the proposed measures to be taken by the City to address the requirements of Special Conditions No. 13 - Other Authorizations listed in the NOI to Issue CDP 3-19-0463 for the City's WRF Project.

The City is taking a phased approach to meeting Special Condition No. 13 for the CDP. As described above, the Project is being delivered via three distinct construction efforts: WRF, Conveyance Facilities (i.e., pipelines and pump stations), and Recycled Water Facilities (i.e., injection wells). The Other Authorizations described herein are specific to the WRF, which will begin construction in February 2020. Following the WRF, the next Project element that will begin construction is the Conveyance Facilities. The City will submit the Conveyance Facilities Other Authorizations information to the Executive Director for review and approval in the spring of 2020. The City will submit separate Recycled Water Facilities Other Authorizations information to the Executive Director at the appropriate time when that design has been completed. Construction of the Conveyance Facilities and Recycled Water Facilities will not begin until the Executive Director reviews and approves the Other Authorizations and authorizes construction.

The objective of this memorandum is to meet the requirement of Special Condition No. 13 for CDP 3-19-0463. Special Condition No. 13 required that prior to construction of the WRF, the City shall provide written documentation of authorizations, or evidence that no such authorizations are required, from the following organizations:

- Central Coast RWQCB.
- State Water Resources Control Board (SWRCB).
- California Department of Fish and Wildlife (CDFW).
- California State Lands Commission (Lands Commission).
- National Marine Fisheries Service (NMFS).

Section 4

AUTHORIZATIONS

In accordance with the requirements of Special Condition No. 13, the following section describes the City's evidence of compliance for the five organizations listed in Section 2.

4.1 Central Coast Regional Water Quality Control Board

On September 19, 2019, the City sent a memorandum that included an overview of the Project and details regarding the stormwater design for the WRF site. The memorandum was provided to allow the RWQCB to make a determination regarding jurisdiction for a drainage feature on

the WRF site. Based on their review, an email was received from the RWQCB on September 27, 2019 indicating that they will not require a permit for work at the WRF site. The email indicates that the drainage feature is not a water of the State based on the following findings:

- The drainage feature has no clear bed and bank.
- The drainage feature is not hydrologically connected to other drainages.
- The drainage feature does not demonstrate wetland hydrology, including hydric soil or change in vegetation compared to upland grassland areas.

The email correspondence between the City's WRF Program Manager (Eric Casares from Carollo Engineers, Inc.) and the RWQCB is included in Appendix A.

4.2 State Water Resources Control Board

On June 11, 2019, the CCC received a letter from Michael Downey at the State Water Board verifying that the City has submitted a final Facilities Plan for the Project. While the State Water Board determined that "final Facilities Plan" is not defined in the State Water Board policies. However, the City's application documents for the Clean Water State Revolving (CWSRF) has sufficient information to meet the requirements for a final Facilities Plan. The letter from the State Water Board is included in Appendix B.

4.3 California Department of Fish and Wildlife

In October 2019, the lead biologist for the Project, Kevin Merk of Kevin Merk Associates; LLC (KMA), began consulting with Linda Connolly from CDFW regarding the drainage feature on the WRF site. After sending additional information to CDFW, the City received an email from CDFW on February 11, 2020 indicating that the drainage feature on the WRF site may be considered an ephemeral stream and requested the City to formally notify CDFW per Fish and Game Code Section 1602 so a determination can be made. The notification was submitted on February 27, 2020 and is included in Appendix C. Depending on CDFW's review of the notification, the City may be required to obtain a stream bed alteration permit before work can be done within the drainage. The City will begin construction at the WRF site before securing a permit (if needed), but will not encroach on the drainage feature until either the determination is made by CDFW that no permit is needed or a stream bed alteration permit is negotiated.

Prior to starting construction, the City's biologist will come onsite and stake the drainage feature as indicated in Figure 1 below. The contractor will be allowed to erect new site fencing, new wildlife exclusion fencing, grade the access road, establish the trailer and laydown area, and begin earthwork in areas outside of the drainage. No work will be allowed to occur within the drainage feature until the Fish and Game Code Section 1602 process has been completed.

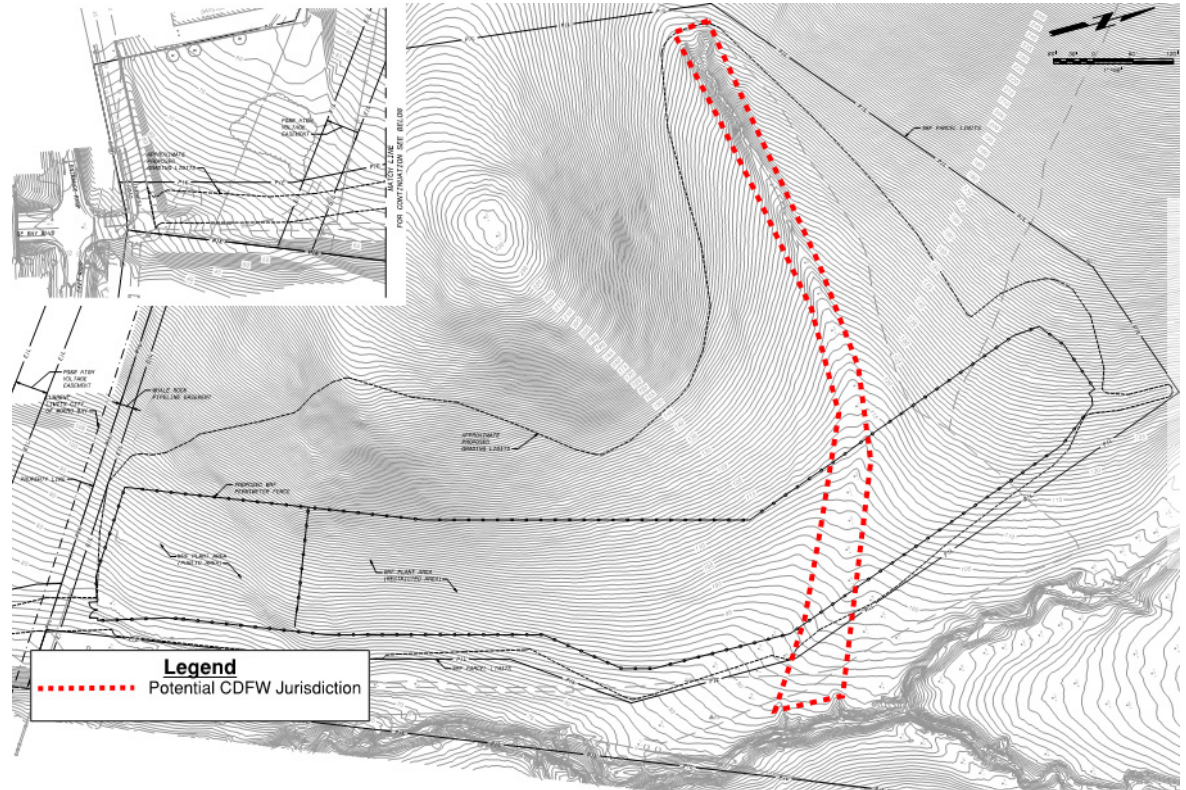


Figure 1 Potential CDFW Jurisdiction

Since the City is receiving federal funds for the WRF Project through the Environmental Protection Agency's (EPA's) Water Infrastructure Finance and Innovation Act (WIFIA) program, the project underwent Section 7 consultation with United States Fish and Wildlife Service (USFWS). USFWS delivered their biological opinion for the California Red-Legged Frog (CRLF) on February 13, 2020, which requires a number of avoidance measures. These avoidance measures include continual monitoring of the construction site during initial ground disturbing activities by a UWSFW-approved biologist. In addition to the biologist's activities with regards to the CRLF identified in the biological opinion, the biologist will ensure that the contractor does not perform any work that encroaches on or impacts the potential CDFW jurisdictional area.

4.4 California State Lands Commission

On October 04, 2019, Eric Casares contacted Reid Boggiano from the Commission. After providing additional information to the Lands Commission, it was determined that all sovereign Public Trusts lands within the Project area have been granted to the City. Therefore, no lease or written authorization is required from the Commission. The email correspondence between Carollo and the Commission is included in Appendix D.

4.5 National Marine Fisheries Service

The Project is receiving funding from the United States Environmental Protection Agency's (USEPA) through their Water Infrastructure and Innovation Act (WIFIA) program. Since the Project will be receiving federal funds, the USEPA is required to consult with other federal agencies. One of these agencies is NMFS. On September 04, 2019, the USEPA received technical assistance from NMFS regarding the Project design and potentially required mitigation

measures and permits. On September 05, 2019, the City responded with clarity on the Project design and permitting needs. On September 11, 2019, the NMFS was provided a wetland delineation report, project design drawings, and records of correspondence with water quality permitting agencies supporting that the project has no potential to effect jurisdictional waters. On September 13, 2019, the NMFS responded by asking if there is any other evidence that jurisdictional waters could be affected. On September 16, 2019, based on the information, the NMFS asked USEPA for clarification that they would be making a “no effect” determination for the project. On September 17, 2019, USEPA confirmed the “no effect” finding, and the NMFS thanked the USEPA for seeking technical assistance. No federal nexus exists for the NMFS regarding the project; therefore, no written determination would be issued for the “no effect” finding. The email correspondence between the environmental lead for the USEPA’s WIFIA program, Alaina McCurdy, and Brittany Struck from National Oceanic and Atmospheric Administration (NOAA) is included in Appendix E.

Appendix A

EMAIL CORRESPONDENCE BETWEEN THE RWQCB AND CAROLLO

Eric Casares

From: Hicks, Kathleen@Waterboards <Kathleen.Hicks@Waterboards.ca.gov>
Sent: Friday, September 27, 2019 11:59 AM
To: Eric Casares; Hammer, Phillip@Waterboards; Roques, Dominic@Waterboards
Cc: rlivick@morrobayca.gov; Packard, Harvey@Waterboards
Subject: RE: Morro Bay WRF - Permit Determination Memo

Mr. Casares,

The Central Coast Water Board has reviewed the memo and updated delineation report and recognizes that the erosional feature on the WRF site:

- Has no clear bed and bank
- Is not hydrologically connected to other drainages
- Does not demonstrate wetland hydrology, including hydric soil or change in vegetation compared to upland grassland areas

As such we will not require a permit for work in that area.

Regards,
Kathleen Hicks
Environmental Scientist
401 Program
Central Coast Regional Water Quality Control Board
(805) 549-3458

From: Eric Casares <ECasares@carollo.com>
Sent: Friday, September 20, 2019 1:04 PM
To: Hicks, Kathleen@Waterboards <Kathleen.Hicks@Waterboards.ca.gov>; Hammer, Phillip@Waterboards <Phillip.Hammer@waterboards.ca.gov>; Roques, Dominic@Waterboards <Dominic.Roques@waterboards.ca.gov>
Cc: rlivick@morrobayca.gov; Packard, Harvey@Waterboards <Harvey.Packard@waterboards.ca.gov>
Subject: Morro Bay WRF - Permit Determination Memo

Phil,

Per our conversation, I am resending the document with Dominic and Kathleen in the "to" line so they can download the memo. Per our discussion, we are specifically looking for the Regional Board's direction regarding the Water Reclamation Facility project. A few helpful references as you review the memo:

1. Page 3 – Description of the erosional feature on the WRF site
2. Page 37 (Appendix B) – Aerial of the site showing drainage features
3. Page 162 – JD Form for USACE regarding the non-jurisdictional determination for the erosional feature
4. Page 269 (Appendix I) – Grading Plan for the WRF

Thank you again for your help with this project and your acknowledgement of our schedule. Please let me know if you have any questions as you review the attached memo or if you have any problems downloading the file.

Eric Casares, PE
Project Manager | Vice President
710 West Pinedale Avenue | Fresno, CA 93711



Files attached to this message

Filename	Size	Checksum (SHA256)
Pjm_DiSimone_Overview and Stormwater_2019- 0916.pdf	61.1 MB	c40eb464296af4d5d02302ed488c539574fd6ee1b6e3e509a9463d91c48a97e0

Please click on the following link to download the attachments:
<https://files.carollo.com/message/5AnNOPIIhJfd4tgIqlkUJJ>

This email or download link can be forwarded to anyone.

The attachments are available until: **Friday, 4 October.**

Message ID: 5AnNOPIIhJfd4tgIqlkUJJ

Appendix B

LETTER FROM STATE WATER BOARD TO THE
COASTAL COMMISSION (JUNE 11, 2019)

State Water Resources Control Board

JUN 11 2019

Mr. Kevin Kahn
District Supervisor
Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Mr. Kahn:

Thank you for your email dated May 29, 2019 in which you requested verification that the City of Morro Bay has submitted a final Facilities Plan (or current proxy) for the Morro Bay Water Reclamation Facility (Project), Clean Water State Revolving Fund (CWSRF) Project No. 8185-210.

Division of Financial Assistance (DFA) staff has determined that "final Facilities Plan" is not defined in State Water Board policies and procedures; however, the CWSRF application documents require a final Environmental Assessment and a Project Report containing sufficient information to allow an assessment of the financial impact of constructing the Project on properties within the affected service area. DFA staff have reviewed the City's CWSRF application and confirm that it is complete and that the Project Report is in final form. The City has followed application procedures of the CWSRF Policy and Water Recycling Funding Program (WRFP) Guidelines, and the Project is listed on the Fundable List in the draft CWSRF 2019-2020 Intended Use Plan.

DFA may require that the applicant submit additional information or certifications to assess the Project's ability to meet water quality objectives or plans or useful to ensure that the financing complies with state and federal requirements.

If you have any questions about this letter, please contact me at (916) 324-8404.

Sincerely,



Michael Downey, P.E.
Senior Water Resource Control Engineer

cc: Christopher Stevens, DFA
Ashley Zellmer, DFA

Appendix C
EMAIL CORRESPONDENCE BETWEEN CDFW
AND KMA



Kevin Merk Associates, LLC | P.O. Box 318, San Luis Obispo, CA 93406 | 805-748-5837

February 27, 2020

Ms. Linda Connolly
California Department of Fish and Wildlife, Central Region
LSA Program
1234 East Shaw Avenue
Fresno, CA 93710

Subject: Transmittal of Streambed Alteration Agreement Notification Package for the Morro Bay Water Reclamation Facility Project, Morro Bay, San Luis Obispo County, California

Dear Ms. Connolly:

On behalf of the City of Morro Bay, Kevin Merk Associates, LLC (KMA) is submitting a Streambed Alteration Agreement Notification package for work that will occur in California Department of Fish and Wildlife (CDFW) jurisdictional areas for construction of the City of Morro Bay's Water Reclamation Facility (WRF) project. The WRF project is being implemented to comply with state and federal wastewater requirements. The project includes a new treatment and water reclamation facility and associated conveyance elements. Following a long planning and design process that included review and analysis of multiple sites for the WRF and alternative conveyance alignments, the South Bay Boulevard site was selected as the preferred location for the WRF and the western alignment was selected for the pipeline right of way. The pipelines will run through the city from the existing facility on Atascadero Road to the new WRF. In an effort to protect sensitive coastal resources, including natural drainage features and wetlands, the WRF was strategically sited in an area of upland grassland away from Drainage 3 and the pipeline route and associated lift stations were located in disturbed roadways and urban areas. Please refer to the attached Habitat Map Overview showing the locations where project activities will occur in CDFW jurisdictional areas.

Construction of the WRF will require grading and earth disturbance of an erosion feature that was originally identified as a non-jurisdictional area since it does not have a defined surface hydrologic connection to an unnamed tributary of Chorro Creek (Drainage 3). While the U.S. Army Corps of Engineers and the Central Coast Regional Water Quality Control Board agreed that this feature was not a waters of the United States or state of California, CDFW's preliminary analysis determined that this feature may be an ephemeral stream and notification was needed for the facility site in addition to the conveyance elements. As stated above, the conveyance facilities (i.e., pipelines) will be installed in existing developed roadways and urban areas. Where drainages are encountered, the pipelines will span the largest feature (i.e., Morro Creek) using a pipe bridge with abutments positioned well beyond the delineated top of bank or edge of riparian habitat. To construct the southern abutment of the pipe bridge over Morro Creek, a minor amount willow riparian scrub (e.g., less than 1,200 square feet) will require trimming. The pipeline right of way will continue to follow the Morro Bay bikepath corridor, then along Main Street to Quintana Road and South Bay Boulevard to the new facility site. At the Drainage 1 culvert undercrossing, the pipeline will be installed using jack and bore techniques. At Drainages 2A and 2B, a combination of open trench and jack and bore construction will be used. Horizontal directional drilling may not be needed, but would be utilized as appropriate based on the contractor's construction methods to be approved by the City.

As you will see in your review of the supplemental information, numerous studies were completed in support of the project, and along with current site plans, the technical studies are provided electronically on the enclosed flash drive. The City of Morro Bay acting as the lead agency pursuant to the California Environmental Quality Act prepared an Environmental Impact Report (EIR), and the Draft and Final EIR along with the Mitigation

Monitoring and Reporting Program are also provided electronically to support your review. The supplemental information provided on the enclosed flash drive includes the following:

1. WRF Site Plans – 60% Submittal (Filanc/Black and Veatch);
2. Conveyance Facilities Plans – 90% Submittal (WaterWorks Engineers);
3. Coastal Development Permit and Staff Report (California Coastal Commission);
4. Draft Biological Opinion (U.S. Fish and Wildlife Service);
5. Draft Environmental Impact Report (ESA);
6. Final Environmental Impact Report (ESA);
7. Mitigation Monitoring and Reporting Program (ESA);
8. NPDES Time Schedule Order and WDR (Regional Water Quality Control Board);
9. Hydrology Report (Ashley and Vance);
10. Preliminary Geotechnical Baseline Report (Yeh and Associates);
11. Naturally Occurring Asbestos Application (SLO County APCD);
12. Biological Resources Assessment Report (KMA);
13. Wetland Delineation Report for South Bay Boulevard Site (KMA);
14. Supplemental Biological Resources Assessment for Injection Wells (KMA);
15. Supplemental Biological Resources and Wetland Assessment Memo (KMA);
16. RWQCB No Permit Required Determination (email from Kathleen Hicks, 401 Program);
17. USACE No Permit Required Determination (letter from Jerry Hidalgo, North Coast Branch); and
18. Wildlife Exclusion Fence Exhibit (Black and Veatch).

Additional project information such as the Water Reclamation Facility Master Plan and siting studies can be accessed on the City's project website at <http://morrobaywrf.com/wrf-project-documents/>.



Thank you again for your continued assistance with this project. As we have discussed, time is of the essence, and we look forward to your review of the submitted materials and issuance of the Streambed Alteration Agreement. If you have any questions regarding the project and submitted information, please do not hesitate to contact me directly at 805-748-5837 or via email at kmerk@kevinmerkassociates.com. I would be happy to meet with you face to face to review the project in detail to help expedite the Department's review process.

Sincerely,
KEVIN MERK ASSOCIATES, LLC

A handwritten signature in blue ink that reads "Kevin Merk".

Kevin B. Merk
Principal Biologist

*Enclosures: Streambed Alteration Agreement Notification Form with Attachment A and Overview Map
Flash Drive with Supplemental Information
Notification Fee – Check in the Amount of \$5,430.50*

*cc: Mr. Rob Livick, Public Works Director/City Engineer
Mr. Eric Casares, WRF Project Manager/Carollo Engineers*



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

NOTIFICATION OF LAKE OR STREAMBED ALTERATION

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

1. APPLICANT PROPOSING PROJECT

Name	Rob Livick, Public Works Director/City Engineer
Business/Agency	City of Morro Bay
Mailing Address	595 Harbor Street
City, State, Zip	Morro Bay, CA 93442
Phone Number	805-772-6261
Email	rlivick@morrbayca.gov

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

Name	Kevin Merk
Business/Agency	Kevin Merk Associates (KMA)
Mailing Address	P.O. Box 318
City, State, Zip	San Luis Obispo, CA 93406
Phone Number	805-748-5837
Email	kmerk@kevinmerkassociates.com

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

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

<input checked="" type="checkbox"/> Yes, I authorize.	<input type="checkbox"/> No, I do not authorize.
---	--

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

Name	
Mailing Address	
City, State, Zip	
Phone Number	
Email	



4. PROJECT NAME AND AGREEMENT TERM

A. Project Name	Morro Bay Water Reclamation Facility		
B. Agreement Term Requested	<input checked="" type="checkbox"/> Regular (5 years or less) <input type="checkbox"/> Long-term (greater than 5 years)		
C. Project Term	Beginning (year)	2020	Ending (year) 2023
D. Seasonal Work Period			
Season(s)*	Start Date (month/day)	End Date (month/day)	E. Number of Work Days
1	03/15	11/15	160
2	03/15	11/15	160
3	03/15	11/15	160
4			
5			

* Continue on additional page(s) if necessary

5. AGREEMENT TYPE

Check the applicable box. If boxes B – F are checked, complete the specified attachment .	
A.	<input checked="" type="checkbox"/> Standard (Most construction projects, excluding the categories listed below)
B.	<input type="checkbox"/> Gravel/Sand/Rock Extraction (Attachment A) Mine I.D. Number: _____
C.	<input type="checkbox"/> Timber Harvesting (Attachment B) THP Number: _____
D.	<input type="checkbox"/> Water Diversion/Extraction/Impoundment (Attachment C) SWRCB Number: _____
E.	<input type="checkbox"/> Routine Maintenance (Attachment D)
F.	<input type="checkbox"/> Cannabis Cultivation (Attachment E)
G.	<input type="checkbox"/> CDFW Grant Programs Agreement Number: _____
H.	<input type="checkbox"/> Master
I.	<input type="checkbox"/> Master Timber Operations



6. FEES

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

A. Project Name		B. Project Cost	C. Project Fee
1	Morro Bay WRF	\$930,000	\$5,430.50
2			
3			
4			
5			
6			
7			
8			
9			
10			
		D. Base Fee (if applicable)	
		E. TOTAL FEE*	\$5,430.50

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

7. PRIOR NOTIFICATION AND ORDERS

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

☐ Yes (Provide the information below) ☒ No

Applicant	Notification Number	Date

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

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

Name of person who directed notification	Agency

Describe circumstances relating to order

☐ Continued on additional page(s)



8. PROJECT LOCATION

A. Address or description of project location.

(Include a map that marks the location of the project with a reference to the nearest city or town, and provide driving directions from a major road or highway.)

Please refer to project construction plans, maps in Biological Resources Assessment report, Wetland Delineation report, and Environmental Impact Report included on flash drive with notification form.

Driving directions are as follows. Take Highway 1 north from San Luis Obispo to South Bay Boulevard (just east of Morro Bay) and turn right to where the road dead-ends at the facility site. The existing Wastewater Treatment Facility is located at 160 Atascadero Road in Morro Bay at the western terminus of Highway 41. The pipeline right of way will run from the existing facility on Atascadero Road to the Morro Bay bike path, south to Main Street and then east along Quintana Road to South Bay Boulevard and then to the WRF.

☐ Continued on additional page(s)

B. River, stream, or lake affected by the project. unnamed tributaries to Chorro Creek and Morro Creek

C. What water body is the river, stream, or lake tributary to? Chorro Creek/Morro Creek and Pacific Ocean

D. Is the river or stream segment affected by the project listed in the state or federal [Wild and Scenic Rivers Acts](#)? ☐ Yes ☒ No ☐ Unknown

E. County San Luis Obispo

F. USGS 7.5 Minute Quad Map Name	G. Township	H. Range	I. Section	J. ¼ Section
Morro Bay North	29S	10E		
Morro Bay South	29S	10E and 11E		

☐ Continued on additional page(s)

K. Meridian (check one) ☐ Humboldt ☒ Mt. Diablo ☐ San Bernardino

L. Assessor's Parcel Number(s)

073-101-017 (eastern portion)

☐ Continued on additional page(s)

M. Geographic coordinates (Provide the latitude and longitude coordinates for the property where the project(s) will take place. CDFW utilizes decimal degrees and WGS 84 datum. Access [Google Maps Help](#) if you need assistance in finding your coordinates.)

Latitude/Longitude	Latitude	Longitude
	Latitude: 35.378069	Longitude: -120.855329
	Latitude: 35.373798	Longitude: -120.852795
	Latitude: 35.365455	Longitude: -120.832854
	Latitude: 35.363418	Longitude: -120.825904
	Latitude: 35.369369	Longitude: -120.824180



9. PROJECT CATEGORY

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



10. PROJECT DESCRIPTION

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

Refer to Attachment A for details of the project activities in CDFW jurisdictional areas, including photographs. The attached overview habitat map also included in the Biological Resources Assessment has the 5 project activity areas in CDFW jurisdiction identified. The DEIR and Draft Biological Opinion issued by USFWS provided electronically on flash drive also provide further detail about the project, and construction plans for the facility and conveyance elements are also provided on the enclosed flash drive.

Pipelines will be installed primarily in open trenches in the roadways and urban areas. The pipe bridge crossing Morro Creek will have concrete footings constructed and then the pipeline installed to span the creek. Other pipeline crossings will utilize jack and bore techniques and open trench at the Quintana Road crossings. The facility site will be mass graded to create the pad for the facility and temporarily disturbed areas will be restored to grassland habitat using a native seed mix. No disturbance to defined creek channels will be required, and no culverts or outfall structures needed.

☒ Continued on additional page(s)

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

At the facility site - excavator, bulldozer, dump truck, water truck, compactor/roller, trencher, hand tools.

Morro Creek Pipe bridge - excavator, crane, hand tools.

Pipelines at unnamed Drainage undercrossings - Jack and Bore at Drainage 1, Open trench at Drainages 2A and 2B with potential jack and bore or possibly Horizontal Directional Drilling depending on contractor. Excavator, bull dozer, water truck, bore/drilling equipment and hand tools.

☐ Continued on additional page(s)

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

☒ Yes ☐ No (Skip to box 11)

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

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



11. PROJECT IMPACTS

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

The facility is sited away from a drainage feature but will require grading of a small erosion feature identified as a potential ephemeral stream. Pipeline installation will utilize a pipe bridge over Morro Creek and jack/bore installation methods will be used to go under existing culvert at Drainage 1. Open trench will be used at Drainage 2A under Quintana Road, since the culvert in the roadway is degraded and needs replacing. Open trench may be used for Drainage 2B in Quintana Road or jack and bore or HDD depending on contractor's professional judgment.

☐ Continued on additional page(s)

B. Will the project affect any vegetation?

☒ Yes (Complete the tables below) ☐ No (Include aerial photo with date supporting this determination)

Vegetation Type	Temporary Impact	Permanent Impact
Annual Grassland at Facility	Linear feet: 500.00 Total area: 0.41	Linear feet: 464.00 Total area: 0.38
Willow Riparian Scrub at Morro Creek Pipe Bridge	Linear feet: _____ Total area: _____	Linear feet: 40.00 Total area: 0.03

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

☐ Continued on additional page(s)

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

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

Tidewater goby, steelhead, CA red-legged frog, Morro shoulderband snail, American badger, raptors, nesting birds. Refer to Biological Resources Assessments, DEIR, draft Biological Opinion.

☒ Continued on additional page(s)

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

Biological Resources Assessment and supplements (KMA, 2017, 2018, 2019),
DEIR and draft Biological Opinion (USFWS, 2020)

☒ Continued on additional page(s)

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

☒ Yes (Enclose the biological study) ☐ No

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



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

☒ Yes (Enclose the study(ies)) ☐ No

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

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

☒ Yes (Enclose the mapped results) ☐ No

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

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

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

Please refer to DEIR, MMRP and draft Biological Opinion. Construction documents and Stormwater Plan provide additional detail.

☐ Continued on additional page(s)

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

Facility was sited in upland annual grassland away from the onsite drainage feature. Pipelines will be installed in existing roadways and disturbed areas. Culverts for drainage crossings of roads will be bored under or open trench as feasible to avoid impacts to wildlife and vegetation. Riparian Enhancement Plan will be prepared and implemented at WRF and native erosion control seed mix will be used to restore temporarily disturbed areas. Refer to DEIR, MMRP and draft Biological Opinion for further detail.

☐ Continued on additional page(s)

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

Refer to DEIR, MMRP, Coastal Development Permit and Staff Report, and draft Biological Opinion.

☐ Continued on additional page(s)



13. PERMITS

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

- | | | |
|--|---|--|
| A. <u>APCD</u> | <input checked="" type="checkbox"/> Applied | <input type="checkbox"/> Issued |
| B. <u>Coastal Development Permit</u> | <input type="checkbox"/> Applied | <input checked="" type="checkbox"/> Issued |
| C. <u>Caltrans Encroachment Permit (in prep)</u> | <input type="checkbox"/> Applied | <input type="checkbox"/> Issued |
| D. Unknown whether <input type="checkbox"/> local, <input type="checkbox"/> State, or <input type="checkbox"/> federal permit is needed for the project. (Check each box that applies) | | |
| <input type="checkbox"/> Continued on additional page(s) | | |

14. ENVIRONMENTAL REVIEW

A. Has a CEQA lead agency been determined? ☒ Yes (Complete boxes B, C, D, E, and F) ☐ No (Skip to box 14.G)

B. CEQA Lead Agency City of Morro Bay

C. Contact Person Rob Livick

D. Phone Number

805-772-6261

E. Has a draft or final document been prepared for the project pursuant to CEQA and/or NEPA?

☒ Yes (Check the box below for each CEQA or NEPA document that has been prepared and enclose a copy of each.)

☐ No (Check the box below for each CEQA or NEPA document listed below that will be or is being prepared.)

☐ Notice of Exemption

☐ Mitigated Negative Declaration

☐ NEPA document (type):

☐ Initial Study

☒ Environmental Impact Report

☐ Negative Declaration

☐ Notice of Determination (Enclose)

☐ THP/ NTMP

☒ Mitigation, Monitoring, & Reporting Plan

F. State Clearinghouse Number (if applicable) 2016081027

G. If the project described in this notification is not the "whole project" or action pursuant to CEQA, briefly describe the entire project (Cal. Code Regs., tit. 14 § 15378).

☐ Continued on additional page(s)



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

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

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

City will forward receipt via email or provide explanation why filing fee was not required.

15. SITE INSPECTION

Check one box only.

- ☐ In the event CDFW determines that a site inspection is necessary, I hereby authorize a CDFW representative to enter the property where the project described in this notification will take place at any reasonable time, and hereby certify that I am authorized to grant CDFW such entry.
- ☒ I request CDFW to first contact (insert name) Kevin Merk at (insert phone number or email address) 805-748-5837 to schedule a date and time to enter the property where the project described in this notification will take place. I understand that this may delay CDFW's determination as to whether a Lake or Streambed Alteration Agreement is required and/or CDFW's issuance of a draft agreement pursuant to this notification.

16. DIGITAL FORMAT

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

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

17. SIGNATURE

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

Signature of Applicant or Applicant's Authorized Representative

02/27/2020

Date

Kevin Merk

Print Name

ATTACHMENT A

Project Description. The following should be used in conjunction with project description information provided in the DEIR and draft Biological Opinion issued by USFWS to the USEPA. The below information describes project activities at the five areas within the project site identified as subject to CDFW 1600 jurisdiction. Please note that all work in, over or under drainage features will occur with flowing water is not present. Biological clearance surveys and biological monitoring will also occur for all work occurring in the five drainage features discussed below.

Pipe Bridge over Morro Creek (refer to page 30 of 222 of PDF-Conveyance Facilities Plans).

Pipelines will run through welded steel casing pipes from the existing Wastewater Treatment Facility on Atascadero Road and extend to the new Water Reclamation Facility off South Bay Boulevard. The pipelines (i.e., 10" and 16" force mains, 16" brine, and 8" IPR) in the casing will daylight outside the north top of bank in Lyla Keiser Park as shown on the Conveyance Facility Plans included electronically with the notification. Concrete footings will be constructed in park turf areas on the north side of the creek away from the top of bank to support the pipeline span. Two horticultural trees (blue gum eucalyptus) in the park will require removal, but weedy annual grasses and forbs on the north bank within CDFW jurisdiction will not be affected. For the southern bridge footing, eucalyptus and horticultural plantings will require trimming around an existing building outside the top of bank. A small patch of willow riparian scrub (1,200 square feet) will be trimmed to near ground level, but will not be removed by the roots. Other weedy species such as cape ivy, garden nasturtium and castor bean will be removed as feasible during work activities.

Unnamed Drainage 1 (refer to page 34 of 222 of PDF-Conveyance Facilities Plans). The pipeline casings enclosing the pipelines identified on the Conveyance Plans will be installed under the Drainage 1 concrete culvert at the bikepath crossing using jack and bore methods. Horizontal directional drilling will not be used to avoid the potential for frac-out. The bore entry pit (20 feet wide by 40 feet long) and exit pit (20 feet wide by 15 feet long) will be excavated in disturbed areas at least 50 feet from the identified jurisdictional limits in the stream as shown on project plans and Figure 4B in the KMA Memorandum from June 27, 2019 included on the enclosed flash drive.

Unnamed Drainage 2A (refer to page 52 of 222 of PDF-Conveyance Facilities Plans; between stations 121+00 and 122+00). The existing culvert in the center of Quintana Road is degraded, and the project will utilize open trench construction for this location. The contractor will cut and remove 45 linear feet of existing CMP storm drain buried in the roadway. Once removed, the pipelines will be installed and then the storm drain pipe will be replaced with an equivalent size of corrugated HDPE pipe that will be connected to the remaining pipe using appropriate repair coupling and/or concrete collar. No work will occur to the south end of the pipe and associated outfall zone that discharges into the environmentally sensitive area of Drainage 2 supporting willow riparian scrub.

Unnamed Drainage 2B (refer to page 57 of 222 of PDF-Conveyance Facilities Plans; station 144+00). The plans at this location provide some flexibility to the contractor. Open cut construction may be possible to install the pipelines under this culvert, but the contractor may submit for approval of a trenchless construction alternative. Most likely, jack and bore techniques would be used, however, if HDD is proposed, then a frac-out plan would also be required at this location to ensure impacts to the drainage feature are avoided.

Erosion Feature at the Treatment Facility (refer to Water Reclamation Facility Plans). The erosion feature identified on the Wetland Delineation Map for the South Bay Boulevard Site (KMA) will be graded during pad construction for the new facility. The upper part of the feature on the steeper

hillside has some bed and bank structure that disappears further downslope in the flats of the site. As detailed in the Wetland Delineation Report, no change in vegetation was observed within the feature, and the entire area was comprised of weedy annual grasses and forbs, and no distinct channel with a surface connection to Drainage 3 was present. It consists of approximately 964 linear feet as measured from the upper reach of the headcut northwest of the facility site to the approximate connection area with Drainage 3. Total area of this feature on the site is approximately 34,459 square feet or 0.79 acre. Approximately 18,000 square feet of temporary disturbance to the weedy annual grassland for 500 linear feet will occur upslope from the facility from grading activities, and approximately 16,459 square feet covering approximately 464 linear feet will be permanently removed to construct the facility. A series of drainage swales will be constructed upslope from the facility to handle stormwater flows as shown on project plans, and outfalls will be sited downslope of the facility to spread stormwater laterally into the annual grassland mimicking pre-project hydrology. No outfall structures or riprap will be required in Drainage 3.

The areas of temporary disturbance will be restored using a native erosion control seed mix composed of grasses and wildflowers native to the Morro Bay area (refer to Table 2 in the Biological Resources Assessment). A Riparian Enhancement Plan will also be prepared for the facility and will include an approximate 1.5 acre area to the east of the facility to enhance habitat values and functions in Drainage 3. The restoration with native shrubs and trees will also provide vegetation screening of the facility. The Riparian Enhancement Plan will detail the methods and techniques of the restoration effort as well as outline the monitoring program and final success criteria. It will be implemented immediately following construction of the facility.

Photo Plate



Photo 1. Southerly view of grassland, ornamental, and riparian scrub habitats at the pipe bridge crossing location of Morro Creek. The bikepath bridge can be seen to the right. Willow scrub on the north bank will require trimming.



Photo 2. Westerly view of Morro Creek downstream of the bikepath bridge showing shallow channel and riverine and riparian scrub habitats. No large pools capable of supporting species such as CRLF were observed in this area.



Photo 3. Looking downstream at the pipe bridge crossing location during high flows observed in the winter of 2019. Non-native, invasive plant species were observed throughout the area.



Photo 4. View of Morro Creek and pipe bridge location in the fall 2019 showing dry channel with no aquatic habitat.



Photo 5. Easterly view of Drainage 1 at the bikepath concrete culvert that will be buffered 50 feet and jack and bore techniques used to avoid impacts to the feature.



Photo 6. Easterly view of Drainage 2A work area at Quintana Road and Loma Road intersection. Willow riparian scrub present in the distance will not be affected by construction activities.



Photo 7. Easterly view of Drainage 2B work area along Quintana Road. Willow riparian scrub present in the drainage feature will not be affected.



Photo 8. Close up view of upper part of erosion feature at Facility site showing annual grasses and trampling from cattle.



Photo 9. Easterly view of feature at the Facility site looking towards Drainage 3. Cattle trail follows what appears to be the centerline of the feature. Area would be graded and recontoured and then seeded with a native grassland seed mix. Facility would be constructed in the distance.

Appendix D

EMAIL CORRESPONDENCE BETWEEN CALIFORNIA STATE LANDS COMMISSION AND CAROLLO

Eric Casares

From: Boggiano, Reid@SLC <Reid.Boggiano@slc.ca.gov>
Sent: Wednesday, October 23, 2019 3:06 PM
To: Eric Casares
Subject: RE: Morro Bay Water Reclamation Facility Project - Authorization from SLC

Hi Eric,

All sovereign Public Trust lands within the project area have been granted to the City of Morro Bay. Therefore, no lease or written authorization is required from the Commission.

> Reid Boggiano, Granted Lands Program Manager CALIFORNIA STATE LANDS
> COMMISSION External Affairs
> 100 Howe Avenue, Suite 100-South | Sacramento | CA 95825
> Phone: 916.574.0450 | Email: Reid.Boggiano@slc.ca.gov
>

-----Original Message-----

From: Eric Casares <ECasares@carollo.com>
Sent: Wednesday, October 23, 2019 2:36 PM
To: Boggiano, Reid@SLC <Reid.Boggiano@slc.ca.gov>
Subject: RE: Morro Bay Water Reclamation Facility Project - Authorization from SLC

Reid,

Just following-up on this. We are dealing with some environmental issues that have slowed progress, but I would like to get something from you for our Coastal Development Permit.

-Eric

Eric Casares, PE
Project Manager | Vice President
710 West Pinedale Avenue | Fresno, CA 93711 P (559) 490-4361 | M (559) 240-2739 carollo.com

-----Original Message-----

From: Eric Casares
Sent: Monday, October 7, 2019 8:34 AM
To: Boggiano, Reid@SLC
Subject: Re: Morro Bay Water Reclamation Facility Project - Authorization from SLC

Reid,

We are doing an evaluation of the city's ocean outfall. All the work will be done on the water and not from the shore. It will consist of a diver doing a visual inspection. Pending the evaluation we may put new diffusers on the end of the outfall.

Sent from my iPhone

> On Oct 7, 2019, at 9:29 AM, Boggiano, Reid@SLC <Reid.Boggiano@slc.ca.gov> wrote:

>

> Eric - Unless I'm missing something, it looks like the project will be taking place on the uplands and not within the tidelands or submerged lands.

>

> -----Original Message-----

> From: Eric Casares <ECasares@carollo.com>

> Sent: Monday, October 07, 2019 8:19 AM

> To: Boggiano, Reid@SLC <Reid.Boggiano@slc.ca.gov>

> Subject: RE: Morro Bay Water Reclamation Facility Project -

> Authorization from SLC

>

> Reid,

>

> Please see the attached. I am out of the office on vacation for a few days, but could find some time to talk later this afternoon after you have had a chance to review the attached figure.

>

> Thank you for your help with this.

>

> Eric Casares, PE

> Project Manager | Vice President

> 710 West Pinedale Avenue | Fresno, CA 93711 P (559) 490-4361 | M (559)

> 240-2739 carollo.com

>

>

> -----Original Message-----

> From: Boggiano, Reid@SLC [mailto:Reid.Boggiano@slc.ca.gov]

> Sent: Friday, October 4, 2019 1:01 PM

> To: Eric Casares

> Subject: RE: Morro Bay Water Reclamation Facility Project -

> Authorization from SLC

>

> Hi Eric,

>

> Do you have a site plan of the project? The public trust lands within the project area are likely granted to the city of Morro Bay. If that's the case, State Lands won't have any leasing jurisdiction over the project area. I'm happy to provide a jurisdictional determination to satisfy CCC permit requirements. I'll be back in office on Monday if you'd like to discuss further.

>

>

> Reid Boggiano, Granted Lands Program Manager CALIFORNIA STATE LANDS

> COMMISSION External Affairs

> 100 Howe Avenue, Suite 100-South | Sacramento | CA 95825

> Phone: 916.574.0450 | Email: Reid.Boggiano@slc.ca.gov

>

>

>

>

>

>

> -----Original Message-----

> From: Eric Casares <ECasares@carollo.com>

> Sent: Friday, October 04, 2019 8:59 AM
> To: Boggiano, Reid@SLC <Reid.Boggiano@slc.ca.gov>
> Subject: Morro Bay Water Reclamation Facility Project - Authorization
> from SLC
>
> Mr. Boggiano,
>
> The City of Morro Bay is currently pursuing a new wastewater treatment plant project. The new wastewater facility will allow the City to reuse the majority of the treated effluent to offset 80 percent of their current potable water usage. The City's existing wastewater facility is located near the coast in an area of coastal hazards and is being relocated approximately 3.5 miles inland based on direction from the Coastal Commission.
>
> One of the special conditions is receiving written authorization from a number of listed agencies (or information indicating that no authorization is needed). One of these agencies is the California State Lands Commission.
>
> The project consists of construction of a new water reclamation facility, 3.5 miles of conveyance pipelines connecting the existing facility near the coast and the new facility, and indirect potable reuse groundwater injection wells. The conveyance pipelines are crossing several waters of the state and US, but with our construction methods (pipe bridges and trenchless construction) we will not be impacting these jurisdictional features and will therefore not need a Section 404 or 401 permit based on direction from the USACE or Central Coast Regional Water Quality Board.
>
> I would like the opportunity to discuss this project with you further and see how we can meet the Coastal Commission's requirements. Please let me know when you may have some time over the next few days to discuss.
>
> The City is on a compressed timeline and is looking to start construction by the end of October. I appreciated your time and help with this in advance.
>
> Eric Casares, P.E.
> Vice President
> Project Manager
> Carollo Engineers
> O: (559) 490-4361
> M: (559) 240-2739

Appendix E
EMAIL CORRESPONDENCE BETWEEN NMFS
AND USEPA

From: [McCurdy, Alaina](#)
To: [Brittany Struck - NOAA Federal](#)
Cc: [Chandy, Danusha](#); [Irving, Cedric@Waterboards](#)
Subject: RE: NMFS follow up questions for Morro Bay
Date: Tuesday, September 17, 2019 11:00:00 AM
Attachments: [image001.png](#)

Hi Brittany,

It's my understanding from your last email that NMFS is not objecting to our no effect determination and that no further consultation is recommended.
Thank you for coordinating with us on this project.

Thanks,
Alaina

Alaina McCurdy
WIFIA Program
Mccurdy.alaina@epa.gov
Office- **202-564-6996**
Cell- 202-809-5795

****Please note the NEW phone number****

From: Brittany Struck - NOAA Federal <Brittany.Struck@noaa.gov>
Sent: Tuesday, September 17, 2019 10:42 AM
To: McCurdy, Alaina <McCurdy.Alaina@epa.gov>
Cc: Chandy, Danusha <Chandy.Danusha@epa.gov>; Irving, Cedric@Waterboards <Cedric.Irving@waterboards.ca.gov>
Subject: Re: NMFS follow up questions for Morro Bay

Good Morning,

Thank you for coordinating with us on this project - should you need additional technical assistance on future projects, we are happy to help.

Thanks,
Brittany

On Tue, Sep 17, 2019 at 4:29 AM McCurdy, Alaina <McCurdy.Alaina@epa.gov> wrote:

Hi Brittany,
Correct, EPA is making a no effect determination for our action of issuing federal funds.

Thanks,
Alaina

Alaina McCurdy
WIFIA Program
Mccurdy.alaina@epa.gov
Office- **202-564-6996**
Cell- 202-809-5795

****Please note the NEW phone number****

From: Brittany Struck - NOAA Federal <Brittany.Struck@noaa.gov>
Sent: Monday, September 16, 2019 4:24 PM
To: McCurdy, Alaina <Mccurdy.Alaina@epa.gov>
Cc: Chandy, Danusha <Chandy.Danusha@epa.gov>; Irving, Cedric@Waterboards <Cedric.Irving@waterboards.ca.gov>
Subject: Re: NMFS follow up questions for Morro Bay

Hi Alaina,

That makes things pretty clear. So for my records, the EPA (federal nexus is EPA funds) is making a no effect determination, correct?

Thanks,
Brittany

On Mon, Sep 16, 2019 at 12:36 PM McCurdy, Alaina <Mccurdy.Alaina@epa.gov> wrote:

Hi Brittany,
To confirm, there are waters of the US in the project area, including Morro Creek, however, no impacts to waters of the US will occur. Changes to the design have led to avoidance and minimization of all impacts, including the bridge over Morro Creek.
Please let me know if you have any other questions or would like to set up a call to go through anything.

Thanks,
Alaina

Alaina McCurdy
WIFIA Program
Mccurdy.alaina@epa.gov
Office- **202-564-6996**
Cell- 202-809-5795

****Please note the NEW phone number****

From: Brittany Struck - NOAA Federal <Brittany.Struck@noaa.gov>

Sent: Friday, September 13, 2019 6:15 PM

To: McCurdy, Alaina <McCurdy.Alaina@epa.gov>

Cc: Chandy, Danusha <Chandy.Danusha@epa.gov>; Irving, Cedric@Waterboards <Cedric.Irving@waterboards.ca.gov>

Subject: Re: NMFS follow up questions for Morro Bay

I just read the Corps' letter. Can you specifically tell me which portions of the project involve "waters of the US"? We may still need to consult based on exactly how the project involves waters of the US.

Thanks!

On Fri, Sep 13, 2019 at 8:46 AM Brittany Struck - NOAA Federal <Brittany.Struck@noaa.gov> wrote:

Hi Alaina,

I was in the field Wednesday and Thursday, and just getting to this information package. Thank you for providing these details. I will stand by until you send a copy of the Corps' NPR letter. Alternatively, you could ask Jerry to cc NOAA Fisheries (Brittany Struck, [501 West Ocean Blvd., Long Beach](#)) on his letter (I have worked with him before).

Thanks,
Brittany

On Wed, Sep 11, 2019 at 11:00 AM McCurdy, Alaina <McCurdy.Alaina@epa.gov> wrote:

Hi Brittany,

As a follow up from our call earlier this week, please find the requested information, including:

- Wetland Delineation Report. (Note that there is a summary of the wetland assessment included in the Supplemental Biological Resources Report)
- Email correspondence with the Corps on crossings. (formal letter from Corps expected soon and will be provided once received)
- 60% Design drawings - Alignment overview; Trenchless crossing detail; Morro Creek pipe bridge; Figure from the FEIR addendum showing the latest alignment, pump stations, etc.

Please let me know if you have questions on these materials or would like to discuss anything over a call.

Thanks,
Alaina

Alaina McCurdy

WIFIA Program
Mccurdy.alaina@epa.gov
Office- **202-564-6996**
Cell- 202-809-5795

****Please note the NEW phone number****

From: Irving, Cedric@Waterboards <Cedric.Irving@waterboards.ca.gov>
Sent: Monday, September 9, 2019 1:35 PM
To: Chandy, Danusha <Chandy.Danusha@epa.gov>; Brittany Struck - NOAA Federal <Brittany.Struck@noaa.gov>
Cc: Lenz, Tessa <Tessa.Lenz@Waterboards.ca.gov>; McCurdy, Alaina <McCurdy.Alaina@epa.gov>
Subject: RE: NMFS follow up questions for Morro Bay

Hello Alaina,

Thank you for fronting the federal correspondence, and corresponding with the applicant. Please request from the applicant a map of the final design footprint, supporting information, and correspondence with the US Army Corps and the CA Fish Wildlife affirming they have no water quality permitting requirements. This is essential to substantiate our Section 7 ESA findings for anadromous fish.

Sincerely,

Cedric Irving
Environmental Scientist
Division of Financial Assistance | SWRCB
Phone: 916-341-6983
Resources: <http://go.usa.gov/3HKXB>

From: Chandy, Danusha <Chandy.Danusha@epa.gov>
Sent: Monday, September 9, 2019 10:06 AM
To: Brittany Struck - NOAA Federal <Brittany.Struck@noaa.gov>
Cc: Lenz, Tessa <Tessa.Lenz@Waterboards.ca.gov>; Irving, Cedric@Waterboards <Cedric.Irving@waterboards.ca.gov>; McCurdy, Alaina <McCurdy.Alaina@epa.gov>
Subject: FW: NMFS follow up questions for Morro Bay

Danusha S. Chandy, P.E.
(O) [202-566-2165](tel:202-566-2165)
(C) [202-281-0714](tel:202-281-0714)

Chandy.Danusha@epa.gov

From: Eric Casares <ECasares@carollo.com>
Sent: Thursday, September 5, 2019 7:14 PM
To: McCurdy, Alaina <McCurdy.Alaina@epa.gov>
Cc: Chandy, Danusha <Chandy.Danusha@epa.gov>; Irving, Cedric@Waterboards <Cedric.Irving@waterboards.ca.gov>; Lenz, Tessa <Tessa.Lenz@Waterboards.ca.gov>; McDonald, Kevin <mcdonald.kevin@epa.gov>; rlivick@morrobayca.gov; John Rickenbach <jfrickenbach@aol.com>; Kevin Merk <kmerk@kevinmerkassociates.com>
Subject: FW: NMFS follow up questions for Morro Bay

Alaina,

Please see our responses below to help with your discussions with NMFS early next week.

Eric Casares, PE

Project Manager | Vice President
[710 West Pinedale Avenue | Fresno, CA 93711](#)
P (559) 490-4361 | M (559) 240-2739
carollo.com

From: McCurdy, Alaina [<mailto:McCurdy.Alaina@epa.gov>]
Sent: Wednesday, September 4, 2019 9:27 AM
To: Eric Casares <ECasares@carollo.com>
Cc: Irving, Cedric@Waterboards <Cedric.Irving@waterboards.ca.gov>; Lenz, Tessa <Tessa.Lenz@Waterboards.ca.gov>; Chandy, Danusha <Chandy.Danusha@epa.gov>; McDonald, Kevin <mcdonald.kevin@epa.gov>
Subject: NMFS follow up questions for Morro Bay

Hi Eric,

We've received some initial feedback from NMFS on the technical assistance request. NMFS comments are in **blue**. Please have the biologists on your team develop some draft responses to these comments on the mitigation measures.

Responses should update which consultations/permits are expected based on the current impacts as well as which mitigation measures, for example de-watering plan or erosion controls, are anticipated to be necessary based on current project impacts. Please try to have draft responses back to us by Monday so we can keep discussions with NMFS moving.

If you have any questions, we can set up a call with the biologists.

Thanks,
Alaina

Mitigation Measures (as outlined in April 2017 Biological Report)

1. During the project planning phase, the City should initiate consultation with regulatory agencies to determine which regulatory permits will be necessary. The type of permits and compensatory mitigation required will depend on the proposed project impacts associated with the chosen pipeline alignment and proposed construction methods, and would likely include a Section 404 Permit from USACE, a Section 401 Water Quality Certification from RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW.

>These specific permits usually mean there will be disturbance to the creek channel or disturbance to flow/sediment within the channel; it would be helpful to share the application for these permits with NMFS ahead of submitting them to the regulatory agency; with a no effect call, it seem somewhat odd you would need these additional permits.

ETC – Through consultation with USACE, we have determined that no Section 404 permits will be needed for the jurisdictional waterways we will be crossing including Willow Camp Creek and Morro Creek. For Willow Camp Creek, we will be using trenchless construction methods including either Bore and Jack, Pipe Ramming or Microtunneling. For Morro Creek will be using a pipe bridge, which will include civil work on the two embankments to install the two reinforced concrete abutments. This would consist of site grubbing, cleaning, grading, and excavation to the desired depth and to meet the necessary dimensions, installation of the concrete abutments, and installation of the pre-manufactured pipe bridge span via large cranes. Construction will not be done below the top of banmk so no Section 1602 Streambed Alteration Agreement from CDFW will be required.

2. Once the project development footprint and construction methods have been finalized, the drainage impact areas can be calculated and impacts to federal and state jurisdictional areas can be determined. To compensate for impacts to riparian and wetland habitat and non- wetland drainage features, a Habitat Mitigation and Monitoring Plan (HMMP) should be prepared. The HMMP should be consistent with federal and state regulatory requirements and local City policies. The HMMP should be submitted with permit applications for agency approval. The City would then be required to implement the HMMP during construction and immediately following project completion for an estimated period of five years.

>With a no effect call, it seems strange you would need a HMMP or that you would even anticipate impacts to riparian and wetland habitat.

ETC – We do not have impacts to state or federal jurisdictional areas.

3. Prior to start of construction activities, the applicant should retain a qualified biological monitor to ensure compliance with all permit requirements and avoidance and minimization measures (i.e.: preconstruction surveys, worker environmental training, and

construction monitoring) during work within and adjacent to drainage features.

4. Prior to start of construction, the project boundaries adjacent to Morro Creek and other drainages should be clearly flagged or fenced so that contractors are aware of the limits of allowable site access and disturbance. Areas to be preserved should be clearly flagged as off-limits to avoid unnecessary damage and potential erosion.

5. Prior to start of construction, a Diversion and Dewatering Plan should be prepared in case flowing or ponded water is present in a work area. The Plan would be submitted to regulatory agencies to be approved under the project permits from the USACE, RWQCB, CDFW and City/Coastal Commission. The most up-to-date technology should be employed to avoid and minimize impacts to open water and riparian habitats. If pumps are incorporated to assist in temporarily dewater/divert stream flow from work areas, intakes should be completely screened with no larger than 0.2-inch (five-millimeter) wire mesh to prevent aquatic vertebrate species from entering the pump system. Any vertebrate species stranded in dewatered areas would be captured by the project biologist and relocated to appropriate habitat as soon as possible. Pumps will release the additional water to a settling basin allowing the suspended sediment to settle out prior to re-entering the channel outside of the isolated area. Additional regulatory agency requirements included in the project permits will be followed as directed. Additional measures developed in consultation with CDFW, USFWS and NOAA Marine Fisheries Service to protect special status species would also be followed.

>With a no effect call, this seems extremely strange to anticipate the need for a dewatering plan. If there is a need to dewater in designated critical habitat, then the EPA should request formal consultation under section 7 of the ESA.

ETC – We are not dealing with dewatering of flowing or ponded water as work at Morro Creek and Willow Camp Creek are happening outside jurisdictional areas.

6. Prior to issuance of construction permits, an Erosion Control Plan incorporating up to date Best Management Practices should be prepared by the project engineer to minimize impacts to aquatic habitats. The plan should address installation and maintenance of both temporary and permanent measures to control erosion and dust, contain spills, protect stockpiles, and generally maintain good housekeeping practices within the worksite. All project plans should show that erosion, sediment, and dust control measures must be installed prior to start of any ground disturbing work. All bare or disturbed soil areas that are outside the developed facility and roadway areas will be seeded with the native erosion control seed mix listed in Impact Bio 2.

>With a no effect call, this also seems extremely strange to anticipate the need to minimize impacts, like erosion, to aquatic habitats. If these measures need to be in place, then we are either in an informal or formal consultation situation, not a no effect situation.

ETC – This does not look to be applicable as we are not impacting aquatic habitats.

7. All applicable plans should clearly show project stockpile and materials staging areas. These areas should be at least 50 feet from drainage features, active storm drain inlets, and must conform to BMPs applicable for storm drain protection.

8. Prior to start of work, the contractor should prepare and implement a Spill Prevention Plan to ensure prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur. All project-related hazardous materials spills within the project site should be cleaned up immediately. Spill prevention and cleanup materials should be on-site at all times during the course of the project.

>This measure is usually seen within an informal consultation request; it depends on where exactly the applicant/EPA anticipates a spill might occur.

ETC – While included in the Biological Assessment, this mitigation is included as a standard and generic practice for any ongoing construction activities. That said, this impact was found to be less than significant in the actual EIR because of a variety of existing regulations already in place. See Impact 3.9-2, page 3.9-31 and forward:

Impact 3 -2: The proposed project could degrade surface water or groundwater quality in the event of pipeline rupture or accidental spill Implementation of regulatory requirements, including a leak detection system and preventative maintenance program or new proposed project pipelines would ensure water quality in the project area is not adversely affected This is a Class III impact, Less than Significant

9. All refueling, maintenance, and washing of equipment and vehicles should occur on paved areas in a location where a spill would not travel onto bare ground or to a storm drain inlet. This fueling/staging area will conform to BMPs applicable to attaining zero discharge of stormwater runoff. At a minimum, all equipment and vehicles must be checked and maintained on a daily basis to ensure proper operation and avoid potential leaks or spills. Washing of equipment should occur only in a location where polluted water and materials can be contained for subsequent removal from the site.

10. A designated concrete washout location should be established onsite, in an area at least 50 feet from any drainage or storm drain inlet. The washout should be maintained and inspected weekly, and will be covered prior to and during any rain event. Concrete debris should be removed whenever the washout container reaches the 1/2 full mark.

11. BMP's for dust abatement shall be a component of the project's construction documents. Dust control requirements should be carefully implemented to prevent water used for dust abatement from transporting pollutants to storm drains leading to the creek channel.

>This measure is usually seen within an informal consultation request as the applicant/EPA is trying to minimize or avoid transporting pollutants that may

eventually enter the creek channel.

ETC - This mitigation is a standard practice to reduce potential impacts, whether significant or not. In this case, the EIR found the effects of fugitive dust to be significant but mitigable:

Impact 3 3-2: Proposed project construction would cause temporary increases in localized air pollutant emissions of ROG, NOx and DPM in excess of SLOAPCD construction thresholds which could lead to a violation of an air quality standard. Implementation of fugitive dust control measures and other standard control measures or construction equipment would reduce emissions. This impact would be Class II, less than significant with mitigation.

Below is the EIR mitigation, which applies to all construction activities consistent with SLOAPCD requirements:

Mitigation Measure AQ-1a: Fugitive Dust Control Measures. Construction projects shall implement the following dust control measures so as to reduce PM10 emissions in accordance with SLOAPCD requirements.

- *Reduce the amount of the disturbed area where possible;*
- *Water trucks or sprinkler systems shall be used during construction in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency shall be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water shall be used whenever possible;*
- *All dirt stock pile areas shall be sprayed daily as needed;*
- *Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following completion of any soil disturbing activities;*
- *Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading shall be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;*
- *All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the SLOAPCD;*
- *All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible after grading unless seeding or soil binders are used;*
- *Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;*
- *All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance*

between top of load and top of trailer) in accordance with California Vehicle Code Section 23114;

- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;*
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water shall be used where feasible;*
- All of these fugitive dust mitigation measures shall be shown on grading and building plans; and*
- The construction contractor shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.*

12. During project activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

Alaina McCurdy

Environmental Scientist, WIFIA Program
Water Infrastructure Division
Office of Wastewater Management
U.S. Environmental Protection Agency
mccurdy.alaina@epa.gov
Office- **202-564-6996**
Cell- 202-809-5795



****Please note the NEW phone number****

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Brittany Struck

Natural Resource Management Specialist

*U.S. Department of Commerce
NOAA Fisheries West Coast Region
[501 West Ocean Blvd., Suite 4200](#)
[Long Beach, CA 90802](#)*

[Office: 562-432-3905](#)

Fax: 562-980-4027

Cell: 214-505-9547

brittany.struck@noaa.gov



"We cannot solve our problems with the same thinking we used when we created them."

- Albert Einstein

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