MORRO BAY WATER RECLAMATION FACILITY

Final Environmental Impact Report

Prepared for
City of Morro Bay

June 2018

ESA

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CHAPTER 9
Introduction and CEQA Process

9.1 CEQA Requirements

This Final Environmental Impact Report (Final EIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). The Final EIR incorporates, by reference, the Draft EIR (State Clearinghouse No. 2016081027) prepared by City of Morro Bay (City) for the Morro Bay Water Reclamation Facility (proposed project) as it was originally published. In accordance with Section 15132 of the *CEQA Guidelines,* the Final EIR shall consist of the following:

(a) The Draft EIR or a revision of the draft.

(b) Comments and recommendations received on the Draft EIR either verbatim or in summary.

(c) A list of persons, organizations, and public agencies commenting on the Draft EIR.

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

(e) Any other information added by the Lead Agency.

Before the City may approve the proposed project, it must certify that the Final EIR: a) has been completed in compliance with CEQA; b) was presented to the City Council who reviewed and considered it prior to approving the project; and c) reflects the City's independent judgment and analysis (*CEQA Guidelines* Section 15090).

Section 15004 of the *CEQA Guidelines* states that before the approval[1] of any project subject to CEQA, the Lead Agency must consider the final environmental document, which in this case is the Final EIR.

This Final EIR for the Morro Bay Water Reclamation Facility project presents the following chapters as a continuation of those included in the Draft EIR:

- Chapter 9: Introduction

[1] The word "approval" is defined by Section 15352 of the *CEQA Guidelines* to mean "the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person…"

- Chapter 10: Comment Letters and Responses - A list of persons, organizations, and public agencies commenting on the Draft EIR; the written and oral comments received on the Draft EIR; and written responses to each comment.
- Chapter 11: Clarifications and Modifications – A summary of changes made to the Draft EIR in response to comments received or initiated by the Lead Agency.
- Modified or added Appendices.

9.2 CEQA Process

Public Participation Process

Notice of Preparation and Public Scoping

In accordance with Section 15082 of the *CEQA Guidelines*, a Notice of Preparation (NOP) of an EIR was prepared and circulated for review by applicable local, state and federal agencies and the public. The 30-day project scoping period, which began with the distribution of the NOP on August 8, 2016, remained open through September 7, 2016. A public scoping meeting was held on August 8, 2016 at the Veterans Memorial Building at 209 Surf Street in Morro Bay. The NOP provided the public and interested public agencies with the opportunity to review the proposed project and to provide comments or concerns on the scope and content of the environmental review document including: the range of actions; alternatives; mitigation measures, and significant effects to be analyzed in depth in the EIR.

Notice of Availability of the Draft EIR

The Notice of Availability (NOA) of the Draft EIR was posted on April 3, 2018 with the County Clerk-Recorder in San Luis Obispo County. The Draft EIR was circulated to federal, state, and local agencies and interested parties requesting a copy of the Draft EIR. Copies of the Draft EIR were made available to the public at the following locations:

- City of Morro Bay WRF Web Site (http://morrobaywrf.com)
- Morro Bay Public Library (625 Harbor Street, Morro Bay)
- Cayucos Public Library (310 B Street, Cayucos)
- Morro Bay Public Services Department (955 Shasta Avenue, Morro Bay)
- Wastewater Treatment office (160 Atascadero Road, Morro Bay)

The Draft EIR was circulated for public review from April 3, 2018 through May 18, 2018. During this period, the City held one CEQA public meeting to provide interested persons with an opportunity to comment orally or in writing on the Draft EIR and the proposed project. The CEQA public meeting was an item on the agenda at the Water Reclamation Facility Citizens Advisory Committee (WRFCAC) meeting held at the Veterans Memorial Hall in Morro Bay on May 1, 2018. There was one comment offered from the audience in addition to multiple comments offered from the WRFCAC members at the public meeting.

Evaluation and Response to Comment

CEQA Guidelines Section 15088 requires the City, as the Lead Agency, to evaluate comments on significant environmental issues received from parties that have reviewed the Draft EIR and to prepare a written response. The written responses to commenting public agencies shall be provided at least ten (10) days prior to the certification of the Draft EIR (CEQA Guidelines §15088(b)).

Final EIR Certification and Approval

As the Lead Agency, the City provided the Final EIR to commenters and made it available for review at the following locations:

- City of Morro Bay WRF Web Site (http://morrobaywrf.com)
- Morro Bay Public Library (625 Harbor Street, Morro Bay)
- Cayucos Public Library (310 B Street, Cayucos)
- Morro Bay Public Services Department (955 Shasta Avenue, Morro Bay)
- Wastewater Treatment office (160 Atascadero Road, Morro Bay)

Prior to considering the project for approval, the City, as the Lead Agency, will review and consider the information presented in the Final EIR and will certify that the Final EIR:

(a) has been completed in compliance with CEQA;

(b) has been presented to the Board of Directors as the decision-making body for the Lead Agency, which reviewed and considered it prior to approving the project; and

(c) reflects the City's independent judgment and analysis.

Once the Final EIR is certified, the City Council may proceed to consider project approval (*CEQA Guidelines* §15090). Prior to approving the proposed project, the City must make written findings and adopt statements of overriding considerations for each unmitigated significant environmental effect identified in the Final EIR in accordance with Sections 15091 and 15093 of the *CEQA Guidelines*.

Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, the City of Morro Bay will file a Notice of Determination (NOD) with the Office of Planning and Research and San Luis Obispo County Clerk within five working days after project approval.

CHAPTER 10
Comment Letter and Responses

10.1 Comments Received

The Draft EIR for the Morro Bay WRF (proposed project) was circulated for public review for 45 days (April 3, 2018 through May 18, 2018) in accordance with the requirements of *CEQA Guidelines* Section 15105(a). The City received 35 comment letters and emails during the public review period, which are listed in **Table 10-1** in the order presented in this chapter. The letters have been marked with brackets that delineate comments pertaining to environmental issues and the information and analysis contained in the Draft EIR. Responses to comments are provided immediately following each letter. In addition, the oral comments received during the May 1, 2018 public meeting are also included after the comment letters below.

TABLE 10-1
COMMENT LETTERS RECEIVED

No.	Comment Letter	Commenting Party	Type	Date of Comment
1	CCC	California Coastal Commission	State	May 11, 2018
2	OPR	Governor's Office of Planning and Research	State	May 18, 2018
3	Caltrans	California Department of Transportation	State	May 18, 2018
4	SWRCB	State Water Resources Control Board	State	May 23, 2018
5	LAFCO	Local Agency Formation Commission San Luis Obispo	Local	May 1, 2018
6	APCD	SLO County Air Pollution Control District	Local	May 17, 2018
7	CSD	Cayucos Sanitary District	Local	May 17, 2018
8	County	County of San Luis Obispo Department of Planning & Building and County of San Luis Obispo Department of Agriculture	Local	May 18, 2018
9	Collins	Fred Collins	Tribal	April 12, 2018
10	NCTC	Northern Chumash Tribal Council	Tribal	May 14, 2018
11	MBNEP	Morro Bay National Estuary Program	Non-Governmental Organization (NGO)	May 17, 2018
12	SC/SF/ Coastkeeper	Sierra Club - Santa Lucia Chapter, Surfrider Foundation - San Luis Obispo Chapter, San Luis Obispo Coastkeeper	NGO	May 18, 2018
13	McCray	Wallace McCray	Individual	April 23, 2018
14	Maino	John Maino	Individual	May 3, 2018
15	Hanson	Mark Hanson	Individual	May 10, 2018

No.	Comment Letter	Commenting Party	Type	Date of Comment
16	Sylvester	Edward Sylvester	Individual	May 12, 2018
17	Sadowski	Richard Sadowski, Morro Bay Planning Commissioner	Individual	May 15, 2018
18	Bast	Nancy Bast	Individual	May 16, 2018
19	Foor	Eric Foor	Individual	May 16, 2018
20	Low	Mark Low	Individual	May 17, 2019
21	Mahan	Kerrigan Mahan	Individual	May 17, 2018
22	O'dell	Jeff O'dell	Individual	May 17, 2018
23	Stevens	Steve Stevens	Individual	May 17, 2018
24	Beckman	Bart Beckman	Individual	May 18, 2018
25	Donnelly	Paul Donnelly, WRF CAC member	Individual	May 18, 2018
26	Hawley	Cynthia Hawley	Individual	May, 18, 2018
27	Heller	Jeff Heller	Individual	May 18, 2018
28	Kleim/Lieibg	Lee Kleim/Bryan H Lieibg	Individual	May 18, 2018
29	Levulett	Valerie Levulett	Individual	May 18, 2018
30	Lueker	Andrea Lueker	Individual	May 18, 2018
31	Ochs	Pam Ochs	Individual	May 18, 2018
32	Bruton Sadwoski 1	Marla Jo Bruton Sadowski (Letter 1)	Individual	May 18, 2018
33	Bruton Sadowski 2	Marla Jo Bruton Sadowski (Letter 2)	Individual	May 18, 2018
34	Winholtz	Betty Winholtz	Individual	May 18, 2018
35	Lucas	Michael Lucas	Individual	May 18, 2018

10.2 Responses to Comments

As stated in *CEQA Guidelines*, Sections 15132 and 15362, the Final EIR must contain the comments received on the Draft EIR, either verbatim or in summary, a list of persons commenting, and the response of the Lead Agency to the comments received. Thirty-five letters or emails were received by the City commenting on the Draft EIR. This chapter provides those comments and the City's responses to those comments.

Those responses do not significantly alter the proposed project, change the Draft EIR's significance conclusions, or provide new information regarding substantial adverse environmental effects not already analyzed in the Draft EIR. Instead, the information presented in the responses to comments "merely clarifies or amplifies or makes insignificant modifications" in the Draft EIR, as is permitted by *CEQA Guidelines* subdivision 15088.5(b).

10.3 Master Responses

Several comments on the same topic were raised by multiple commenting parties, and therefore the City has prepared master responses for these topics, which are presented first below. The individual comment letters and responses are presented next in Section 10.4.

Master Response 1 – Alternatives

Several commenters questioned the adequacy of the Draft EIR's Alternatives Analysis or expressed preferences for certain alternatives that are not the preferred alternative. This Master Response addresses those comments. An overview of the requirements for a CEQA alternatives analysis is provided in Chapter 6 of the Draft EIR. CEQA does not require an analysis of every conceivable alternative to a project. The purpose of the alternatives analysis is to identify feasible alternatives that would avoid or lessen significant impacts of the project while also meeting most of the basic project objectives.

The various site evaluation and screening documents prepared from 2011 through 2016, while not technically CEQA documents, were part of the information used in the Draft EIR to evaluate the feasibility of the many potential site alternatives. Many of those sites either did not meet basic project objectives, had various environmental constraints, or were infeasible for other reasons. For those reasons, as documented clearly in Chapter 6 of the Draft EIR, they were not carried forward. Other options proposed in some comments related to different technologies or designs. Those were not considered further because they would not substantially lessen any of the significant environmental impacts analyzed in the Draft EIR.

The following discussion describes the alternatives evaluation conducted for the Draft EIR and described in Chapter 6.

WRF Site Alternatives

Several commenters expressed preferences for certain WRF locations. *CEQA Guidelines* subdivision 15126.6(f)(2)(a) discusses the need to assess project location alternatives:

> The key question and first step in the analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.

As explained in Chapter 6 of the Draft EIR, the only potentially significant and unavoidable environmental impacts associated with the proposed project would be to cultural resources. Those impacts would be the result of implementing the proposed pipelines across Morro Creek, and would not be associated with construction of the WRF facility itself. There are no significant and unavoidable environmental impacts identified in the Draft EIR due to construction or operation of the WRF treatment facility component of the project at its proposed location. As such, a pipeline alternative that could lessen or avoid impacts to cultural resources is considered (see Alternative 2

on page 6-12 of the Draft EIR). Based on the CEQA requirements for the analysis of alternatives, no alternative WRF site is required to be considered.

Several commenters expressed preference for other sites to locate the WRF. As noted above, the Draft EIR is not required to address alternatives to the proposed WRF site since the proposed location would not result in any significant impacts. However, the City recognizes that there are opinions and preferences in the community regarding the ultimate location for this important public utility. The City has conducted a robust siting effort that has been at the core of the proposed project planning effort for several years. The Draft EIR provides an overview of the substantial WRF alternative site screening process undertaken by the City over five years, and documented by at least seven reports (see Draft EIR pages 6-4 through 6-7 and Figure 6-1). The siting comparative studies considered the differences in environmental impacts among the 17 sites. Environmental impacts and resources considered included coastal resources such as visual resources, agricultural lands and open space, and flooding, as well as cultural resources and biological resources, including California Coastal Act designated Environmentally Sensitive Habitat Areas (ESHA).

The City Council appointed the Water Reclamation Facility Citizen's Advisory Committee (WRFCAC) to assist in the identification of the possible sites in 2014. The WRFCAC has met regularly since then, with the public invited to attend and provide comment. Each of the 17 sites identified in Figure 6-2 were rigorously evaluated by the City with the assistance of the WRFCAC, resulting in a preferred site alternative. The analysis included the Righetti property and the Giannini property. The Draft EIR describes the conclusions of this exhaustive search on page 6-6, substantiating the effort the City has undertaken to identify a suitable site for the WRF. The documentation provided in the Draft EIR describes the public process the City has taken to select a preferred location on page 1-3:

> Five comparative siting studies were performed between 2013 and 2017. Starting with the results of the Rough Screening Evaluation, 17 study sites were first examined for the potential location of the WRF. By December 2013, it was narrowed down to seven study sites (Chevron, Morro Valley, Chorro Valley, California Men's colony (CMC) Wastewater Treatment Plant site, Power plant – southern portion, Panorama, and Giannini), which ranged in size and number of properties included in each. Finally, the City Council narrowed the sites down to focus on the Morro Valley, Chorro Valley, and Giannini Property in May 2014. Within those three general areas, there were four specific locations: Rancho Colina and Righetti (both in Morro Valley), Tri-W (now called the "South Bay Boulevard" site, in Chorro Valley) and Giannini. It should be noted there was also a feasibility analysis performed for a regional facility at the CMC site that could serve the needs of the City and partner agencies; however, it concluded not to be feasible. In April 2016, after direction to investigate other potential sites, the list of potential sites was revised to include Rancho Colina, Righetti, Tri-W, Chevron/Toro Creek, and Madonna. After the 2016 comparative study was completed, the Tri-W site, which became known as the South Bay Boulevard site, was found to be the final site preference, and preliminary planning efforts began at that location based on City Council direction at that time. The CCC supports the proposed new treatment plant location and has been

> supportive in the concept of working with the City and, as needed, San Luis Obispo County (County), on a CDP for a WRF at that location.

Several commenters have identified a preference for the Hanson Concrete Plant site adjacent to the existing facility. The Draft EIR references, on page 6-4, seven reports conducted since 2014 to compare alternative sites and identify a preferred site alternative. The final report was prepared in September 2017 that renewed the search at the request of the City Council. The latest alternatives assessment included an assessment of the existing location including expanding the area inland currently occupied by the Hanson Concrete Plant west of Highway 1. The Draft EIR summarizes the assessments conclusions on page 6-6 as follows:

> In July 2017, the City Council requested a final site comparison to confirm, from a cost and regulatory perspective, the South Bay Boulevard site would be the preferred site to meet the City's goals. The 2017 Updated Site Comparison Report included the South Bay Boulevard site, Giannini site, Righetti site, and a site west of Highway 1, such as the existing WWTP site. At the City Council meeting on September 27, 2017, the Council decided to move forward with the South Bay Boulevard site as the preferred site due to the following conclusions:
>
> > *there was Council consensus that the Coastal Commission would not permit a project west of Highway 1, the Giannini site had too many issues and no cost advantages, and due to the risk of litigation, the Righetti site was not feasible. There was stated support to proceed with planning and permitting at South Bay Blvd. as the preferred site.* (Minutes – Morro Bay City Council Regular Meeting – September 26, 2017).

An overview of the requirements for a CEQA alternatives analysis is provided on pages 6-1 to 6-2 of Chapter 6 of the Draft EIR. CEQA does not require an analysis of every conceivable alternative to a project. The purpose of the alternatives analysis is to identify feasible alternatives that would avoid or lessen significant impacts of the project while also meeting most of the basic project objectives. Based on this robust siting effort, the City chose the preferred location. Since construction and operation of the WRF would not result in any significant impacts, the Alternatives Analysis provided in Chapter 6 complies with CEQA requirements.

No Project Alternative

Several commenters preferred the No Project Alternative, or suggested the No Project Alternative was dismissed without enough consideration or analysis. *CEQA Guidelines* subdivision 15126.6(e)(3)(B) requires an EIR include a comparison of the conditions that would result if the proposed project is not pursued. The Draft EIR describes on page 6-11 that under the No Project, the City would be in violation of its NPDES permit to treat wastewater and discharge effluent. The analysis concludes the No Project would not meet any of the project objectives, would not achieve the benefits provided by the project, and would be infeasible since RWQCB requires improved effluent quality. As a result, doing nothing is not an option.

Existing Site Alternative

Several commenters requested the upgrade of the facility at the existing site should be the preferred alternative. In addition, *CEQA Guidelines* subdivision 15126.6(e)(3)(C) states a lead agency should proceed to analyze the No Project Alternative "by projecting what would reasonably be expected to occur in the foreseeable future if a project were not approved." The Draft EIR notes upgrades at the existing site may be considered as a foreseeable future condition project under the No Project Alternative, since the NPDES permit will require at least minimal upgrades of the treatment facility to meet minimum effluent quality standards. However, the Draft EIR describes the City has spent over 10 years attempting to upgrade the existing facility. The upgrades needed to comply with RWQCB discharge requirements would trigger the need for a CDP from the CCC, which opposed an earlier version of the project that had suggested that retrofit approach. The Draft EIR concludes the use of the existing facility was seen by the CCC as inconsistent with the City's Local Coastal Plan. For those reasons, the No Project Alternative and the upgrade of the existing facility at its current location were rejected from further consideration. The Draft EIR describes this background on page 1-3:

> The existing WWTP is located in the Coastal Zone; as such, in order to upgrade the existing WWTP at its existing location, a Coastal Development Permit (CDP) is required from the California Coastal Commission (CCC). However, in January 2013, the CCC denied the City and CSD's project application for the CDP to demolish the existing WWTP and construct a new treatment facility on the same site. The basis for that denial included the CCC's assessment the new facilities would be inconsistent with the City's Local Coastal Plan (LCP) zoning provisions, failed to avoid coastal hazards, failed to include a sizeable reclaimed water component, and that the project location was within an LCP-designated sensitive view area.
>
> Following this denial, the City began planning a new WRF and pursuing alternative locations for a new upgraded wastewater treatment plant. The City realized that presented an opportunity to design and construct a WRF to enhance the City's water supply portfolio through the production of recycled water. From 2013 to the beginning of 2014, the community defined goals to guide the planning and design process for the new WRF. Public outreach was conducted through stakeholder meetings, stakeholder interviews, and public workshops which gathered input related to cost, environmental concerns, engineering and design issues, site-related issues, and logistics and process issues. Through that public outreach program, criteria were determined for the siting process, and various studies were conducted to examine the suitability of each site. Some of the criteria included, but were not limited to, compliance with NPDES Permit requirements, distance to the City sewer collection system, avoidance of coastal hazards, minimal visual impacts, and sustainable use of public resources. In order to ensure public involvement during this process, a Citizens Advisory Committee (WRFCAC) was created in July 2014 to help oversee and evaluate the siting process.

Need for the Project

The need for the Project is summarized in the Project Background section, on page 1-1. New ocean water discharge effluent quality limitations have been ordered by the RWQCB requiring the construction of a new municipal wastewater treatment facility and that requirement is to be subject to a "time schedule order" (TSO). The tentative TSO has been issued and the final TSO is anticipated to be issued in a few months.

> The existing Morro Bay-Cayucos Wastewater Treatment Plant (WWTP) serves the City and the community of Cayucos, and is owned and operated jointly by the City and the Cayucos Sanitary District (CSD). Prior to the current 2017 NPDES Permit No. CA0047881 and Waste Discharge Requirements (WDR) Order No R3-2017-0050, the WWTP discharged to the Pacific Ocean under NPDES Permit No. CA0047881 and WDR Order No. R3-2008-0065, which was a Clean Water Act Section 301(h) modified NPDES permit that waived full secondary treatment requirements for biochemical oxygen demand (BOD) and total suspended solids (TSS). The existing WWTP has operated under that modified permit since its last upgrade in 1984. On July 7, 2003, the City submitted an application for renewal of NPDES permit to USEPA and Central Coast Regional Water Quality Control Board (RWQCB) which expired in March 2014. The final renewed discharge permit was adopted by the RWQCB on December 7, 2017. The 301(h) modifications were no longer included in the 2017 renewal. A time schedule order will be provided by RWQCB for compliance with full secondary treatment requirements.

Based on an agreement with the RWQCB, the City and CSD had previously pursued bringing the existing facility to full secondary treatment in place of continued requests for a 301(h) modified discharge permit. The agreement allowed the City and CSD to pursue secondary treatment on a schedule that was mutually agreed upon by both agencies and the RWQCB. In February 2015, the RWQCB stated the new facility was expected to be fully operational by 2021 in order to meet its goals.

Master Response 2 – WRF Site and Annexation

Many comments were received regarding the preferred WRF site, including the footprint of the developed area, conservation and open space easements, annexation into the City, and the disposition of the remainder of the 396-acre parcel. The proposed WRF would be constructed on approximately 10 to 15 acres of land within unincorporated San Luis Obispo County, as shown in the Draft EIR in Figure 2-1 and Figure 2-2. The proposed WRF would be within a 27.6-acre preferred site to be purchased by the City from a larger 396-acre parcel. The 27.6-acre area would be annexed into the City boundaries.

The boundaries of land for the preferred WRF site were based on a negotiated Memorandum of Understanding (MOU) with the property owner. The MOU is available for public review. The 27.6-acre preferred site is intended to provide logical boundaries for annexation to the City, and allow some flexibility within its boundaries to accommodate proposed WRF designs that could minimize impacts to various issues such as visual resources, biological resources, and geologic resources, among others. It also allows for a potential conservation easement to address

agricultural and open space issues. Any other use of the undeveloped property within the larger 396-acre parcel is outside of the purview of the Draft EIR. The MOU stipulates the City will request the remainder of the 396-acre parcel be included in the City's Sphere of Influence (SOI). The remainder of 396-acre parcel would be subject to the provisions of the County or City General Plan.

The following text is added to the Draft EIR Section 2.2 Project Location for clarification:

2.2 Project Location

The proposed project is located within the City and in unincorporated area of the County of San Luis Obispo adjacent to the City boundaries (sees **Figure 2-1**). The preferred WRF site is currently located in an unincorporated portion of the County adjacent to the City, while the remaining proposed infrastructure is located in the City itself. The WRF would be constructed on an approximately 10- to 15-acre area within a 27.6-acre site to be purchased by the City. The 27.6-acre site would ultimately be annexed to the City. Refer to Section 2.7.1 below for further discussion about the annexation process. The WRF site is part of a greater 396-acre parcel that is located along Highway 1, north of the northern terminus of South Bay Boulevard. The City's Sphere of Influence (SOI) would be modified to include this 396-acre parcel. Refer to Section 2.7.1 below for further discussion about the process to modify the SOI. The proposed Operations and Maintenance buildings would also be located within the 10- to 15-acre preferred WRF site.

The following text is added to the Draft EIR Section 2.7 Discretionary Approvals Required for the Project to describe the Annexation process and procedures to modify the SOI:

2.7.1 Annexation Process

According to LAFCO policies, the procedures for the annexation and Sphere of Influence amendment consist of consultation with LAFCO prior to application submittal, preparation of application materials including a certified resolution or petition, vicinity map, topographical map, environmental documents, and indication the annexing municipality (the City) has prezoned the property, and review of the proposal application by LAFCO Executive Officer within 30 days after its receipt to determine if it is complete. The prezoning requirement involves "the city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be prezoned."

As part of the application review for an annexation, the LAFCO Executive Officer must approve a Negotiated Tax Agreement between the City and County. The LAFCO Executive Officer determines if master property tax agreements are applicable or separate property tax exchange resolutions are required. If negotiations leading to adoption of separate resolutions are required, then either the County or any affected municipality

must agree to a tax exchange or the County negotiates a property tax exchange on behalf of any Special District (Revenue and Taxation Code Section 99).

Then, the LAFCO Executive Officer requests review by affected agencies and residents, submits public notification by at least 21 days prior to the hearing, prepares the written report and recommendations which are presented to the Commissioner at the hearing, and the Commission adopts a resolution of determination at the hearing or within 35 days of the hearing. Post annexation steps include condition compliance and Board of Equalization Filing and other notifications.

Master Response 3 – Accidental Spills and Impacts to Morro Bay Estuary

Numerous commenting parties were concerned about the potential for spills during operation of the proposed project to affect the Morro Bay estuary and/or Chorro Creek, due to the introduction of the proposed WRF into the Chorro Creek watershed. The City has identified the possible situations whereby accidental release of sewage or hazardous materials that may have the potential to threaten the Morro Bay estuary, as described below. However, the proposed project includes systems, facilities, and design features that would serve to monitor, prevent or contain any potential spills. Those features are also discussed below.

Operational failure at the proposed lift station that may result due to loss of power during earthquakes or flooding. The proposed project includes a lift station in one of two locations (1A or 5A shown in Figure 2-3 of the Draft EIR), both of which would be located in the coastal zone as well as a 100-year flood hazard zone. The Draft EIR explains on page 3.9-41 the lift station would be floodproofed and designed to be at least two feet above the base flood elevation in accordance with the Morro Bay Municipal Code (Subdivision 14.72.050(A)(3)(a) and (b)). The structure would be watertight with walls substantially impermeable to the passage of water and the lid elevated at least two feet above the base flood elevation with watertight hatches. The control panels and backup generator would also be elevated at least two feet above the base flood elevation to reduce the risk of failure due to flooding. Mechanical redundancies will be incorporated into the design, through redundancies in pumping and controls, as well as alarms and SCADA capabilities to notify City operators in the case of unusual operational occurrences or failures (such as high or low levels in the wet well, high or low pressures at the pump, pump failure). All design and construction within the flood plain is subject to approval by the City's Floodplain Administrator. The design of the lift station would ensure its continued operation in the event of a flood, ensuring raw wastewater is pumped to the WRF without interruption, thus avoiding wastewater backup and spills. The lift station design also would include a backup generator to ensure uninterrupted operation in the event of a power outage (Draft EIR, page 3.9-41). Those design features would minimize potential impacts to water quality due to lift station pump failure.

Rupture of the proposed raw wastewater pipeline from the lift station to the WRF. The proposed project includes a leak detection system that would monitor the pressure in the raw wastewater pipeline. Any leaks in the pipeline would be detectable as a pressure drop in the

pipeline. Detecting leaks allows for early identification and repair, and avoidance of pipeline rupture and raw sewage spills. As stated on page 3.9-34 of the Draft EIR:

> The leak detection system would use pressure gauges and flow meters to constantly monitor pipeline pressure and identify leaks early so that repairs would be made and pipeline failures would be avoided. The City's SSMP (2014) provides the framework for implementing preventative operation and maintenance activities on daily, monthly, semi-annually, and annual time steps. Such activities include daily lift station checks, daily sewer line cleaning, and daily CCTV (closed-circuit TV) inspections. The monitoring and inspection efforts are recorded and inform the City's plans for rehabilitation and replacement projects. The preparation and implementation of the SSMP is required by the SWRCB to fulfill the requirements of the State General Waste Discharge Requirements for Sanitary Sewer Systems, Order No. 2006-003. The City is required to revise and adopt an updated SSMP every five years. With implementation of regulatory requirements for system preventative maintenance and operation, there would be a less than significant impact to water quality.

Accidental release of hazardous materials at the WRF site. Hazardous materials would be stored and used onsite at the WRF. As described on page 2-12 of the Draft EIR:

> A chemical storage facility would be constructed for hazardous materials containment and handling. The chemical storage facility would include a metal canopy to cover chemical tanks, bins, and/or totes in a concrete containment area. Hazardous materials associated with the treatment process include MF/RO membrane cleaning chemicals, disinfection chemicals, and other treatment-related chemicals. Chemicals such as sodium hypochlorite, citric acid, sodium bisulfite, and sulfuric acid would be stored in the chemical storage facility. All bulk chemical storage and loading areas would be located in chemical containment areas fitted to contain spills. Spills would be conveyed to blind sumps for manual pumping and disposal by truck. Level indicators tied to SCADA will be included on chemical storage tanks. All chemical piping will be fitted with electronic leak detection systems tied to SCADA to notify operators of any chemical piping leaks.

The Draft EIR explains on page 3.8-15 how hazardous materials spill would be prevented or contained to the WRF site, prevent impacts offsite to neighboring lands, drainages, Chorro Creek, and Morro Bay Estuary:

> While the proposed treatment processes are not chemical intensive, regular deliveries of various chemicals would be required. As such, new chemicals would need to be routinely transported, used, and or disposed from the WRF facilities. If not done properly, transport of chemicals could result in spills. In accordance with Title 22 Division 4.5 Chapter 13 of the CCR, all hazardous waste transporters that would serve the proposed project during operation would be required to be registered with DTSC and provide proof of the ability to provide adequate response to leaks and damages for DTSC review. Additionally, the registered hazardous waste transporters would be required to implement all standard industry practices for securing and transporting of hazardous materials as well as for

> cleanup of any accidental spills or leaks. Once the hazardous materials have arrived onsite, all bulk chemical storage on the preferred WRF site would be located in chemical containment areas fitted to contain spills. If a spill incident were to occur, all spills would be conveyed to blind sumps for manual pumping and disposal by truck. Furthermore, the use of such hazardous materials would be required to comply with existing regulatory standards with respect to the storage and handling of hazardous materials including preparation of and compliance with a Hazardous Materials Business Plan (HMBP) as managed and overseen by the San Luis Obispo County Department of Environmental Health Services. These requirements include such safety measures as ensuring the use of appropriate storage vessels, secondary containment features, safety labeling, readily available spill absorbent materials, and training of site workers to respond to any accidental release. Adherence to these requirements and programs would ensure that impacts to the environment and public health due to routine transport, use, and disposal of hazardous materials during operation of the WRF would be less than significant.

In addition, level indicators tied to SCADA will be included on chemical storage tanks. All chemical piping will be fitted with electronic leak detection systems tied to SCADA to notify operators of any chemical piping leaks.

Accidental release of raw/untreated wastewater at the WRF site. The WRF design would incorporate features to prevent spills of wastewater at the WRF site and measures to contain spills on the site should a failure occur. If a wastewater spill were to occur, then it would most likely be due to operator error or mechanical failure causing an overflow at a basin or tank. The WRF design will incorporate systems to help reduce the likelihood of spills as described below.

Potential operator error could include accidental closure of a valve or disabling mechanical equipment, such as a pump or a screen to perform maintenance, and failing to return the equipment to service. Wastewater could back up due to the closed valve or mechanical equipment being out of operation. Redundant water level indicators and alarms will be fitted in each basin. If water levels exceed a high level set point, then a high water level alarm would notify operators through SCADA. If the problem were not addressed in time, then wastewater could spill over the walls of a basin. The WRF design will include grading and stormwater control features to contain all runoff onsite. Stormwater detention basins will serve to capture and contain stormwater onsite and can double as wastewater spill containment. The detention basins will not include automatic outlets to adjacent creeks or swales, but instead be designed to capture and percolate stormwater onsite. If an accidental wastewater spill were to occur, then wastewater would drain to the onsite stormwater basin and operators would be able to use temporary pumps and piping to move the spilled sewage back to the treatment works.

If mechanical equipment fails, then operators will be notified of the status change in SCADA. If the problem is not addressed in time, then wastewater could back up in basins or tanks. Water level indicators and high water level alarms would notify operators. If the issue still could not be addressed in time and wastewater levels continued to rise, then a spill could occur onsite. As described in the paragraph above, the WRF design includes protections against such spills. In

addition to those features, redundancy for critical equipment is incorporated into the design (i.e., redundant headworks screens, and redundant pumps and blowers).

10.4 Comment Letters and Responses

As mentioned above, the City received 35 comment letters and emails during the public review period, which are presented below in the order listed in **Table 10-1**; comment letters from public agencies are presented first, followed by letters from tribes and non-governmental organizations, followed by letters from individual members of the public. The letters have been marked with brackets that delineate comments pertaining to environmental issues and the information and analysis contained in the Draft EIR. The corresponding responses immediately follow each letter.

STATE OF CALIFORNIA – NATURAL RESOURCES AGENCY EDMUND G. BROWN, JR., *GOVERNOR*

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
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May 11, 2018

Rob Livick, P.E.
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Subject: Morro Bay Water Reclamation Facility Draft Environmental Impact Report (State Clearinghouse Number 2016081027)

Dear Mr. Livick:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Morro Bay Water Reclamation Facility (WRF) project. The project proposes to construct a new WRF outside of the City limits in unincorporated San Luis Obispo County to provide wastewater treatment services for City residences, produce recycled water (including for potential groundwater injection into the Morro Valley Groundwater Basin), decommission the existing wastewater treatment plant facility located at Atascadero Road, construct a new pump station for wastewater collection and conveyance, and construct associated pipelines for wastewater distribution, including ultimately treated effluent discharge via the existing ocean outfall pipeline. 1

We would first like to thank the City's WRF team and members of the Morro Bay community for their active and thoughtful engagement on this important community project. We understand that there are difficult decisions to be made regarding the WRF and that such decisions will have lasting impacts on the City, its residents, and its coastal resources. And we also recognize that there are deeply-held differences of opinion in the community as to how to proceed on many project aspects. Such is the nature of many land use and community planning debates, and this is no different, it appears. Just so it is clear at the onset, and as we have previously and publicly stated, we are very supportive of the overall project and its objectives, and we will continue to actively work with the City throughout the WRF planning and permitting process to help identify and address project issues to help ensure that the WRF project outcome is successful, and is consistent with the Coastal Act and the City's Local Coastal Program (LCP). 2

As you know, we don't come to this debate late nor uninformed, having worked with the City for many years on its proposals relating to wastewater treatment infrastructure, including with respect to the City's previously proposed redevelopment of the wastewater treatment plant at its current location. That site's coastal hazard issues, including those related to ocean and riverine flooding and tsunami (all as exacerbated by potential sea level rise over time), were the key reasons for the Coastal Commission's denial of the City's coastal development permit (CDP) application in January 2013. That denial was a critical moment in the City's efforts, and included Coastal Commission direction to the City to pursue a new facility at an inland location out of 3

harm's way where such critical infrastructure would avoid these coastal hazards. In the time since, the City has worked diligently towards such an outcome, and the proposed WRF reflects the results of that work, including building upon substantial preliminary work on identifying alternatives. As you know, the concept of relocating critical public infrastructure away from lower-lying shoreline areas to higher/safer more inland locations, including to avoid the need for shoreline armoring and related development and its attendant coastal resource impacts, and to ensure that scarce shoreline property is available for high priority uses such as public access and recreation, is a key Commission goal statewide, including as described in the Commission's adopted 2015 Sea Level Rise Policy Guidance. As such, we have worked diligently and collaboratively with the City, its WRF team, and members of the public for many years towards this goal. In our view, the proposed WRF site at South Bay Boulevard and the broader project components represent the culmination of these significant efforts. Thus, we want to voice our strong support for the proposed project at that level, including in terms of meeting core Coastal Act objectives described above of relocating critical public infrastructure away from the immediate shoreline and beach, as well as providing recycled water to help augment existing water supplies—both of which are critically important adaptation measures needed to address the uncertainties brought by climate change. These important measures will help buffer the City and its residents from future impacts, and the entire City should be proud of the work being done today to alleviate these concerns tomorrow.

3 cont.

Next, in terms of permitting, when a project requires local CDPs and Coastal Commission CDPs, the Coastal Act allows for a single consolidated CDP application to the Coastal Commission. Given this project spans County and City CDP jurisdictions, and both such CDPs would be subject to appeal to the Coastal Commission, there could be three separate CDPs for the project, and potentially two CDP appeals, all with different standard of reviews and procedures.[1] In light of this, including to avoid confusion to the broader public and the potential for fragmentation of project components in different CDP actions, all of which may hinder public participation, and to avoid a significant amount of City expenditure and investment of time on each process separately, it may be in the City's and County's interest to consolidate the CDP application at the Commission (with the Coastal Act as the standard of review). If the City and the County are interested in such consolidation, then we should discuss this process as soon as possible. Regardless of what permitting path the City chooses, however, the EIR should clearly explain what project components are subject to whose applicable CDP review authority, and the differing standards of review that apply in each case.

4

Finally, with respect to coastal resource concerns, the project largely proposes to avoid impacts to sensitive natural coastal resources, including wetlands, streams, and riparian habitats, by placing pipelines underground and constructing them via trenchless methods. However, and albeit relatively minor given the overall scale of a public works project of this type spanning multiple jurisdictions, as proposed, the project will impact other protected coastal resources. For

5

[1] The standard of review for development proposed in the Commission's CDP jurisdiction is the Coastal Act; for development in the County's CDP jurisdiction, the San Luis Obispo County LCP; and for development in the City's CDP jurisdiction, the Morro Bay LCP.

example, with respect to public views, the WRF would be briefly visible from Highway 1, modifying the existing views of unobstructed open hillsides as seen from the highway. In addition, over an acre of the proposed injection well area (IPR East) is located in prime farmland, which could necessitate the conversion of roughly 1,000 square feet of such agricultural land (to allow for up to five wells with footprints of up to 200 square feet each). And finally, the two potential sites identified thus far for the proposed lift stations are located in areas adjacent to the existing wastewater treatment plant site, where such infrastructure would be placed in areas currently mapped by FEMA in the 100-year floodplain, with flooding occurring at roughly 20 feet above sea level.[2] For all of these coastal resource issues, the DEIR concludes any such impacts would be less than significant. However, we believe it is in everyone's best interest for the EIR to evaluate whether there are feasible project alternatives that can avoid these impacts altogether, and if not, to explain such feasibility issues in a manner that crafts alternatives that avoid impacts as much as feasible, and mitigates for those impacts that that are unavoidable. In other words, it will be important for the EIR to provide a full breadth of information so that the public and decision-makers are able to clearly understand project impacts and alternatives, including to be able to best weigh potential choices.

5 cont.

For example, the DEIR should explore siting and design techniques and project alternatives that can completely conceal the WRF from public views along Highway 1 (e.g., being set further inland beyond the hillside, lowering building heights, rearranging taller buildings on the site to hidden locations, berming and screening landscaping, etc.). In addition, it needs to evaluate alternatives that allow the groundwater injection wells to be placed outside of prime agricultural lands. And it needs to evaluate whether the lift station function can be accommodated outside of potential flood hazard areas, including as evaluated based on potential sea level rise over time. While we recognize that it may eventually prove infeasible to avoid all flooding issues related to the lift station function, it will be important for the EIR to appropriately define this constraint, and evaluate a range of alternatives that can avoid it and that can best respond to and address potential flood hazards and best allow for adaptive reuse of the existing wastewater treatment facility. For each of these issues, and any others where coastal resource impacts are identified, the EIR needs to thoroughly discuss the options available to avoid these coastal resource impacts, analyze why and whether such alternatives can or cannot be undertaken, and describe the issues/impacts those alternatives themselves engender. Such information, including clearly describing the reasons for preferred project configurations (and, conversely, the opportunities and constraints associated with alternative configurations) will prove necessary in evaluating the project against applicable Coastal Act and LCP provisions during the CDP review process. To be clear, each of these issues seems readily resolvable in our view, and certainly don't represent any kind of fatal flaw that would appear to require extensive project redesign. Our comments here should be understood in this context, and are meant to ensure that the EIR factually describes and

[2] While the EIR cites the 20-foot flood level based on historic 100-year flood events, the EIR does not describe future flood elevations and risks due to sea level rise. The EIR needs to describe such risks at the proposed pump station sites, and evaluate ways to address them.

evaluates, for both the public and decision-makers, ways of avoiding impacts to coastal resources, including an evaluation of feasibility issues pertaining thereto. 5

In sum, we want to again voice our strong support for the overall WRF project, and to thank the City for its diligence in addressing needed upgrades to critical public infrastructure in a forward-looking manner. We believe that the DEIR is an important milestone in this effort, and we hope our comments above are understood in that context, including that our objective here is to help to ensure that the EIR is crafted in a way that provides the best possible underlying information for decisions. We look forward to continuing to collaborate with the City as you move towards finaling the EIR, and to help successfully bring this project to fruition in the near term. Good planning and public policy demand no less, and we stand ready to assist however we can in that endeavor. If you have any questions or would like to further discuss these comments or any other project issues, please do not hesitate to contact me at any time at the address and phone number on the first page. 6

Sincerely,

Kevin Kahn
District Supervisor
Central Coast District
California Coastal Commission

cc: Scott Collins, City of Morro Bay City Manager
Scot Graham, City of Morro Bay Community Development Director
John Robertson, Central Coast RWQCB Executive Officer

Comment Letter – California Coastal Commission (CCC)

Response to CCC-1

The City of Morro Bay thanks the CCC for its review of the Draft EIR. The comment is noted.

Response to CCC-2

The City of Morro Bay thanks the CCC for its support of the project and its objectives. The comment is noted.

Response to CCC-3

The City of Morro Bay thanks the CCC for its acknowledgment the proposed project is aligned with the Coastal Act and the Commission's goals for moving public infrastructure away from the shoreline and areas of coastal hazards and making shoreline property available to other uses such as public access and recreation. The comment is noted.

Response to CCC-4

The Draft EIR explains the proposed WRF would be located in unincorporated San Luis Obispo County and the rest of the project components would be located within the City of Morro Bay. As such, the list of potential approvals required for implementation of the proposed project includes a CDP from the County and City, or potentially from the CCC (see Table 2-10 in the Draft EIR), depending on the CDP application approach as described in the comment. As such, throughout the Draft EIR, the analysis of all impacts due to construction and operation of the proposed WRF component have been evaluated in accordance with County regulations and policies, and the analysis of all other project components have been evaluated in accordance with City regulations and policies, including the respective City and County LCP as well as other policies adopted for activities within the Coastal Zone. The City appreciates CCC staff's willingness to consider a consolidated permitting approach, and looks forward to exploring that option further with CCC staff.

Response to CCC-5

An EIR is an informational document that informs public agency decision makers and the public generally of the significant environmental effect of a project, identifies possible ways to minimize the significant effects, and describes reasonable alternatives to the project (*CEQA Guidelines* Section 15121). CEQA requires an EIR to include a description of the environmental setting that constitutes the baseline physical conditions against which a lead agency determines whether impacts of a project are significant (*CEQA Guidelines* Section 15125). The evaluation of impacts is based on adopted thresholds of significance that a lead agency uses in the determination of the significance of environmental effects (*CEQA Guidelines* Section15064.7). CEQA requires an EIR to be prepared with a sufficient degree of analysis to provide decision makers with information to enable them to make a decision which intelligently takes account of environmental consequences (*CEQA Guidelines* Section15151). CEQA does not require all impacts to be mitigated to less than significant levels or mitigated completely.

As stated in the comment, the analysis in the Draft EIR concluded the proposed project would have less than significant impacts to coastal resources including visual resources, flooding, and prime farmland. CEQA does not require identification of alternatives that would eliminate all impacts, such that no impacts would occur. As explained in Chapter 6 of the Draft EIR, in accordance with CEQA, the alternatives analysis focused on lessening or avoiding significant and unavoidable impacts associated with implementation of the proposed project (*CEQA Guidelines* Section 15126.6(f)). As a result of the analysis in the Draft EIR, the only significant and unavoidable impacts associated with the proposed project were to cultural resources. As such, alternatives that could avoid or lessen impacts to cultural resources were evaluated. Please also refer to **Master Response 1 - Alternatives** for further discussion of how the alternatives considered in the EIR were developed.

The City acknowledges the CCC's standard of review of environmental impacts and alternatives under the Coastal Act is different from that of CEQA. The City is committed to working with the CCC through the permitting and design process for the proposed project to address CCC's concerns, within the range of feasible options for the proposed project. The comment requests a discussion of potential alternatives that would eliminate completely the impacts to visual resources, flooding, and prime farmland. The following discussion is offered in response to the comment:

Visual Resources

The Draft EIR includes a visual simulation of the WRF from vantage points along Highway 1 (see Figure 3.1-1). The visual simulation accounts for the proposed architectural design criteria for WRF structures included as part of the Draft EIR project description, as well as surrounding topography. Given the proposed siting of the facilities, the visual simulation illustrates how the proposed WRF would be visible, albeit only momentarily, by motorists traveling both east and west along Highway 1. As mentioned in the Draft EIR (page 3.1-8), as a new public utility facility, the County's Coastal Zone Land Use Ordinance (CZLUO) would require a Development Plan to be prepared for the WRF (CZLUO Section 23.08.288). Per the CZLUO, development standards for public utility facilities would apply as conditions of approval under the Development Plan, such as for fencing and screening (CZLUO Section 23.08.288(c)). The CZLUO development standards for fencing and screening require public utility facilities to be screened on all sides and an effective visual barrier to be established through the use of a solid wall, fencing and/or landscaping. The Development Plan process includes a public hearing before the County Review Authority. During the process of preparing the Development Plan, the requirements for fencing and screening of the WRF would be developed; if required by the County the landscape screening and fencing could be designed to conceal the WRF buildings in their entirety.

Due to the size of the facilities, shifting the location to fully hide the WRF from view is not feasible without excessive earthwork, which would be prohibitively expensive, or constructing within a drainage area on the north side of the hill, which is environmentally impractical and would also require significant earthwork and drainage design. That earthwork could add additional negative environmental impacts.

Prime Agricultural Land

Inherent in the proposed project description, there are alternative locations for the proposed wells that allow the groundwater injection wells to be placed outside of prime agricultural lands. The proposed project includes two wellfield areas, IPR East and IPR West. One of those areas will be selected for siting and development of three to five injection and monitoring wells. IPR West does not include prime farmland and if chosen, then the development of wells would result in no impact to prime farmland. Only the IPR East wellfield area includes prime farmland, which encompasses 1.26 acres of the 13.82-acre wellfield area (see Draft EIR page 3.2-13 and Figure 3.2-1). The Draft EIR evaluated the worst-case scenario of selecting the IPR East wellfield area and then siting all five wells on prime agricultural land, which would convert a total of up to 0.02 acres (1,000 square feet) to non-agricultural use. The siting of the injection and monitoring wells would ultimately be determined based on geophysical conditions and aquifer parameters, including soil porosity, groundwater elevations, groundwater flow directions and rates, among other things. In addition, the CCR Title 22 regulations for GRRPs include requirements for relative distances between injection and production wells predicated on ensuring the minimum residence time and travel time for recycled water recharged to a potable aquifer are met. The City would strive to avoid siting injection and monitoring wells on prime agricultural lands; however, the geophysical and groundwater conditions and CCR Title 22 regulations and criteria for siting of the wells will dictate the well locations and may result in the conversion of small amounts of prime farmland. As concluded in the Draft EIR, conversion of up to 0.02 acres of prime farmland would be a less than significant impact (page 3.2-14).

Coastal Flooding

As described in Chapter 6, Alternatives Analysis, as part of the draft Facility Master Plan, eight potential lift station sites were evaluated as part of the offsite facilities for the proposed project. A set of ten evaluation criteria was established to compare those sites which included, (1) parcel size, location, and availability, (2) parcel ownership, (3) land acquisition, (4) parcel zoning information, (5) potential for community impacts, (6) reuse of existing facilities, (7) benefit to future Capital Improvement Program (CIP) projects, (8) support for WWTP site redevelopment, (9) gravity sewer evaluation and (10) cost and constructability (which considered flood hazard areas). Each of those eight sites were chosen because they were capable of meeting the City's objective of capturing and conveying flows from the existing wastewater collection system to the proposed project. Only one site, Alternative Site No. 8, was outside of the 100-year flood hazard area, as it was east of Highway 1 and north of Atascadero Road. Alternative Site No. 8 was not chosen because the additional construction required added significant cost and potential environmental impact. A lift station at Alternative Site No. 8 would require nearly 2,500 feet of additional sanitary sewer pipe, a tunnel crossing of Highway 1 and the wet well would be twice as deep (at 50 feet deep instead of 20 to 25 feet deep). Flooding at the preferred site can be mitigated through design features described elsewhere in the Draft EIR (including elevated wetwell access and backup power), which would allow the lift station to continue operating during a 100-year flood event.

Response to CCC-6

The City of Morro Bay thanks the CCC for its support of the project. The comment is noted.

OPR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

RECEIVED
MAY 21 2018
City of Morro Bay
Public Works Department

May 18, 2018

Rob Livick
City of Morro Bay
595 Harbor St
Morro Bay, CA 93442

Subject: Morro Bay Water Reclamation Facility
SCH#: 2016081027

Dear Rob Livick:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 17, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan

Scott Morgan
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base

SCH# 2016081027
Project Title Morro Bay Water Reclamation Facility
Lead Agency Morro Bay, City of

Type EIR Draft EIR

Description The city of Morro Bay is proposing to construct a water reclamation facility that would provide wastewater treatment services for the city and potentially for additional nearby customers. The current existing facility, the Morro Bay-Cayucos Wastewater Treatment Plant, would be replaced by the proposed project. The proposed project is intended to provide opportunities for the city to produce and beneficially reuse advanced treated recycled water and to meet or exceed all wastewater treatment requirements of the SWRCB. In addition to the WRF, additional project facilities would include related administration, operations and maintenance buildings; additions to the collection system including a lift station and pipelines to convey raw/treated water wastewater flows to/from the new WRF; and a new distribution system to convey advanced treated recycled water from the WRF to new groundwater injection wells in the Morro Valley Groundwater Basin.

Lead Agency Contact

Name Rob Livick
Agency City of Morro Bay
Phone (805) 772-6261 **Fax**
email
Address 595 Harbor St
City Morro Bay **State** CA **Zip** 93442

Project Location

County San Luis Obispo
City Morro Bay
Region
Lat / Long 35° 22.6' N / 120° 49' 21.10" W
Cross Streets South Bay Blvd and Hwy 1
Parcel No. 073-101-017
Township **Range** **Section** **Base**

Proximity to:

Highways 1
Airports
Railways
Waterways Little Morro Creek, Morro Creek, Chorro Creek
Schools Morro Bay HS
Land Use coastal zone estero planning area: ag; Z: AG

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Coastal Zone

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 4; Department of Fish and Wildlife, Marine Region; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Divison of Financial Assistance; Regional Water Quality Control Board, Region 3; Department of Toxic Substances Control; Native American Heritage Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 04/03/2018 ***Start of Review*** 04/03/2018 ***End of Review*** 05/17/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

Comment Letter – Governor's Office of Planning and Research (OPR)

Response to OPR-1

The City acknowledges it has complied with the State Clearinghouse review requirements for draft environmental documents. The comment is noted.

DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
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Making Conservation a California Way of Life.

May 18, 2018

RECEIVED
MAY 30 2018
City of Morro Bay
Public Works Department

SLO 1 PM 27.9
SCH#2016081027

Rob Livick, P.E.
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

COMMENTS FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE MORRO BAY WATER RECLAMATION FACILITY PROJECT

Dear Mr. Livick:

The California Department of Transportation (Caltrans) thanks you for the opportunity to review the DEIR for the Morro Bay Water Reclamation Facility Project. Caltrans has reviewed the above referenced project and offers the following comments at this time.

1. We bring to your attention that the bridge clearance at Highway 1 and South Bay Boulevard is posted as 14 feet 10 inches. We have concerns about the height of vehicles and equipment that will be accessing the facility and need to cross under the highway. It would be important to clarify that this was taken into consideration when this site was chosen and trip generation rates were calculated. 1

2. The proposed pipeline will enter Caltrans ROW at several locations. Please provide details for each location. We prefer the pipelines go over, rather than under, our culverts with 2' minimum vertical clearance. If that is not possible, Caltrans is available to discuss alternatives. 2

3. Please provide additional information (specifically the time frames) when counts were taken at intersection 1. Additionally, please provide the Syncho Model to enable Caltrans to review the parameters of the model. 3

4. Any work within the State's right-of-way will require an encroachment permit from Caltrans, and must be done to our engineering and environmental standards, and at no cost to the State. The conditions of approval and the requirements for the encroachment permit are issued at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditioned and requirements. For more information regarding the encroachment permit process, please visit our Encroachment Permit Website at: http://dot.ca.gov/dist05/permit/index.htm. 4

If you have any questions, or need further clarification on items discussed above, please contact me at (805) 549-3432 or Jenna.Schudson@dot.ca.gov.

4 cont.

Sincerely,

Jenna Schudson
Transportation Planner
Development Review Coordinator
District 5, LD-IGR South Branch

Comment Letter – California Department of Transportation (Caltrans)

Response to Caltrans-1

The trip generation methodology, which is described on page 3.14-9 of the Draft EIR and in Appendix H (Traffic Study) of the Draft EIR, did not explicitly discuss the height of the Highway 1 overpass at South Bay Boulevard. In general, the vertical dimensions of equipment that are proposed to construct the various element of the Proposed Project are not considered in the Draft EIR. As stated on page 3.14-5 of the Draft EIR, California Vehicle Code (CVC), division 15, chapters 1 through 5 (Size, Weight, and Load) applies to the Proposed Project, and would require oversize vehicles traveling on State highways be licensed. Furthermore, Mitigation Measure TRAF-1, which is described on page 3.14-17 of the Draft EIR, will require the construction contractor to prepare a Traffic Control Plan. The City's review and approval of the Traffic Control Plan would ensure the movement of construction equipment in and around work sites could be safely accommodated. In the event a specific piece of construction equipment could not be safely accommodated under the Highway 1 overpass at South Bay Boulevard, the Traffic Control Plan would specify alternative routes providing access to/from the construction work sites to/from Highway 1 that are not constrained by the overpass height (e.g., Morro Bay Boulevard, Quintana Road).

Response to Caltrans-2

The proposed routes of the raw wastewater and waste discharge conveyance pipelines is discussed beginning on page 2-15 of the Draft EIR. The proposed route descriptions and associated map provide a general sense of the pipeline with respect to local and regional transportation facilities, including Highway 1. At this stage of project development, detailed construction plans have not yet been prepared. Detailed construction plans, once prepared, will include precise pipeline alignments that provide the detail requested by Caltrans. Caltrans will be able to review those details as part of the encroachment permit process, which is required for work conducted within the Caltrans ROW (Caltrans Street and Highway Code (S&HC) sections 660-711).

Response to Caltrans-3

As indicated on page 3.14-2 of the Draft EIR, traffic counts were conducted at the three study intersections in February 2018 during the morning peak period (7:00 a.m. to 9:00 a.m.) and the afternoon peak period (4:00 p.m. to 6:00 p.m.). The traffic count data is provided in Appendix H (Traffic Study) of the Draft EIR, which indicates that counts were collected on Thursday, February 1 during clear weather conditions, and specifies truck percentages, peak hour factors, and traffic volumes for each turning movement for each 15-minute interval. Appendix H (Traffic Study) of the Draft EIR also provides the Synchro/SimTraffic outputs for each study scenario.

Response to Caltrans-4

Comment noted. Page 3.14-7 of the Draft EIR states California Streets and Highways Code (S&HC) sections 660-711 apply to the Proposed Project. As part of the project approvals process, compliance with encroachment requirements for work conducted within the Caltrans ROW would be required.

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

MAY 16 2018

Rob Livick, P.E.
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

RECEIVED
MAY 21 2018
City of Morro Bay
Public Works Department

ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE CITY OF MORRO BAY (CITY); MORRO BAY WATER RECLAMATION FACILITY (PROJECT); SAN LUIS OBISPO COUNTY; STATE CLEARINGHOUSE NO. 2016081027

Dear Mr. Livick:

We understand that the City is pursuing Clean Water State Revolving Fund (CWSRF) financing for this Project. As a funding agency and a state agency with jurisdiction by law to preserve, enhance, and restore the quality of California's water resources, the State Water Resources Control Board (State Water Board) is providing the following information on the EIR for the Project.

The State Water Board's Division of Financial Assistance is responsible for administering the CWSRF Program. The primary purpose for the CWSRF Program is to implement the Clean Water Act and various state laws by providing financial assistance for wastewater treatment facilities necessary to prevent water pollution, recycle water, correct nonpoint source and storm drainage pollution problems, provide for estuary enhancement, and thereby protect and promote health, safety and welfare of the inhabitants of the state.

The CWSRF Program is partially funded by the United States Environmental Protection Agency (USEPA) and requires additional "California Environmental Quality Act (CEQA)-Plus" environmental documentation and review. Three enclosures are included that further explain the CWSRF Program environmental review process and the additional federal requirements. For the complete environmental application package please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml. The State Water Board is required to consult directly with agencies responsible for implementing federal environmental laws and regulations. Any environmental issues raised by federal agencies or their representatives will need to be resolved prior to the State Water Board approval of a CWSRF financing commitment for the proposed Project. For further information on the CWSRF Program, please contact Mr. Ahmad Kashkoli, at (916) 341-5855.

1

It is important to note that prior to a CWSRF financing commitment, projects that are subject to provisions of the Federal Endangered Species Act (ESA), must obtain Section 7 clearance from the United States Department of the Interior, Fish and Wildlife Service (USFWS), and/or the United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) for any potential effects to special-status species.

Please be advised that the State Water Board will coordinate with the USEPA to consult with the USFWS and/or the NMFS regarding all federal special-status species that the Project has the potential to impact if the Project is to be financed by the CWSRF Program. The City will need to identify whether the Project will involve any direct effects from construction activities, or indirect effects such as growth inducement, that may affect federally listed threatened, endangered, or candidate species that are known, or have a potential to occur in the Project site, in the surrounding areas, or in the service area, and to identify applicable conservation measures to reduce such effects.

In addition, CWSRF projects must comply with federal laws pertaining to cultural resources, specifically Section 106 of the National Historic Preservation Act (Section 106). The State Water Board has responsibility for ensuring compliance with Section 106, and must consult directly with the California State Historic Preservation Officer (SHPO). The SHPO consultation is initiated when sufficient information is provided by the CWSRF applicant. If the City decides to pursue CWSRF financing, please retain a consultant that meets the Secretary of the Interior's Professional Qualifications Standards (http://www.nps.gov/history/local-law/arch_stnds_9.htm) to prepare a Section 106 compliance report.

Note that the City will need to identify the Area of Potential Effects (APE), including construction and staging areas, and the depth of any excavation. The APE is three-dimensional and includes all areas that may be affected by the Project. The APE includes the surface area and extends below ground to the depth of any Project excavations. The records search request should extend to a ½-mile beyond project APE. The appropriate area varies for different projects but should be drawn large enough to provide information on what types of sites may exist in the vicinity. 1 cont.

Other federal environmental requirements pertinent to the Project under the CWSRF Program include the following (for a complete list of all federal requirements please visit: http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/docs/forms/application_environmental_package.pdf):

A. An alternative analysis discussing environmental impacts of the Project in either the CEQA document (EIR), in a separate report, or in the CWSRF technical application package.
B. A public hearing or meeting for adoption/certification of CEQA documents except for those with little or no environmental impacts.
C. Compliance with the Federal Clean Air Act: (a) Provide air quality studies that may have been done for the Project; and (b) if the Project is in a nonattainment area or attainment area subject to a maintenance plan; (i) provide a summary of the estimated emissions (in tons per year) that are expected from both the construction and operation of the Project for each federal criteria pollutant in a nonattainment or maintenance area, and indicate if the nonattainment designation is moderate, serious, or severe (if applicable); (ii) if emissions are above the federal de minimis levels, but the Project is sized to meet only the needs of current population projections that are used in the approved State Implementation Plan for air quality, quantitatively indicate how the proposed capacity increase was calculated using population projections.
D. Compliance with the Coastal Zone Management Act: Identify whether the Project is within a coastal zone and the status of any coordination with the California Coastal Commission.

E. Protection of Wetlands: Identify any portion of the proposed Project area that should be evaluated for wetlands or United States waters delineation by the United States Army Corps of Engineers (USACE), or requires a permit from the USACE, and identify the status of coordination with the USACE.
F. Compliance with the Farmland Protection Policy Act: Identify whether the Project will result in the conversion of farmland. State the status of farmland (Prime, Unique, or Local and Statewide Importance) in the Project area and determine if this area is under a Williamson Act Contract.
G. Compliance with the Migratory Bird Treaty Act: List any birds protected under this act that may be impacted by the Project and identify conservation measures to minimize impacts.
H. Compliance with the Flood Plain Management Act: Identify whether or not the Project is in a Flood Management Zone and include a copy of the Federal Emergency Management Agency flood zone maps for the area.
I. Compliance with the Wild and Scenic Rivers Act: Identify whether or not any Wild and Scenic Rivers would be potentially impacted by the Project and include conservation measures to minimize such impacts.

1 cont.

Following are specific comments on the City's draft EIR:

2

1. Please provide regulatory standards in Table 3.9-1 for comparison (page 3.9-5).
2. Please include all Project sites located in the 100-year floodplain, listed on page 3.9-11, in the Flood Zone section on page 3.9-9.

3

3. Please clarify why implementation of mitigation measures BIO-1 through BIO-10 is included on page 4-12, but the following paragraph indicates no mitigation measures required.

4

4. Due to construction proximity to jurisdictional Waters of the U.S., has the City of Moro Bay initiated communication with USACE for this Project?

5

5. Please provide details on the ocean outfall pipeline, specifically the location and details of the mixing zone at the outfall in the ocean.

6

6. Please analyze the impacts (positive or negative) of discharge changes (quality and quantity) at the ocean outfall to the habitat(s) surrounding the outfall pipe.

7

7. Please include the entire Project area in the Biological Resources Assessment (BRA), Appendix D. Biological Resources need to be analyzed for both injection well sites, Wastewater Treatment Facility decommission site, and staging areas.

8

8. Species from the USFWS (Information for Planning and Consultation) IPaC and California Native Plant Society (CNPS) databases need to be included in the BRA analysis. Several species on the IPaC list (state and federally listed) are not analyzed in the EIR.

9

9. Please acquire and analyze the special-status species and habitat list from National Marine Fisheries Service (NMFS). Quads, Morro Bay North and Morro Bay South, include listed species which are not included in this EIR.

10

10. Part of the Project area is within California red-legged frog (CRLF) critical habitat. Please clearly show on a map where CRLF critical habitat overlaps with the Project area. Please coordinate with USFWS to determine if protocol level CRLF surveys will be needed.

11

11. Please discuss noise and vibration impacts of Wastewater Treatment Plant (WWTP) decommissioning on migratory birds and potential breeding habitats adjacent to the WWTP site.

12

Please provide us with the following documents applicable to the proposed Project following the City's CEQA process: (1) one copy of the draft and final EIR, (2) the resolution adopting the EIR and making CEQA findings, (3) all comments received during the review period and the City's response to those comments, (4) the adopted Mitigation Monitoring and Reporting Program and (5) the Notice of Determination filed with the San Luis Obispo County Clerk and the Governor's Office of Planning and Research, State Clearinghouse. In addition, we would appreciate notices of any hearings or meetings held regarding environmental review of any projects to be funded by the State Water Board. 13

Thank you for the opportunity to review the City's draft EIR. If you have any questions or concerns, please feel free to contact me at (916) 341-5686, or by email at Tessa.Lenz@waterboards.ca.gov, or contact Ahmad Kashkoli at (916) 341-5855, or by email at Ahmad.Kashkoli@waterboards.ca.gov.

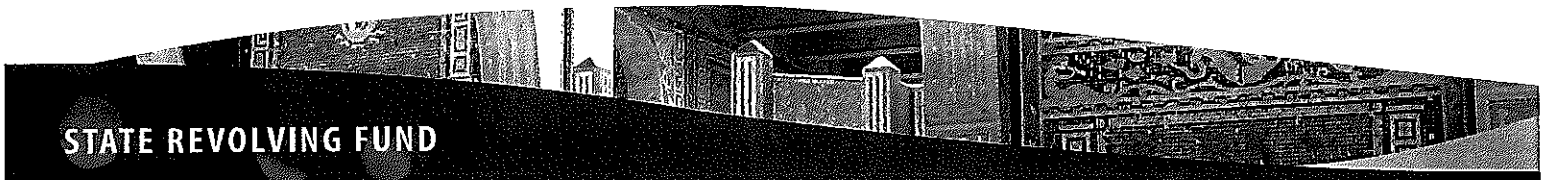
Sincerely,

Tessa Lenz
Environmental Scientist

Enclosures (3):

1. Clean Water State Revolving Fund Environmental Review Requirements
2. Quick Reference Guide to CEQA Requirements for State Revolving Fund Loans
3. Basic Criteria for Cultural Resources Reports

cc: State Clearinghouse
(Re: SCH# 2016081027)
P.O. Box 3044
Sacramento, CA 95812-3044



STATE REVOLVING FUND

Basic Criteria for Cultural Resources Report Preparation

State Water Resources Control Board Division of Financial Assistance

Under Section 106 of the National Historic Preservation Act, the following elements are required under the Cultural Resources Report:

QUALIFIED RESEARCHER

The Cultural Resources Report must be prepared by a qualified researcher that meets the Secretary of the Interior's Professional Qualifications Standards. Please see the Professional Qualifications Standards at the following website at: *http://www.cr.nps.gov/local-law/arch_stnds_9.htm*

APPROPRIATE DETERMINATIONS

The Cultural Resources Report should include one of the three "determinations" listed in Section 106. These include:

"No historic properties affected"
(no properties are within the area of potential effect ([APE], including below the ground).

"No adverse effect to historic properties"
(the project may affect "historic properties", but the effects will not be adverse).

"Adverse effect to historic properties"
(the project will adversely affect "historic properties", avoidance, minimization, or mitigation measures need to be established). Note: Consultation with the SHPO will be required if a "no adverse effect to historic properties" or an "adverse effect to historic properties" determination is made, to develop and evaluate alternatives or modifications to the proposed project that could avoid, minimize or mitigate adverse effects on "historic properties."

RECORDS SEARCH

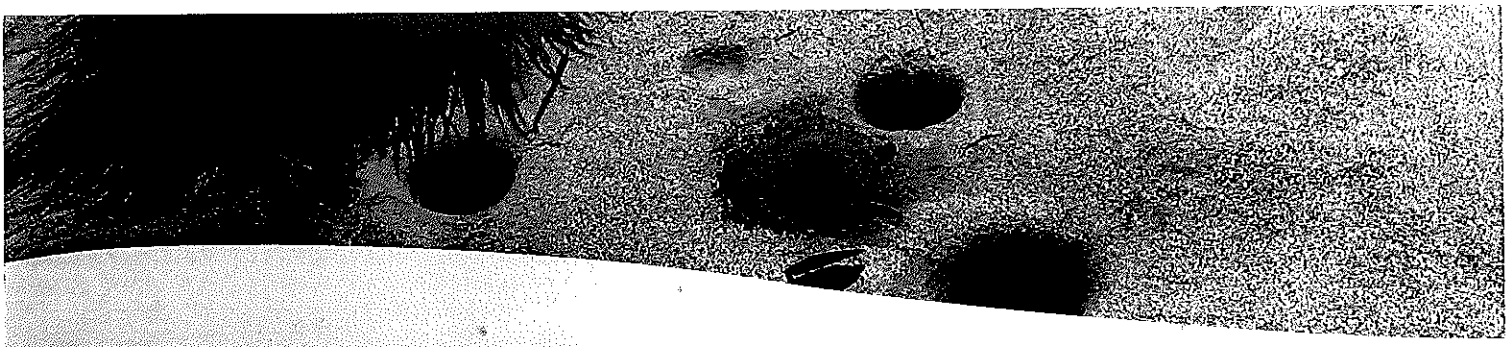
A recent records search extending to a half-mile beyond the project APE from a geographically appropriate Information Center is required (http://ohp.parks.ca.gov/pages/1068/files/ic_roster.pdf). The records search should include maps that show all recorded sites and surveys in relation to the APE for the proposed project, and copies of the confidential site records included as an appendix to the Cultural Resources Report. The locations of the cultural resources need to be clearly defined in relation to the APE boundary.

AREA OF POTENTIAL EFFECT

- The APE is three-dimensional (depth, length and width) and all areas (e.g., new construction, easements, staging areas, and access roads) directly affected by the proposed project, depicted on a properly scaled map (record search map is not an APE map).
- Detailed narrative APE description.

REPORT TERMINOLOGY

Cultural Resources Report needs to use Section 106 terminology and content consistent with the NHPA 36 CFR Part 800.11.



NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the planning phase of the proposed project to gather information to assist with the preparation of an adequate Cultural Resources Report.
- The Native American Heritage Commission (NAHC) must be contacted to obtain documentation of a search of the Sacred Lands Files for or near the project APE. *http://nahc.ca.gov/wp-content/uploads/2015/04/Sacred-Lands-File-NA-Contact-Form.pdf*
- All local Native American tribal organizations or individuals identified by the NAHC must be contacted by certified mail, that includes a map and a description of the proposed project.
- Follow-up contact should be made by telephone and a phone log maintained to document the contacts and responses.
- Comments and Responses need to be addressed by the preparer.
- Letters of inquiry seeking historical information on the project area and local vicinity should be sent to local historical societies, preservation organizations, or individual members of the public with a demonstrated interest in the proposed project.

Copies of all documents mentioned above (project description, map, phone log and letters sent to the NAHC and Native American tribal organizations or individuals and interested parties) must be included in the Cultural Resources Report.

PRECAUTIONS

- A determination of ***"no known resources"*** without supporting evidence is unacceptable. The Cultural Resources Report must identify resources within the APE or demonstrate with sufficient evidence that none are present.
- ***"The area is sensitive for buried archaeological resources,"*** followed by a statement that ***"monitoring is recommended."*** Monitoring is not an acceptable option without good-faith effort to demonstrate that no known resource is present.
- If ***"the area is already disturbed by previous construction"*** documentation is still required to demonstrate that the proposed project will not affect "historic properties." An existing road can be protecting a buried archaeological deposit or may itself be a "historic property." Additionally, previous construction may have impacted an archaeological site that has not been previously documented.

SHPO CONSULTATION LETTER (AS REQUESTED)

Following review of the submitted material, State Water Resources Control Board staff may request submittal of a draft consultation letter prepared by the qualified researcher. A draft consultation letter template is available for download on the State Water Board webpage at: *http://www.waterboards.ca.gov/water_issues/programs/grants_loans/cwsrf_requirements.shtml*

Contact Information: For more information related to the SRF Program Cultural Resources and Requirments, please contact Mr. Gary Scholze at 916-341-5642 or Gary.Scholze@waterboards.ca.gov

CALIFORNIA
Water Boards
STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

waterboards.ca.gov

REVISED: DEC. 2015

CLEAN WATER STATE REVOLVING FUND

California Environmental Quality Act Requirements

State Water Resources Control Board
Division of Financial Assistance

The State Water Resources Control Board (State Water Board), Division of Financial Assistance, administers the Clean Water State Revolving Fund (CWSRF) Program. The CWSRF Program is partially funded by grants from the United States Environmental Protection Agency. All applicants seeking CWSRF financing must comply with the California Environmental Quality Act (CEQA), and provide sufficient information so that the State Water Board can document compliance with federal environmental laws. The "Environmental Package" provides the forms and instructions needed to complete the environmental review requirements for CWSRF Program financing. It is available at: *http://www.waterboards.ca.gov/water_issues/programs/grants_loans/srf/srf_forms.shtml*

We've got the **green**...
to keep California's **water clean**.
CLEAN WATER STATE REVOLVING FUND

LEAD AGENCY

The applicant is usually the "Lead Agency" and must prepare and circulate an environmental document before approving a project. Only a public agency, such as a local, regional or state government, may be the "Lead Agency" under CEQA. If a project will be completed by a non-governmental organization, "Lead Agency" responsibility goes to the first public agency providing discretionary approval for the project.

RESPONSIBLE AGENCY

The State Water Board is generally a "Responsible Agency" under CEQA. As a "Responsible Agency," the State Water Board must make findings based on information provided by the "Lead Agency" before financing a project.

ENVIRONMENTAL REVIEW

The State Water Board's environmental review of the project's compliance with both CEQA and federal cross-cutting regulations must be completed before a project can be financed by the CWSRF Program.

DOCUMENT REVIEW

Applicants are encouraged to consult with State Water Board staff early during preparation of CEQA document if considering CWSRF financing. Applicants shall also send their environmental documents to the State Water Board, Environmental Review Unit during the CEQA public review period. This way, any environmental concerns can be addressed early in the process.

REQUIRED DOCUMENTS

The Environmental Review Unit requires the documents listed below to make findings and complete its environmental review. Once the State Water Board receives all the required documents and makes its own findings, the environmental review for the project will be complete.

- ✓ Draft and Final Environmental Documents: Environmental Impact Report, Negative Declaration, and Mitigated Negative Declaration as appropriate to the project
- ✓ Resolution adopting/certifying the environmental document, making CEQA findings, and approving the project
- ✓ All comments received during the public review period and the "Lead Agency's" responses to those comments
- ✓ Adopted Mitigation Monitoring and Reporting Plan, if applicable
- ✓ Date-stamped copy of the Notice of Determination or Notice of Exemption filed with the County Clerk(s) and the Governor's Office of Planning and Research
- ✓ CWSRF Evaluation Form for Environmental Review and Federal Coordination with supporting documents

Contact Information: For more information related to the CWSRF Program environmental review process and requirements, please contact your State Water Board Project Manager or Mr. Ahmad Kashkoli at 916-341-5855 or Ahmad.Kashkoli@waterboards.ca.gov

CALIFORNIA Water Boards
STATE WATER RESOURCES CONTROL BOARD
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waterboards.ca.gov

REVISED: FEB. 2014

Comment Letter – State Water Resources Control Board (SWRCB)

Response to SWRCB-1

The City thanks the SWRCB for providing information about the Clean Water State Revolving Fund (CWSRF). The City prepared the Draft EIR in compliance with the CEQA-Plus requirements, as stated in Chapter 1, Section 1.4 CEQA-Plus Requirements, and Chapter 7, CEQA-Plus Considerations. The potential effects to federal special-status species were discussed in the Draft EIR in Chapter 3.4 Biological Resources, supported by a Biological Resources Assessment (BRA) included as Appendix D to the Draft EIR. Please refer to **Appendix I** in this Final EIR for a supplement to the BRA. The potential effects to cultural resources, including Section 106 of the National Historic Preservation Act, were discussed in the Draft EIR in Chapter 3.5 Cultural Resources and Chapter 3.15 Tribal Cultural Resources. Although confidential and not appended to the Draft EIR, the City retained Far Western Anthropological Research Group, Inc. (Far Western) to prepare a Cultural Resources Assessment (CRA) report in accordance with SWRCB CEQA-Plus requirements. The Area of Potential Affect (APE) is appropriately identified in the CRA. The CRA will be provided to the SWRCB as part of the CWSRF application.

Far Western is a cultural resources firm that has been working in cultural resources management since 1979. All of the Principles and Principal Investigators on staff meet the Secretary of the Interior's Professional Qualification Standards for archaeology and also meet the qualifications for the Register of Professional Archaeologists, as do many of the Senior Archaeologists and Staff Archaeologists.

The Draft EIR meets the other federal environmental requirements mentioned in the comment. With respect to Item A, the Draft EIR includes an analysis of alternatives in Chapter 6. With respect to Item B, the Final EIR will be considered for certification by the Morro Bay City Council. With respect to Items C through L, please refer to the Draft EIR, Chapter 7, CEQA-Plus Considerations.

Response to SWRCB-2

Table 3.9-1 provides water quality data from City water supply production wells for 2011 through 2015 in the last column on the right. Table 3.9-1 also shows applicable regulatory standards for comparison to the City well data, including maximum contaminant levels (MCL column) for primary and secondary drinking water standards and public health goals (PHG column).

Response to SWRCB-3

In response to the comment the following text on page 3.9-9 of the Draft EIR has been modified as follows to include the facilities located within the 100-year flood zone as listed on page 3.9-11 and shown in Figure 3.9-4:

According to flood zone mapping compiled by the Federal Emergency Management Agency's Flood Insurance Rate Maps (FIRMs), the proposed WRF location is outside of the 100-year flood zone (See **Figure 3.9-4**). However, the proposed lift station and existing WWTP, proposed injection wellfield areas, and portions of the pipeline alignments west of Highway 1 are located within what is known as Flood Zone AE where the flood zone elevation occurs at approximately 20 feet above sea level (FEMA, 2017).

Response to SWRCB-4

In the analysis of cumulative impacts for Biological Resources, BIO-1 through BIO-10 is considered as part of the mitigated proposed project. Those mitigation measures would reduce the proposed project's potential direct and indirect impacts to less than significant levels. As the Draft EIR goes on to say on page 4-12, "when the mitigated proposed project is considered in addition to the anticipated impacts of other projects in the cumulative scenario, the proposed project's incremental contribution to biological resources impacts would be less than significant." No additional mitigation measures are required to mitigate cumulative impacts.

Response to SWRCB-5

The City has not initiated formal consultation with the USACE regarding the proposed project. As currently described and analyzed in the Draft EIR, the proposed project would not impact waters of the U.S., and the City does not anticipate the need for a Clean Water Act Section 404 permit at this time.

Response to SWRCB-6

The current ocean outfall is used to discharge treated effluent from the existing WWTP. Other than adding a connection from the proposed WRF to the outfall, the existing outfall would not be modified as a result of the proposed project. The existing outfall is a 27-inch diameter, cement mortar lined and coated steel pipe that extends 4,754 feet offshore into Estero Bay. At the terminus of the ocean outfall is a diffuser port; the outfall is currently assigned a critical initial dilution of 133:1. Any discharge currently does and would continue to blend with ocean water in the mixing zone in the vicinity of the outfall diffusers. See discussion in SWRCB-7 regarding range of effluent quality and anticipated effect on water quality in vicinity of the outfall.

Response to SWRCB-7

As stated in the Draft EIR on page 3.9-32, "relative to the existing ocean discharge from the existing WWTP, the proposed project would decrease the volume of effluent currently discharged to Estero Bay under expected normal operating conditions when recycled water is used for groundwater replenishment and brine is discharged through the outfall." The existing WWTP effluent TDS concentrations are approximately 900-1,000 mg/L based on historical analyses (MKN, 2018). With full reverse osmosis (RO), assuming an 80% recovery rate, the RO brine stream discharged to the outfall from the proposed WRF would be estimated at approximately 0.24 MGD and 3,700 – 4,100 mg/L TDS. While that is an increase in TDS from existing conditions, the TDS concentrations anticipated for the RO brine are much lower than seawater

(typically around 35,000 mg/L) (MKN, 2018).[1] As a result, the discharge would remain a buoyant plume, and would not substantially change the plume dispersion dynamics from the existing outfall diffuser. There would be no risk of a negatively buoyant plume that could result in elevated salinity on the ocean floor.

In addition, the source sewage water that would flow into the proposed WRF is the same sewage currently being treated at the WWTP. The proposed WRF would provide a minimum of tertiary treatment to all influent to the WRF, which is greater than the secondary treatment currently provided to the majority of influent to the WWTP. As such the effluent discharged from the WRF would have improved water quality relative to the effluent currently discharged from the existing WWTP. As stated on page 3.9-32 of the Draft EIR, "under conditions when recycled water is discharged through the outfall, water quality would be improved due to the addition of advanced treatment at the proposed WRF. As currently required for any water that is discharged to Estero Bay, the effluent would be required to adhere to the requirements of the Ocean Plan which would be included in the WRF's NPDES permit."

As stated on page 7-4 of the Draft EIR, the water quality of proposed discharges due to the proposed project would be improved to tertiary-treated recycled water. The contribution of the RO brine stream would increase TDS, but not enough to exceed ambient ocean water salinity. As noted on page 3.9-14 of the Draft EIR, the California Ocean Plan establishes water quality objectives for ocean discharges to ensure the protection of the marine environment. The NPDES permit for the new WRF would require the City to comply with water quality objectives for receiving waters based on the California Ocean Plan; the water quality objectives would protect beneficial uses including marine habitat. Monitoring requirements in the Ocean Plan will require the City to perform monitoring to demonstrate compliance with the receiving water limitation, and to evaluate the potential effects of the discharge within the water column, bottom sediments, and the benthic communities. The NPDES permit will require data collection and monitoring to compare baseline biological conditions at the discharge location as well as at a reference location outside the influence of the discharge prior to commencement of discharge and after discharge commences. Monitoring would be required until the RWQCB determines a monitoring program is adequate to ensure compliance with the receiving water limitation. The Monitoring and Reporting Plan would require review and approval by the RWQCB as part of the NPDES permit process. The NPDES permit would impose conditions to ensure that there would be no adverse impacts to habitat in the vicinity of the ocean outfall diffuser port and the mixing zone as a result of the proposed project.

Response to SWRCB-8

Please refer to Appendix I of this Final EIR, which includes a supplement to the Biological Resource Assessment (BRA). The supplement includes the results of the biological reconnaissance surveys conducted for the injection wellfield areas, IPR-East and IPR-West. The surveys confirm the description of the wellfield areas included in the Draft EIR on page 3.4-3. The wellfield areas include annual grassland, coastal scrub, ruderal/disturbed, and ornamental

[1] MKN, April 2018, Draft Technical Memorandum, MBCSD Wastewater Treatment Plant Outfall Management Plan.

habitat, as well as agricultural land and riverine habitat along Morro Creek. The existing WWTP decommissioning site does not include biological resources. As stated in the Draft EIR on page 2-25, "[s]taging areas for construction are anticipated to be onsite for project components or within existing City properties or City rights-of-way." As such, the potential staging areas were included within the survey areas included in the BRA.

Response to SWRCB-9

The USFWS Information for Planning and Consultation (IPaC) database was searched for San Luis Obispo County, and the species list is included in the BRA supplement in Appendix I. The IPaC list includes species throughout San Luis Obispo County; database search results are not specific to the coastal Morro Bay region where the proposed project is located. The IPaC list includes species that were not considered previously in the Draft EIR; however, such species (e.g., California jewelflower (*Caulanthus californicus*); spreading navarretia (*Navarretia fossalis*)) are either found in other regions of the County or in habitats that are not included within the proposed project area. There are no species on the IPaC list that need to be incorporated into the impact analysis in the Draft EIR.

Response to SWRCB-10

The list of endangered and threatened marine (and anadromous) species under NOAA Fisheries (or NMFS) jurisdiction was reviewed to confirm the analysis in the Draft EIR adequately identified all special-status species with potential to occur in the study area and be affected by the project.[2] (See BRA Supplement in Appendix I.) NOAA Fisheries has jurisdiction over federal listed marine and anadromous species, and review of their list of endangered and threatened marine species under NMFS' jurisdiction identified no new species beyond south-central coast steelhead trout (*Oncorhynchus mykiss irideus*) and tidewater goby (*Eucyclogobius newberryi*) as having potential to occur within the defined study area. The Draft EIR identified these two species as present in Morro Creek and adequately analyzed project-related activities and confirmed the use of the proposed trenchless construction methods would avoid impacts to the creek where the species could potentially occur. (see Draft EIR, Chapter 3.4 Biological Resources.)

In addition, as stated in the Draft EIR Chapter 7 CEQA Plus Considerations, the waters off the coast of California include essential fish habitat (EFH) for various species, including but not limited to groundfish (page 7-3). However, the proposed project would have no adverse impact on the marine environment or EFH in the Pacific Ocean. As stated in the Draft EIR on page 7-4:

> As described in Chapter 3.9 Hydrology and Water Quality, the proposed project would continue to discharge through the existing ocean outfall that runs approximately 2,900 feet offshore through Estero Bay, and the water quality of proposed discharges would be improved to tertiary-treated recycled water, exceeding the requirements of the existing WWTP NPDES permit that will also apply to the new WRF. The NPDES permit establishes water quality objectives for receiving waters based on the California Ocean

[2] located at http://www.nmfs.noaa.gov/pr/species/esa/listed.htm

> Plan; the water quality objectives would protect beneficial uses including marine habitat. (See Chapter 3.9 Hydrology and Water Quality for additional discussion about water quality impacts.)

Please also refer to Response to SWRCB-7 above.

Response to SWRCB-11

The Draft EIR acknowledges on page 3.4-20 the proposed project area includes critical habitat for the California red-legged frog (CRLF). The BRA supplement in Appendix I includes Figure 5a showing CRLF critical habitat. The Draft EIR acknowledges on page 3.4-26 that the USFWS has identified critical habitat for CRLF in the region, including upstream of the project area in the Morro Creek watershed, including Little Morro Creek. This is shown in Figure 5a. The proposed WRF site is within CRLF critical habitat boundaries as well; however, surveys of the WRF site have determined that there is no suitable habitat for CRLF onsite. As stated in the Draft EIR on page 3.4-26, based on the lack of suitable habitat, CRLF is unlikely to be present in or near the preferred WRF site or along the proposed pipeline alignments except at the Morro Creek crossing locations. However, the species has not been found in the project area. The Draft EIR concludes that CRLF may be present on a seasonal basis at the pipeline crossings of Morro Creek. However, since trenchless construction methods would be used to install the pipelines across sensitive features, including Morro Creek, direct impacts to Morro Creek and CRLF would be avoided. In addition, indirect impacts to CRLF due to construction activities in and around Morro Creek would be minimized with implementation of best management practices (BMPs) included in Mitigation Measures BIO-1 and BIO-2. Impacts to CRLF are considered less than significant as a result.

Response to SWRCB-12

Implementation of Mitigation Measure BIO-5 would protect migratory birds and avoid/mitigate any potential direct or indirect impacts related to noise/vibration on migratory birds and their breeding habitat, including areas adjacent to the WWTP potentially impacted during decommissioning. Mitigation Measure BIO-5 includes the following:

> 2. If active nest sites of bird species protected under the Migratory Bird Treaty Act and/or FGC section 3503 are observed within or adjacent to the 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. Potential project modifications may include establishing appropriate “no activity” buffers around the nest site. The buffer will be 500 feet for raptors and 250 feet for other bird species, or as otherwise determined and documented by a qualified biologist. Construction activities shall not occur in the buffer until the project biologist has determined that the nesting activity has ceased.

Response to SWRCB-13

The City will submit all documents requested to the SWRCB, as well as notices of any hearings or meetings held regarding environmental review for the proposed project.

LAFCO

LAFCO - San Luis Obispo - Local Agency Formation Commission

SLO LAFCO - Serving the Area of San Luis Obispo County

May 1, 2018

Rob Livick, P.E.
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Subject: Notice of Availability for a Draft Environmental Impact Report (DEIR) regarding the City of Morro Bay's Water Reclamation Facility Project

Dear Mr. Livick:

Thank you for the opportunity to provide comments regarding the draft EIR. The Local Agency Formation Commission (LAFCO) provided a Notice of Preparation letter regarding this project on September 7, 2016 which outlined the scope and content needed for LAFCO to use as a Responsible Agency in considering a future annexation of the project to the City. In 2016, it was noted that the City could potentially want a Sphere of Influence (SOI) Amendment and Annexation after the Public Lot creation was completed for the Water Reclamation Facility. The Draft EIR does not mention creating a Public Lot or requesting an SOI amendment and Annexation. This is important because LAFCO will likely not be able to use the EIR as a Responsible Agency. This outcome would increase processing and cause a future Sphere of Influence Amendment and or Annexation to be delayed. 1

The Draft EIR contains relevant information about the WRF but lacks information for LAFCO to consider when evaluating the possible Sphere of Influence and Annexation into the City. The Sphere of Influence amendment and annexation process should be described as part of the **Project Description** to ensure that impacts regarding expansion of the City are covered in the impact analysis sections. The Project Description should provide a description that addresses Prezoning, the Negotiated Tax Agreement, and the annexation processes. This will make the project description more complete and accurate. It also should be clarified what area would be annexed into the City. An annexation map should be included in the document. 2

The Sphere of Influence for the City was recently updated in August 2017 and this property was not added to the SOI. However, in order for LAFCO to use the EIR to amend the Sphere of Influence and annex the property the process outlined above should be included in the final document along with references throughout the document so that LAFCO may use the FEIR acting as a Responsible Agency when considering the annexation. 3

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Tel: 805.781.5795 Fax: 805.788.2072 www.slolafco.com

The SOI amendment and annexation would also be subject to LAFCO policies and procedures and the SOI/MSR conditions of approval adopted in 2017. These Policies and Conditions should be incorporated into the DEIR and appropriate analysis and mitigation measures identified. By adequately addressing these comments, LAFCO would be able to use the Final EIR as the CEQA document for the SOI amendment and annexation. The following comments are from the original NOP and should be addressed in the FEIR: 3 cont.

1. **Permit(s) or Approval(s) Authority.** LAFCO is responsible for determining the Sphere of Influence for the City. LAFCO also considers any annexations or changes of organization to a jurisdiction's service area. A proposed sphere of influence amendment and annexation would be subject to LAFCO's local policies and procedures which can be found on our website at www.slolafco.com. These policies and procedures should be reviewed as part of the CEQA process if the EIR is to be adequate for LAFCO to use as a Responsible Agency in considering the project. Of particular note are prime farmland definitions and preservation policies for any loss of prime agricultural land. CKH Act defines prime farmland differently that other State criteria. The DEIR uses the LESA model analysis and concluded no significant impacts. LAFCO's AG Policies require a 1:1 substitution ratio to preserve prime agricultural land. See comments below. 4

2. **General Comment.** Annexation generally requires the following information and activities; 5

    a. Application through a petition of property owners or a City Resolution of Application - Submittal of Application
    b. Preparation of Maps and submittal of all related information, approvals and documentation
    c. Approval of Negotiated Tax Agreement between the City and County
    d. Prezoning approved by the City; City is Lead Agency
    e. Preparation of a Plan for Services by the City
    f. Evaluation and Consideration by LAFCO, if approved;
    g. Post annexation steps - condition compliance and Board of Equalization Filing and other notifications

3. **Environmental Information.** In order to consider the annexation of this area into the City an adequate environmental document must be prepared for LAFCO's use. To expedite the annexation process, we recommend that the City's EIR fully address the potential environmental impacts of adding this area to the City not just the construction of the WRF facility. A comprehensive analysis of the environmental impacts, including GC 56064 defining prime agricultural lands, related to the area proposed for annexation will enable LAFCO to use the EIR prepared by the City for annexing the property. The EIR should address the capability of a jurisdiction to provide public services to existing and future residents with regard to water supply and demand, sewer capacity and demand, fire and police response, growth and development, roads, and financial constraints and opportunities. 6

3. **LAFCO Agricultural Policies.** LAFCO's Agricultural goals, policies, and guidelines approved by LAFCO should be reviewed and analyzed or consistency with the 7

proposed project. A key policy to be considered is the 1:1 substitution ratio to preserve prime agricultural land. A clear project description or map clarifying the agricultural prime farmland of 1.26 acres being converted would need to be offset and preservation of 1.26 acres either somewhere on the property or off-site must be included.

Agricultural Buffer. An Agricultural Buffer zone should be established between parcels that are adjacent to prime agricultural lands and should be discussed in further detail.

7 cont.

5. **Permit Stipulations/Conditions.** Unknown at this time, but consistency with the SOI Conditions of Approval will be likely required by LAFCO.

8

We appreciate being contacted with regard to this project and look forward to hearing more about the plan as it progresses through the environmental review and planning process. If you have any questions regarding our comments or would like to discuss please contact me at 805-788-2096.

9

Sincerely,

David Church
LAFCO Executive Officer

cc. Commissioners
Ray Biering, LAFCO Counsel

Comment Letter – Local Agency Formation Commission San Luis Obispo (LAFCO)

Response to LAFCO-1

The City thanks LAFCO for providing comments. Currently the Draft EIR mentions the Resolution of Determination for City Annexation on page 2-33 in the list of potential approvals required for the proposed project. The Draft EIR also mentions LAFCO, the sphere of influence, and annexation on pages 3.10-4 and 3.10-5 of Chapter 3.10 Land Use and Planning. Regarding the creation of a Public Lot, the text of the Draft EIR on page 3.10-5 has been modified as follows in response to the comment:

> The preferred WRF site is located immediately adjacent to the Morro Bay service area. However, it is not currently located within the City's sphere of influence. The 396-acre parcel that the preferred WRF site is located within was studied in LAFCO's Morro Bay Sphere of Influence (SOI) Update and Municipal Service Review (MSR) in 2017. The study identified two roughly 15-acre portions of the 396-acre parcel considered viable locations for a future WRF site. LAFCO recommended the SOI should exclude the larger, 396-acre parcel with exception of a future public lot area for the WRF site. LAFCO further recommended, if the City selected the site and builds a treatment facility, a public lot could be created that is owned by the City and requested to be added to the SOI and annexed at that time. ~~then~~ LAFCO would support the City's selection and would process an SOI and annexation proposal at that time, in an expedited manner (San Luis Obispo LAFCO, 2017).

Response to LAFCO-2

Please refer to **Master Response 2 – WRF Site and Annexation**. The City will submit an annexation map as required by the County during the annexation proceedings.

Response to LAFCO-3

In response to LAFCO's comment, the following policies about City annexations and Sphere of Influence Review Policies have been added to Section 3.10.2 Regulatory Framework of the Land Use and Planning chapter of the Draft EIR. Refer to **Master Response 2 – WRF Site and Annexation** for a description of the SOI amendment and annexation process. Annexation would not result in any additional impacts other than those analyzed throughout the Draft EIR. Consistency with those policies will be demonstrated by the City and LAFCO during the annexation/SOI proceedings.

> ***San Luis Obispo LAFCO Policies and Procedures***
>
> **2.3 Policies for City Annexation**
>
> 1. The boundaries of a proposed annexation must be definite and certain and must conform to lines of assessment whenever possible.

2. The boundaries of an area to be annexed will not result in any areas difficult to serve.

3. There is a demonstrated need for governmental services and controls in the area proposed for annexation.

4. The municipality has the resources capable of meeting the need for services in the area proposed for annexation and has submitted studies and information documenting its ability to serve.

5. There is a mutual social and economic community of interest between the residents of the municipality and the proposed territory.

6. The proposed annexation is compatible with the municipality's general plan. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.

7. The Commission shall determine if a disadvantaged unincorporated community is associated with an application. If a disadvantaged unincorporated community does exist, the procedures for processing the annexation as outlined in the CKH Act shall be implemented.

8. That the City Prezone the area to be annexed and complete CEQA as the Lead Agency for the proposal and/or project. LAFCO should in most instances act as the Responsible Agency with regard to an annexation and CEQA.

2.6 Sphere of Influence Review Policies

The CKH Act provides the legislative authority and intent for establishing a Sphere of Influence and is included by reference in these policies. A Sphere of Influence is the probable 20-year growth boundary for a jurisdiction's physical development. These policies are intended to be consistent with the CKH Act and take into consideration local conditions and circumstances. All procedures and definitions in the CKH Act are incorporated into these policies by reference.

1. LAFCO intends that its Sphere of Influence determination will serve as a master plan for the future organization of local government within the County. The spheres shall be used to discourage urban sprawl and the proliferation of local governmental agencies and to encourage efficiency, economy, and orderly changes in local government.

2. The Sphere of Influence lines shall be a declaration of policy which shall be a primary guide to LAFCO in the decision on any proposal under its jurisdiction. Every determination made by the Commission shall be consistent with the spheres of influence of the agencies affected by those determinations.

3. No proposal which is inconsistent with an agency's adopted Sphere of Influence shall be approved until the Commission, at a noticed public hearing, has considered an amendment or revision to that agency's Sphere of Influence.

4. The adopted Sphere of Influence shall reflect city and county general plans, growth management policies, annexation policies, resource management policies, and any other policies related to ultimate boundary area of an affected agency unless those plan or policies conflict with the legislative intent of the CKH Act (Government Code Section 56000 et seq.) Where inconsistencies between plans exist, LAFCO shall rely upon that plan which most closely follows the legislature's directive to discourage urban sprawl, direct development away from prime agricultural land and open space lands, and encourage the orderly formation and development of local governmental agencies based upon local conditions and circumstances. In accordance with the CKH Act a municipal service review shall be conducted prior to the update of a jurisdiction's Sphere of Influence. The service review is intended to be a basis for updating a jurisdiction's Sphere of Influence.

5. LAFCO will designate a Sphere of Influence line for each local agency that represents the agency's probable physical boundary and includes territory eligible for annexation and the extension of that agency's services within a zero to twenty-year period.

6. LAFCO shall consider the following factors in determining an agency's Sphere of Influence:

a. Present and future need for agency services and the service levels specified for the subject area in applicable general plans, growth management plans, annexation policies, resource management plans, and any other plans or policies related to an agency's ultimate boundary and service area (CKH 56425 (e)(1)).

b. Capability of the local agency to provide needed services, taking into account evidence of resource capacity sufficient to provide for internal needs and urban expansion (CKH 56425 (e)(2)).

c. The existence of agricultural preserves, agricultural land and open space lands in the area and the effect that inclusion within a Sphere of Influence shall have on the physical and economic integrity of maintaining the land in non-urban use (CKH 56426.5 (a)).

d. Present and future cost and adequacy of services anticipated to be extended within the Sphere of Influence.

e. Present and projected population growth, population densities, land uses, and area, ownership patterns, assessed valuations, and proximity to other populated areas.

f. The agency's capital improvement or other plans that delineate planned facility expansion and the timing of that expansion.

g. Social or economic communities of interest in the area (CKH 56425 (e)(4)).

h. For an update of a Sphere of Influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, a written determination regarding the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence shall be prepared.

7. LAFCO may adopt a zero Sphere of Influence encompassing no territory for an agency. This occurs if LAFCO determines that the public service functions of the agency are either nonexistent, no longer needed, or should be reallocated to some other agency of government. The local agency which has been assigned a zero Sphere of Influence should ultimately be dissolved.

8. Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency's Sphere of Influence unless the area's exclusion would impede the planned, orderly and efficient development of the area.

9. LAFCO may adopt a Sphere of Influence that excludes territory currently within that agency's boundaries. This occurs where LAFCO determines that the territory consists of agricultural lands, open space lands, or agricultural preserves whose preservation would be jeopardized by inclusion within an agency's Sphere of Influence. Exclusion of these areas from an agency's Sphere of Influence indicates that detachment is appropriate.

10. Where an area could be assigned to the Sphere of Influence of more than one agency providing needed service, the following hierarchy shall apply dependent upon ability to serve:

a. Inclusion within a municipality Sphere of Influence.

b. Inclusion within a multipurpose district Sphere of Influence.

c. Inclusion within a single-purpose district Sphere of Influence. In deciding which of two or more equally capable agencies shall include an area within its Sphere of Influence, LAFCO shall consider the agencies' service and financial capabilities, social and economic interdependencies, topographic factors, and the effect that eventual service extension will have on adjacent agencies.

11. Sphere of Influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.

12. Nonadjacent publicly owned properties and facilities used for urban purposes may be included within that public agency's Sphere of Influence if eventual annexation would provide an overall benefit to agency residents.

13. At the time of adoption of a city Sphere of Influence LAFCO may develop and adopt in cooperation with the municipality, an urban area boundary pursuant to policies adopted by the Commission in accordance with Government Code Section 56080. LAFCO shall not consider any area for inclusion within an urban service area boundary that is not addressed in the general plan of the affected municipality or is not proposed to be served by urban facilities, utilities, and services within the first five years of the affected city's capital improvement program.

14. LAFCO shall review Sphere of Influence determinations every five years or when deemed necessary by the Commission consistent with an adopted work plan. If a local agency or the County desires amendment or revision of an adopted Sphere of Influence, the local agency, by resolution, may file such a request with the LAFCO Executive Officer. Any local agency or county making such a request shall reimburse the Commission for the actual and direct costs incurred by the Commission. The Commission may waive such reimbursement if it finds that the request may be considered as part of its periodic review of spheres of influence.

15. LAFCO shall adopt, amend, or revise Sphere of Influence determinations following the procedural steps set forth in CKH Act 56000 et seq.

Response to LAFCO-4

Refer to Response to LAFCO-3 above for the addition of applicable LAFCO policies and procedures. Refer to Responses to LAFCO-6 and LAFCO-7 below regarding prime farmland and policies.

Response to LAFCO-5

The City acknowledges LAFCO's comment about the annexation process. Refer to the Response to **Master Response 2 – WRF Site and Annexation** for the incorporation of the annexation process.

Response to LAFCO-6

The comment mentions Government Code (GC) 56064 definition of prime agricultural lands, which is used by LAFCO under the Cortese-Knox-Hertzberg Local Government Reorganization Act. As also mentioned in the Response to County-25, the following modifications to the Draft EIR are made on page 3.2-1. Those modifications conclude, per GC 56064, the proposed WRF site, which is being considered for annexation, is not considered prime farmland.

The proposed WRF site is underlain by Cropley clay soils, which consist of clay overlying silty clay loam that is typically found at a depth of 36 to 60 inches (JFR Consulting, 2016). Those soils are designated by the Natural Resources Conservation Science (NRCS) as prime farmland if irrigated. According to the Cortese-Knox-Hertzberg Local Government Reorganization Act and California Government Code 56064, the definition of prime agricultural land is:

> an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use…and that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.
>
> Historically, that portion of the project area and its adjacent land has been used for rangeland and has not been irrigated (JFR Consulting, 2013). Currently, the WRF site is not irrigated and neither are immediately adjacent parcels, which are also rangelands used for grazing. There currently is no existing irrigation infrastructure at or around the preferred WRF site. Irrigation feasibility at the proposed project site is low due to the requirement for substantial investment in either pipeline and pumping infrastructure to convey water to the site or construction of onsite groundwater wells, followed by installation of onsite piping for irrigation. As a result, the property in which the proposed WRF ~~is~~ would be located on does not support Prime Farmland (JFR Consulting, 2016). Thus, from a practical perspective, implementation of the proposed project would not remove important areas of prime agricultural potential.

In the Draft EIR, Section 3.13 Public Services addresses the existing services and environmental impacts of providing public services such as water supply and sewer capacity to fire and police response in the project area. Section 3.16 Utilities and Services Systems and Chapter 5 Growth Inducement discuss the sizing of the WRF capacity to meet planned future demand for wastewater treatment and the provision of recycled water to meet the expected demand as planned in the City's 2015 Urban Water Management Plan water supply portfolio. The proposed annexation would include only a 27.6-acre public lot that would include the preferred WRF site, with the unused acreage within that area set aside as an open space or agricultural easement as appropriate. (See **Master Response 2 – WRF Site and Annexation**) As such, the annexation itself would not result in population growth or affect the City's provision of public services. The annexed property would include public use facilities that provide directly a public service. Nor would the SOI result in population growth. That area would continue to be zoned agricultural by the County, as well as prezoned by the City with the same designation.

Response to LAFCO-7

As stated above in Response to LAFCO-7, the City has determined the proposed project would have no significant impact to prime farmland within the County. As such, there would be no prime farmland included in the annexation of the WRF into the City. The only prime farmland that could be affected by the proposed project is already located within the City boundaries. As shown in Figure 3.2-1 in the Draft EIR and stated on page 3.2-13, approximately 1.26 acres of prime farmland within the City's jurisdiction overlaps with the IPR East wellfield area; up to 0.02 acres of prime farmland may be converted to non-agricultural use due to construction of up to 5 wells within this IPR East wellfield area. The Draft EIR determines based on the LESA model the potential impact to prime farmland is less than significant (Draft EIR page 3.2-13). Given no prime farmland would be annexed from the County into the City, LAFCO's policy for a 1:1

substitution ratio to preserve prime farmland would not apply to the proposed project. There is no requirement to offset and preserve prime farmland or establish a conservation easement.

With respect to agricultural buffers, please refer to Response to County-8 and Response to County-29 for modifications that have been made to the Draft EIR to add further clarifying language about the buffer around the proposed WRF. The buffer and fencing around the proposed WRF and access roads implemented as part of the project design would place the operational portion of the proposed WRF more than 50 feet away from the neighboring agricultural uses.

The following LAFCO agricultural policies have been added to Section 3.2.2 in response to the comment. Addition of those policies does not result in additional environmental impacts other than those analyzed throughout the Draft EIR. Consistency with those policies will be demonstrated by the City and LAFCO during the annexation proceedings:

San Luis Obispo LAFCO Policies and Procedures

2.9 Agricultural Policies

1. Vacant land within urban areas should be developed before agricultural land is annexed for non-agricultural purposes.

2. Land substantially surrounded by existing jurisdictional boundaries should be annexed before other lands.

3. In general, urban development should be discouraged in agricultural areas. For example, agricultural land should not be annexed for nonagricultural purposes when feasible alternatives exist. Large lot rural development that places pressure on a jurisdiction to provide services and causes agricultural areas to be infeasible for farming should be discouraged.

4. The Memorandum of Agreement between a city and the County should be used and amended as needed to address the impacts on and conversion of Agricultural Lands on the fringe of a city.

5. The continued productivity and sustainability of agricultural land surrounding existing communities should be promoted by preventing the premature conversion of agricultural land to other uses and, to the extent feasible, minimizing conflicts between agricultural and other land uses. Buffers should be established to promote this policy.

6. Development near agricultural land should not adversely affect the sustainability or constrain the lawful, responsible practices of the agricultural operations.

7. In considering the completeness and appropriateness of any proposal, the Executive Officer and this Commission may require proponents and other interested parties to provide such information and analysis as, in their judgment, will assist in an informed and reasoned evaluation of the proposal in accordance with these policies.

8. No change of organization, as defined by Government Code 56021, shall be approved unless it is consistent with the Spheres of Influence of all affected agencies.

9. Where feasible, and consistent with LAFCO policies, non-prime land should be annexed before prime land.

10. The Commission will consider feasible mitigation (found in the following guidelines) if a proposal would result in the loss of agricultural land.

11. The Commission encourages local agencies to adopt policies that result in efficient, coterminous and logical growth patterns within their General Plan and Sphere of Influence areas and that encourage protection of prime agricultural land in a manner that is consistent with this Policy.

12. The Commission may approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land to be converted from agricultural use is agreed to by the applicant (landowner), the jurisdiction with land use authority. The 1:1 substitution ratio may be met by implementing various measures:

a. Acquisition and dedication of farmland, development rights, and/or agricultural conservation easements to permanently protect farmlands within the annexation area or lands with similar characteristics within the County Planning Area.

b. Payment of in-lieu fees to an established, qualified, mitigation/conservation program or organization sufficient to fully fund the acquisition and dedication activities stated above in 12a.

c. Other measures agreed to by the applicant and the land use jurisdiction that meet the intent of replacing prime agricultural land at a 1:1 ratio.

13. Property owners of agricultural lands adjacent to a LAFCO proposal shall be notified when an application is submitted to LAFCO.

Response to LAFCO-8

The City will implement future SOI Conditions of Approval as applicable. The comment is noted.

Response to LAFCO-9

The City appreciates the comments submitted by LAFCO. The comment has been noted.

APCD

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

May 17, 2018

RECEIVED
MAY 21 2018
City of Morro Bay
Public Works Department

Mr. Rob Livick
City of Morro Bay Public Works Department
955 Shasta Avenue
Morro Bay, CA 93442

SUBJECT: APCD Comments Regarding the Morro Bay Water Reclamation Facility

Dear Mr. Livick:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the Draft Environmental Impact Report (DEIR) for the proposed project located at South Bay Boulevard & Highway 1 in Morro Bay. The proposed project is a new water reclamation facility which would provide wastewater treatment services for the city of Morro Bay and potentially for additional surrounding communities or customers. The project would include decommissioning and demolition of the existing Morro Bay-Cayucos Wastewater Treatment Plant, and construction of a lift station near that site, with pipelines from that location to the new facility and back. The project would allow the city to produce and reuse advance-treated recycled water and would include a pipeline to a groundwater replenishment area, 3 to 5 injection wells, and several monitoring wells. 1

The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS
As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text**. 2

CONSTRUCTION PHASE IMPACTS
Based on the DEIR emission estimates using the CalEEMod computer model, the construction phase would exceed APCD's quarterly emission tier 1 thresholds for ROG+NOx and diesel PM identified in Table 2-1 of the CEQA Air Quality Handbook (available at the APCD web site: slocleanair.org). **Prior to permit issuance, the applicant needs to demonstrate how the construction phase impacts will be below the level of significance as identified in the APCD's CEQA Handbook.** The APCD recommends on-site mitigation from construction activities to the greatest extent possible. 3

T 805.781.5912 F 805.781.1002 W slocleanair.org 3433 Roberto Court, San Luis Obispo, CA 93401

To mitigate air quality concerns, the DEIR proposes implementation of the APCD Standard Mitigation Measures (measure AQ-1b) and Best Available Control Technology for Construction Equipment (measure AQ-1c), which are copied below for clarity. Appendix C of the DEIR includes the CalEEMod reports of unmitigated and mitigated construction emission estimates for the project. The mitigated estimate assumes that all construction equipment used on the project will be Tier 4. As a practical matter, it may be difficult to find a contractor who can guarantee that all equipment on the project would be Tier 4 compliant. **Prior to commencement of construction activities, the applicant should submit to the APCD an equipment list, detailing each piece of off-road equipment to be used on the project, including the equipment serial number, engine model year, engine emission tier, and emission family number for each. If the list contains other than Tier 4 equipment, a revised CalEEMod run for annual mitigated construction emissions, using the list of specific equipment proposed for the project and demonstrating quarterly emissions below the APCD thresholds of significance should then be submitted.**

3

4

Standard Mitigation Measures for Construction Equipment

The standard construction equipment mitigation measures for reducing nitrogen oxide (NO_x), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions are listed below and in section 2.3.1 of the APCD's 2012 CEQA Handbook. **These measures are applicable to all projects where construction phase emissions exceed APCD thresholds:**

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with California Air Resources Board (CARB) certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NO_x exempt area fleets) may be eligible by proving alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5-minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

5

Best Available Control Technology (BACT) for Construction Equipment

If the estimated construction phase ozone precursor emissions from the actual fleet for a given Phase are expected to exceed the APCD's threshold of significances after the standard mitigation measures are factored into the estimation, then **BACT needs to be implemented to further reduce these impacts. The BACT measures can include:**

6

1. Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines;
2. Repowering equipment with the cleanest engines available; and
3. Installing CARB Verified Diesel Emission Control Strategies. These strategies are listed at: arb.ca.gov/diesel/verdev/vt/cvt.htm

6 cont.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are within 1,000 feet of any sensitive receptor (Residences, Bayside Care Center, Casa de Flores, Lila Keiser Park, Morro Bay High School, etc.) shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).**

a. Reduce the amount of the disturbed area where possible;
b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. **Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** Please refer to the following link for potential dust suppressants to select from to mitigate dust emissions: http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm; 7
c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water

Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;

k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
l. All PM_{10} mitigation measures required should be shown on grading and building plans; and,
m. The contractor or builder 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 and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. 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 APCD Compliance Division prior to the start of any grading, earthwork or demolition.

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Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by CARB as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. This project is located in an area identified by the APCD as a candidate area where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4). Under the CARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation. An exemption request must be filed with the APCD.** If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. More information on NOA can be found at slocleanair.org/business/asbestos.php.

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Construction Phase Idling Limitations

This project is in close proximity to nearby sensitive receptors (Residences, Bayside Care Center, Casa de Flores, Lila Keiser Park, Morro Bay High School, etc.). Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions:

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To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

1. California Diesel Idling Regulations
   a. ***On-road diesel vehicles*** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor

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vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:

1. Shall not idle the vehicle's primary diesel engine for greater than 5-minutes at any location, except as noted in Subsection (d) of the regulation; and,
2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

b. ***Off-road diesel equipment*** shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the CARB In-Use Off-Road Diesel regulation.

c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.

d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/factsheet.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

AND

2. Diesel Idling Restrictions Near Sensitive Receptors (Residences, Bayside Care Center, Casa de Flores, Lila Keiser Park, Morro Bay High School, etc.)
In addition to the state required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
   a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
   b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
   c. Use of alternative fueled equipment is recommended; and
   d. Signs that specify the no idling areas must be posted and enforced at the site.

Demolition/Asbestos

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). **If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to:

1) Written notification, within at least 10 business days of activities commencing, to the APCD;
2) Asbestos survey conducted by a Certified Asbestos Consultant; and,
3) Applicable removal and disposal requirements of identified ACM.

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Please contact the APCD Engineering & Compliance Division at (805) 781-5912 or go to slocleanair.org/rules-regulations/asbestos.php for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of slocleanair.org/library/download-forms.php. 17 cont.

Lead During Demolition

Demolition of structures coated with lead-based paint is a concern for the APCD. Improper demolition can result in the release of lead-containing particles from the site. Sandblasting or removal of paint by heating with a heat gun can result in significant emissions of lead. Therefore, proper abatement of lead before demolition of these structures must be performed to prevent the release of lead from the site. **Depending on removal method, an APCD permit may be required. Contact the APCD Engineering & Compliance Division at (805) 781-5912 for more information. For additional information regarding lead abatement, contact the San Luis Obispo County Environmental Health Department at (805) 781-5544 or Cal-OSHA at (818) 901-5403. Additional information can also be found online at** www.epa.gov/lead. 18 19

Construction Permit Requirements

Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by CARB) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook. 20

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at (805) 781-5912 for specific information regarding permitting requirements. 21

OPERATIONAL PHASE IMPACTS

Based on the DEIR operational phase emission estimates, the operational phase would likely be less than the APCD's significance threshold values identified in Table 3-2 of the CEQA Air Quality Handbook. **Therefore, with the exception of the requirements below, the APCD is not requiring other operational phase mitigation measures for this project.** 22

Operational Permit Requirements

Operational sources may require APCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as 23

exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the APCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Chemical product processing and or manufacturing;
- Electrical generation plants or the use of standby generator;
- Pipelines;
- Public utility facilities;
- Boilers;
- Internal combustion engines;
- Sterilization units(s) using ethylene oxide and incinerator(s);
- Cogeneration facilities; and
- Wastewater treatment plants.

23 cont.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.**

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Nuisance

Odor from wastewater treatment activities has the potential to become a public nuisance. As defined in APCD's Rule 402, a person shall not discharge, from any source whatsoever, such quantities of air contaminant or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safely of any such persons or public, or which cause or have a natural tendency to cause, injury or damage to business or property. **If this project causes nuisance impacts, the project proponent needs to proactively take steps to reduce these impacts**.

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Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,

Vince Kirkhuff

Vince Kirkhuff
Air Quality Specialist

cc: Tim Fuhs, Enforcement Division, APCD
Gary Willey, Air Pollution Control Officer, APCD

Attachments:

1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

Naturally Occurring Asbestos
Construction and Grading Project Form

Applicant Information/Property Owner		**Project Name**	
Address		**Project Address**	
City, State, Zip		**City, State, Zip**	
Email for Contact Person		**Project Site Latitude, Longitude**	**Assessors Parcel Number**
Phone Number	**Date Submitted**	**Agent**	**Phone Number**

Check Applicable	DESCRIPTION (attach applicable required information)	APCD REQUIREMENT 1	APCD REQUIREMENT 2
	Project is subject to NOA requirements but NOT disturbing NOA (See Website Map) **slocleanair.org/rules-regulations/asbestos/noa.php**	Geological Evaluation	Exemption Request Form
	Project is subject to NOA requirements and project is disturbing NOA – more than one acre	Geological Evaluation	Dust Control Measure Plan
	Project is subject to NOA requirements and project is disturbing NOA – one acre or less	Geological Evaluation	Mini Dust Control Measure Plan

Please note that the applicant will be invoiced for any associated fees.

REQUIRED APPLICANT SIGNATURE:

Legal Declaration/Authorized Signature

Date

APCD OFFICE USE ONLY				
Geological Evaluation	**Exemption Request Form**	**Dust Control Measure Plan**		**Monitoring, Health and Safety Plan**
Approved Yes ☐ No ☐	Approved: Yes ☐ No ☐	Approved: Yes ☐ No ☐		Approved: Yes ☐ No ☐
Comments:	Comments:	Comments:		
APCD Staff:	Date Received:	Date Reviewed	OIS Site #	OIS Proj #
Invoice No.	Basic Fee	Additional Fees	Billable Hrs	Total Fees

T 805.781.5912 **F** 805.781.1002 **W** slocleanair.org 3433 Roberto Court, San Luis Obispo, CA 93401

SLO COUNTY apcd | Air Pollution Control District
San Luis Obispo County

Naturally Occurring Asbestos
Construction & Grading Project Exemption Request Form

Applicant Information/ Property Owner		**Project Name**	
Address		**Project Address**	
City, State, Zip		**City, State, Zip**	
Email Address		**Project Site Latitude, Longitude**	**Assessors Parcel Number**
Phone Number	**Date Submitted**	**Agent**	**Phone Number**

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout **"ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements." See the APCD Website map: slocleanair.org/rules-regulations/asbestos/noa.php**

NOTE: A basic exemption evaluation fee of $187.50 will be charged.

APPLICANT MUST SIGN BELOW:

I request the San Luis Obispo County Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.

Legal Declaration/Authorized Signature _____ Date: _____

OFFICE USE ONLY - APCD Required Element – Geological Evaluation			
Date Received:	Date Reviewed:	OIS Site #:	OIS Project #:
	APCD Staff:	Approved	Not Approved
Comments:			

T 805.781.5912 **F** 805.781.1002 **W** slocleanair.org 3433 Roberto Court, San Luis Obispo, CA 93401

Air Pollution Control District
San Luis Obispo County

Naturally Occurring Asbestos (NOA) Fees

Projects where Naturally Occurring Asbestos such as serpentine rock is likely to be found are subject to the State Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations. Grading projects in the APCD planning area for serpentine rock will require prior District approval of an exemption from the ATCM or an Asbestos Dust Mitigation Plan

Effective June 22, 2016, the revised project review fees by the San Luis Obispo County Air Pollution Control District (APCD) are as follows:

	Basic Fee				Additional Fee	
	Geological Evaluation & Full Exemption	Geological Evaluation & Conditional Exemption	Geological Evaluation & one (1) acre or less	Geological Evaluation & more than one (1) acre	Dust Control Plan Review and Approval	Dust Control Plan Review & Approval with Monitoring
Construction, Grading, Roads, Surface Mining, & Quarrying in Serpentine	$187.50	$250.00	$312.50	$312.50	$125.00	$250.00

Prior to any grading activities at your site, a geologic analysis may be necessary to determine if serpentine rock is present. All subject project applicants should complete an exemption form or the Construction and Grading Project form. These forms, maps, and additional information can be found on the District web site at: www.slocleanair.org

In order to process the review of your project in the shortest time possible, please contact the District immediately at 805-781-5912

Please note that any necessary San Luis Obispo County Air Pollution Control District staff time or resources expended to provide state regulation compliance determinations to any person, regardless of permit status, may be charged at a rate which reflects labor costs as set by the Air Pollution Control Board and actual costs incurred by the APCD.

Comment Letter – San Luis Obispo County Air Pollution Control District (APCD)

Response to APCD-1

The City thanks the APCD for review of its Draft EIR. The comment is noted.

Response to APCD-2

The City acknowledges the APCD's role in the CEQA process and will address action items related to construction and operational impacts in the comment letter.

Response to APCD-3

Pages 3.3-19 and 3.3-20 in Chapter 3.3 Air Quality of the Draft EIR state that the project would implement on-site mitigation measures consistent with APCD requirements to reduce ROG, NOx, and diesel particulate matter during construction activities, these measures are found in **AQ-1b: Standard Control Measures for Control Equipment, AQ-1c: BACT for Construction Equipment, and AQ-1d: Architectural Coatings.** With the implementation of these mitigation measures, construction phase impacts would be below APCD levels of significance as shown in Table 3.3-5 in Chapter 3 Air Quality of the Draft EIR.

Response to APCD-4

The following has been added to the Draft EIR, Chapter 3.3 Air Quality, on page 3.3-19 in response to APCD's comment:

> **AQ-1c: BACT for Construction Equipment.** The following BACT for diesel-fueled construction equipment shall be implemented during construction activities at the project site, where feasible:
>
> - Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines where feasible;
> - Prior to commencement of construction activities, the applicant shall submit a list of equipment to be used on the project to the APCD. The list would include details of each piece of equipment, including: equipment serial number, engine model year, engine emission tier, and emission family for each. If the list contains other than Tier 4 equipment, a revised CalEEMod run for annual mitigated construction emissions, using the list of specific equipment proposed for the project and demonstrating quarterly emissions below the APCD thresholds of significance shall then be submitted.

Response to APCD-5

The mitigation measures are included in the Draft EIR, Chapter 3.3 Air Quality, on pages 3.3-19 and 3.3-20. No changes are required in response to this comment.

Response to APCD-6

The mitigation measures are included in the Draft EIR, Chapter 3.3 Air Quality, on page 3.3-20. No changes are required in response to this comment.

Response to APCD-7

The following has been added to the Draft EIR, Chapter 3.3 Air Quality, on page 3.3-18 in response to APCD's comment:

> The following mitigation measures are required to reduce construction emissions of ROG, NO_X, and DPM. Although the proposed project's fugitive dust emissions would not exceed Tier 1 or 2 thresholds, SLOAPCD requires any project with grading areas greater than 4.0 acres or that are within 1,000 feet of any sensitive receptor to implement standard fugitive dust mitigation measures. Therefore, Mitigation Measure AQ-1a is also required. Those mitigation measures would help manage fugitive dust emissions such that the Project's fugitive dust emissions would not exceed the APCD's 20 percent opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).
>
> **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;
> - Use of water trucks or sprinklers in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. ~~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~~;~~ and in order to conserve water used for dust control, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible. Potential dust suppressants to select from to mitigate dust emissions can found at the link below:
>
>   http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm
> - All dirt stock pile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;
> - "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto nay highway or street as described in California Vehicle Code Section 23113 and California Water Code. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. The Project shall install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track out prevention device' can be device or combination of devices that are effect at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices

need periodic cleaning to be effective. If paved roads accumulate track out soils, the track out prevention device may need to be modified;

- 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 for greater than 3 minutes in any 60-minute period, 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 SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.

Response to APCD-8

Pages 3.3-22 and 3.3-23 of the Draft EIR, Chapter 3.3 Air Quality, acknowledges the proposed project site is in an area that is known to contain naturally occurring asbestos (NOA) and may encounter NOA during excavation and grading activities.

Response to APCD-9

Page 3.3-23 of the Draft EIR, Chapter 3.3 Air Quality, acknowledges that a geologic evaluation would be required to determine if the area disturbed is exempt from the NOA Air Toxics Control Measure (ATCM). If determined the area is not exempt, then the City will develop a comprehensive removal plan in accordance with the NOA ATCM for the proposed project.

Response to APCD-10

The City acknowledges diesel powered construction activities shall implement mitigation measures to reduce sensitive receptor exposure to diesel emissions. Mitigation measures to reduce diesel emissions are described in **AQ-1b: Standard Control Measures for Construction Equipment** and **AQ-1c: BACT for Construction Equipment** of the Draft EIR, Chapter 3.3 Air Quality on pages 3.3-19 and 3.3-20.

Response to APCD-11

Mitigation measures to reduce diesel idling emissions are described in the Draft EIR, Chapter 3.3, Air Quality on pages 3.3-19 and 3.3-20. These include **AQ-1b: Standard Control Measures for Construction Equipment** and **AQ-1c: BACT for Construction Equipment**.

Response to APCD-12

Page 3.3-19 of the Draft EIR, Chapter 3.3 Air Quality, incorporates **AQ-1b: Standard Control Measures for Construction Equipment.** AQ-1b includes a mitigation measure that limits all on- and off-road diesel equipment idling to no more than 5 minutes. No changes are required in response to this comment.

Response to APCD-13

Page 3.3-19 of the Draft EIR, Chapter 3.3 Air Quality, incorporates **AQ-1b: Standard Control Measures for Construction Equipment**. AQ-1b includes a mitigation measure that signs would be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5-minute idling limit. No changes are required in response to this comment.

Response to APCD-14

This City acknowledges the APCD's information for where truck idling requirements and exceptions can be found. Comment is noted.

Response to APCD-15

Mitigation measures to reduce diesel emissions are described in the Draft EIR, Chapter 3.3 Air Quality, on pages 3.3-19 and 3.3-20. These include **AQ-1b: Standard Control Measures for Construction Equipment** and **AQ-1c: BACT for Construction Equipment**. No changes are required in response to this comment.

Response to APCD-16

The City acknowledges the APCD's concerns for potential asbestos emissions from the project's demolition activities. Comment is noted.

Response to APCD-17

The following has been added to the Draft EIR, Chapter 3.3 Air Quality, on page 3.3-22 in response to APCD's comment:

> <u>If it is determined asbestos containing materials (ACM) would be removed as part of the proposed project's demolition phase, then the City will have the ACM removed in accordance with APCD regulations, as well as the requirements found in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M-asbestos NESHAP). Those requirements include, but are not limited to:</u>
>
> <u>1. Written notification, within at least 10 business days of activities commencing, to the APCD;</u>
>
> <u>2. Asbestos survey conducted by a Certified Asbestos Consultant; and,</u>
>
> <u>3. Applicable removal and disposal requirements of identified ACM.</u>

Response to APCD-18

The City acknowledges the APCD's concerns for potential lead emissions from the project's demolition activities. Comment is noted.

Response to APCD-19

The following has been added to the Draft EIR, Chapter 3.3 Air Quality, on page 3.3-22 in response to APCD's comment:

> If it is determined that existing structures to be removed are coated with lead-based paint, then the construction manager shall consult with the APCD to determine if a permit is required for the lead abatement.

Response to APCD-20

Project construction equipment would not include portable equipment with a horsepower greater than 50. Based on this, a California statewide portable equipment registration (issued by CARB) or an APCD permit would not be required for any construction equipment.

Response to APCD-21

This City acknowledges APCD information to minimize potential construction delays. Comment is noted.

Response to APCD-22

The City acknowledges the comment submitted by APCD. The comment has been noted.

Response to APCD-23

As stated on page 3.3-23 of the Draft EIR, Chapter 3.3 Air Quality, the project's backup generators would comply with APCD's Rule 204, which requires the backup generators to be equipped with BACT and RACT.

Response to APCD-24

The proposed project's backup generators would emit 60 pounds of diesel particulate matter per year. Based on this, the proposed project should be prioritized or screened for facility wide health risk impacts. The City will evaluate potential health risk impacts from the backup generators and implement measures in order to comply with the APCD's health risk significance thresholds.

Response to APCD-25

As stated on pages 3.3-23 through 3.3-25 of the Draft EIR, Chapter 3.3 Air Quality, the project would not affect a substantial number of people with objectionable odors during construction or operations activities.

The City appreciates the comments submitted by APCD. The comment has been noted.

CSD

Rob Livick, P.E.
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442
rlivick@morrobayca.gov

RE: Morro Bay Water Reclamation Facility Draft Environmental Impact Report

- *SCH #2016081027*

Dear Mr. Livick:

In response to the draft Environmental Impact Report prepared on behalf of the City of Morro Bay (the "City") for its Water Reclamation Facility project, the Cayucos Sanitary District (the "District") provides the following comments.

1. In section 2.4, the project description includes the following: "Brine produced by the treatment process will be discharged to the existing ocean outfall." The District is concerned that brine disposal through the jointly owned ocean outfall may damage and otherwise affect the integrity of the outfall. As you know, the 1993 Settlement Agreement between the District and Morro Bay specifically prohibited use of the jointly owned wastewater treatment plant and outfall for the treatment or discharge of any wastewater from the City's desalination plant, regardless of whether the feed water is brackish water, seawater or any other type of feed water. This issue has never been resolved and there is insufficient data to support use of the jointly owned outfall for this purpose. The District feels strongly that a comprehensive analysis is needed to determine whether the outfall can or should be used for brine disposal. Ultimately, use of the outfall for brine disposal will need to be determined by agreement between the City and the District. 1

2. In section 2.5.3, the project description of the construction activities in decommissioning the existing jointly owned treatment plant includes the following:

> Complete demolition and removal of all structures from the site, except for the outfall air release structure and potentially the headworks/influent lift station. Facilities to remain are expected to be upgraded and used as a part of the proposed project.

More information is necessary to explain why the jointly owned outfall air release structure and headworks/influent lift station are being left in place. How will they be used? In addition to unstudied impacts related to continued use of these jointly owned structures and facilities, there are significant regulatory and liability issues. Ultimately, the decommissioning construction activities will need to be determined by agreement between the City and the District. 2

3. In section 2.5.3, the project description of the construction activities in decommissioning the existing jointly owned treatment plant includes the following: 3

Structures and equipment will be completely removed above and below grade. Buried pipe deeper than 6 feet will be filled with a cement slurry and abandoned in place. Trenches and excavation will be backfilled and compacted structural fill and brought up to grade. Equipment will be disposed of or salvaged per the recommendations in the draft FMP.

The District understands that for CEQA purposes, it is important to study the worst-case scenario and that appears to be what was done here. The site and the treatment plant are jointly owned by the City and the District. Ultimately, the decommissioning construction activities will need to be determined by agreement between the City and the District.

3 cont.

As you know, section 14 of the Joint Powers Agreement for the Ownership, Operation and Maintenance of Wastewater Treatment Facilities states, "No relocation, reconstruction, *alteration to*, addition to, or replacement of any portion of the wastewater treatment plant shall occur without the prior written approval by Morro Bay and Cayucos." (Emphasis added.)

Thank you for considering these comments.

Sincerely,

Rick Koon

Rick Koon
District Manager, Cayucos Sanitary District

Cc: Timothy J. Carmel, District Counsel

Comment Letter – Cayucos Sanitary District (CSD)

Response to CSD-1

Currently, the existing ocean outfall that is used to discharge effluent from the existing MBCSD WWTP is not used for discharge of wastewater from the City's desalination plant. That existing condition will not be altered by the proposed project. Similar to the CSD's Sustainable Water Project, which proposes to use the existing MBCSD WWTP outfall to discharge brine and tertiary-treated effluent from its new plant, the City's proposed WRF will also discharge brine and tertiary-treated and advanced treated effluent through the existing WWTP ocean outfall.[3] The 1993 Settlement Agreement that pertains to the desalination plant outfall is not applicable to this project. The City owns 65% of the MBCSD WWTP outfall capacity, and the CSD owns 35% of the MBCSD WWTP outfall capacity. The City's continued use of the outfall to that capacity for brine and tertiary-treated effluent would continue to be allowed with no changes to that agreement. However, CSD and the City will need to agree to the process and funding for the decommissioning and demolition of the WWTP and reuse of that site and will memorialize or modify each entity's continued authority to use the outfall.

Response to CSD-2

The continued use of the MBCSD WWTP outfall by the City and CSD requires maintaining the existing outfall air release structure. The existing headworks/influent lift station will remain part of the City's proposed project as described in the Draft EIR Chapter 2. Since those facilities will remain in their current location, there are no unstudied impacts associated with their continued use.

Decommissioning construction activities will require coordination between the CSD and City, but the range of decommissioning activities would not result in environmental impacts that exceed those analyzed in the Draft EIR.

Response to CSD-3

Please refer to Response to CSD-2.

[3] Cayucos Sustainable Water Project, Draft Environmental Impact Report, prepared for Cayucos Sanitary District by Firma Consultants, Inc., January 2017.

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
MARVIN A. ROSE, *INTERIM DIRECTOR*

May 18, 2018

John Rickenbach
Program Manager
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Subject: Planning and Building Comments on the Morro Bay Water Reclamation Facility Draft Environmental Impact Report (2043)

Dear Mr. Rickenbach,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Morro Bay Water Reclamation Facility.

The City of Morro Bay is the Lead Agency on the project as it is the primary public agency responsible for implementing the project. The County of San Luis Obispo is a Responsible Agency since it has land use authority in the unincorporated areas of the county and will be issuing permits for the project (only WRF facility site). The County anticipates using the City's EIR as the environmental determination for the required permits and will incorporate the recommended mitigation measures into the County's condition of approval. The Department of Planning and Building understands the project involves construction of the treatment plant in the county's unincorporated area within the Coastal Zone. Development in the Coastal Zone will require a Development Plan / Coastal Development Permit and will be subject to the County's Local Coastal Plan, including Title 23 (Coastal Zone Land Use Ordinance), Coastal Plan Policies, and the Estero Area Plan. 1

The City of Morro Bay is proposing to construct and operate a water reclamation facility (WRF) on an approximately 10-15 acre area of a 396 acre parcel in an agricultural area. The project site is near Highway 1 and the northern end of South Bay Boulevard, within the unincorporated area of San Luis Obispo County. In addition to the new WRF, the proposed project would include (i) administration, operations and maintenance (O&M) buildings at the WRF site, (ii) a new collection system including a lift station and pipelines to convey raw/treated wastewater flows to/from the new WRF and (iii) a new distribution system to convey recycled water from the WRF to new injection wells in the Morro Valley. The WRF location is within the County jurisdiction and all other project components are within the city boundaries. The Planning & Building Department has reviewed the draft environmental impact report (DEIR) and the following comments address both project description and the environmental assessment information.

A. PROJECT DESCRIPTION

Project Description Section 2.4

1. The discussion for the WRF in the DEIR focused on the description, construction and operation of the treatment facility and O&M buildings. Per the Facility Master Plan (Nov 2016), the WRF includes office space, storage, indoor work spaces, and parking for future relocation of other Public Works Department staff from the city. Co-locating other City operation and maintenance facilities at the WRF will be developed during site planning and constructed with the treatment plant.

   Please provide additional information in the DEIR discussion on the anticipated impacts related to the traffic and services capacity (water, sewer) for both WRF/ O&M scenario and also, the full buildout and consolidated PW operations in the future. 2

2. Please provide more information related to the off-site dirt hauling trips and locations, areas of disturbance particularly near the creek/ drainage area, and any identified areas for staging and storage of construction equipment / materials during the construction period. Exported fill/spoil locations may require permits from the County and may have secondary impacts in issue areas such as: Agricultural Resources, Cultural Resources, Biological Resources and Air Quality (dust). If it is impossible to identify sites at this time, criteria for evaluating and selecting site should be included as well as any BMPs related to placement of the export/fill. 3

3. The City indicated the WRF will be located on a small portion (10 -15 acre) area on a 396-acre parcel in the agricultural area within the County. Discussion on the creation of this new Public Facility lot, applicable entitlement process and permitting agencies, and compliances with relevant County coastal policies and standards for agricultural lands should be included. 4

B. DRAFT ENVIRONMENTAL IMPACT REPORT

Aesthetics

Regulatory Framework Section 3.1.2

The WRF site is located within the Estero planning area and is subject to standards for Sensitive Resource Area (SRA) and Geologic Study Area (GSA) combining designations including protection of the Morro Area SRA critical viewsheds along Highway 1. The Coastal Zone Land Use Ordinance Section 23.04.210- Visual Resources consists of critical viewshed protection standards. It is recommended that the Regulatory Framework Section include these standards in the discussion. 5

Impacts and Mitigation Measures Section 3.1.3
Per Section 23.04.210 visual protection policies require findings that no other sites are feasible in the area and additional mechanism i.e. open space perseveration will be utilized in the protection of visual resources in the coastal zone. The impact analysis discussion should include supplemental information to clarify how the standards / requirements of the CZLUO is met. In addition, the implementation of specific design criteria discussed in the DEIR Visual Character (Impact 3.1-3) should be expanded to include measurable mitigations with performance criteria such as color chromas, screening trees or landscaping, retaining wall treatments, grading BMPs, and building outline/ roofline limitations to address visual and silhouetting impacts to ensure visual compatibility with surrounding agrarian landscape and elements. 6

Agriculture and Forestry Resources
The following comments are supplementary to the SLO County Agriculture Department letter dated May 16, 2018.

Regulatory Framework Section 3.2.2
The County coastal agriculture policies establish clear standards and criteria for allowable non-agricultural uses on agricultural land, maintenance and division of agricultural land (Policy 1 to 3). These provisions are granted on the premise that the site is classified as non-prime agricultural land. The discussion in the DEIR should be expanded to include Policy 2 and 3, clear evidence of meeting the non-prime land criterion and requirements for establishing non-agricultural uses, and the conversion (subsequent land division of the WRF site lot) will not compromise the overall agricultural viability of the resulting parcel(s) pursuant to Section 23.04.024 and Section 23.04.050 of the CZLUO. 7

Impacts and Mitigation Measures Section 3.2.3
As discussed in the Conversion to Non-Agricultural Use (Impact 3.2-5), the implementation of the proposed WRF would convert up to approximately 4% of the 396-ac parcel to non-agricultural use. The County Coastal Agriculture Policy 3 for Non- Agricultural Uses outlined requirements for development proposals on agriculturally designated areas to not exceed 2% of the gross acreage of the parcel(s) and the utilization of conversation easements as way to protect viable agricultural lands. Please provide supplemental information to support the overage conversion and protection mechanism(s) consistent with the County coastal ordinance and policies. 8

Biological Resources
Regulatory Framework Section 3.4.2
The County's coastal policies, standards and required findings pertaining to Environmentally Sensitive Habitat Areas (ESHA) protection and development limitations in Sensitive Resource Areas (SRA) are widely encompassed in several documents: LCP ESHA policies, CZLUO Section 23.07.160 -174, Section 23.08.288 Public Utility Facilities (when located in sensitive areas) and 9

the local Estero Planning Area standards. It is recommended that the discussion in this section be fully expanded to outline the required findings as the basis for the following discussions in the Impacts and Mitigation Measures section.

Impacts and Mitigation Measures Section 3.4.3

1. The overall discussion in this section should be expanded with more evidence supporting the required findings for development in environmentally sensitive habitat areas pursuant to the LCP ESHA policies, CZLUO Section 23.07 SRA and ESHA policies, and Section 23.08.288 Public Utility Facilities. Note per the Section 23.08.288 standard (d), the standard for development in an environmentally sensitive area required evidence of a feasibility study showing constraints and alternate location(s) analyses. Discussion on alternate sites can be expanded in other sections in the DEIR as applicable but should include adequate site-specific information to meet the aforementioned policies and required findings. *Note: The site is within the Sensitive Resource Area combining designation based on the coastal visual resource criteria as outlined in the local Estero Area Plan.* 10

2. It appears that no Morro Shoulderband Snail (MSS) surveys were undertaken at the WRF site. Please expand the discussion to include the criteria and/or parameters taken to evaluate the need for the MSS survey at the WRF location. 11

3. Per the biologist report (Merck, 2017), the WRF study area is considered ESHA due to the presence of the special-status plan species, San Luis Obispo Owl's Clover within bunches of native purple needle grass communities (0.48 ac). However, these bunches are located outside the facility area. In addition, suitable serpentine rock outcrop and soil types to support other special status species are found on the site and the facility area. Please provide more information on why the ESHA designation is not applicable at the WRF area and no impacts are anticipated. 12

4. The biological mitigation measures should include recommended measures by the biologist (Merck, 2017) including and not limited to: rare plant and habitat mitigation and monitoring plans, pre-construction surveys for the special status plants at the WRF site, redesign to avoid impacts, relocation of species and/or implementation of the mitigation plans if avoidance cannot be achieved. 13

5. Construction associated with the road, utility and pipe trenching and stormwater/ drainage improvements (i.e. swales, outfalls, or discharge points) may impact the nearby drainage channel and Chorro creek bank. Discussion of the Wetlands Impact 3.4.3 and mitigation measures should cover construction impacts at the WRF site including and not limited to: the full buildout development area, access road and stormwater/ drainage. 14

6. The BIO-8 mitigation measure should be expanded to include compliances with SLO County CZLUO Section 23.05.020 Grading standards and required setbacks from environmentally sensitive habitats. 15

7. The discussion on drainage and erosion control should include SLO County Department of Public Works coordination and review of the SWPPP document in conjunction with the City of Morro Bay during the coastal development permit process and prior to construction activities. 16

Cultural Resources

Regulatory Framework Section 3.5.2

The County Local Coastal Plan policies and CZLUO Section 23.07.104 set forth standards for protecting cultural resources in the coastal zone. In addition, State statute requirements for Native American consultations per Assembly Bill 52 should be mentioned in this section. It is recommended that these policies and standards be included in the regulatory framework discussion. 17

Impacts and Mitigation Measures Section 3.5.3

The DEIR outlined several cultural mitigation measures to reduce the overall anticipated impacts to the cultural resources for the whole project. Though the WRF site is considered having low potential for cultural impacts, the County recommends the mitigation measures to include co-joint County review and approval as these are applicable mitigation measures for the WRF site. In addition, compliance with AB52 Native American consultation process and outcomes should be added to the impact discussions. 18

Hydrology and Water Quality

Regulatory Framework Section 3.9.2

The overall project aspects such as the injection wells and the WRF stormwater drainage system are features that will affect both underlying Morro and Chorro groundwater basins. Construction of the WRF access road and offsite improvements are close to the ephemeral drainage leading to the Chorro Creek. The County LCP Watershed policies outline standards and criterion for new development siting, grading, drainage and erosion control, water extraction and monitoring, and groundwater preservation including a county/city joint groundwater management for the Morro and/or Chorro Basin. The Estero Area Plan also requires any development within the Morro and Chorro Basins to evaluate potential impacts of development on groundwater resources. 19

It is highly recommended to expand the discussion here to include the aforementioned policies and standards as the basis for the following discussions in the Impacts and Mitigation Measures Section.

Impacts and Mitigation Measures Section 3.9.3

1. There are surrounding agricultural county lands within the Morro Basin that will be both directly and indirectly affected by this project. The discussion in this section should be expanded to include supplemental information regarding anticipated impacts to the groundwater basins consistent with the requirements of the LCP policies and the Estero Area Plan standards, particularly on the urban and agricultural/ rural extractions for both existing and future growth scenarios. The discussion should also include relevant information to meet the LCP requirement for a joint groundwater management program which provides for agricultural demand and phased urban growth consistent with available groundwater resources and aquatic habitat protection. 20

2. Due to the design build approach to the WRF, the final construction scope and design details may not be available at this stage. As proposed, the construction and operations of the WRF may require potential offsite drainage, onsite stormwater retention and roadway grading adjacent to drainage banks. These activities and potential spills may have significant impacts on the overall watershed and groundwater basin. Discussion should be expanded to include potential impacts offsite and to the groundwater basin; and if possible, specific mitigation criterion to mitigate the impacts other than state permitting compliances. 21

Transportation and Traffic

The analysis incorporates data for truck and 4 maintenance employee trips at the WRF site. Please include supplemental information and analysis for the full buildout and a future consolidated Public Work's operation scenario at the WRF facility as described in the WRF Master Plan (2017). 22

Air Quality and Odor

The WRF construction is anticipated to be over a 3-year period and is adjacent to the Bayside Care Center, a sensitive receptor within close proximity. Given the WRF construction is anticipated to last more than one quarter and exceeds SLOAPCD's Tier 1 thresholds, the project will be subject to SLOAPCD's Standard Mitigation Measures and BACT for construction equipment. The County recommends the City consider preparing an overall construction and operational air quality plan that includes (not limited to): fugitive dust control measures, standard control measures for construction equipment, BACT for construction equipment, architectural coating emission limits, and provisional mitigations for odor treatment systems and control technology for future odor abatement, as applicable. This air quality plan should be made available for review and approval by County Planning in consultation with APCD. 23

Alternatives

Per the County's Estero Area Plan, the proposed WRF area is within the Sensitive Resource Area (SRA) combining designation, which includes the Critical Viewsheds for the Morros areas, natural landmarks, locations of important plant and animal habitats, and watershed resources. The allowance of Public Utility Facility development in sensitive areas such as on prime agricultural soils, Sensitive Resource Areas, Environmentally Sensitive Habitats is based on a required finding that there is no other feasible location on or off site the property. It is recommended that the discussion in this section be augmented with supplemental information establishing the feasibility of alternate WRF locations in respect to relevant County LCP policies and CZLUO standards for environmentally sensitive habitats protection. 24

We look forward to reviewing the Final EIR prior to its certification. If you need clarification or additional information regarding any of the information provided in this letter, please do not hesitate to contact me at ssiong@co.slo.ca.us or (805) 781-4374.

Sincerely.

Schani Siong
Senior Planner

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES
Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: **May 16, 2018**

TO: **Rob Livick, Public Works Director, City of Morro Bay**

FROM: **Lynda L. Auchinachie, Agriculture Department, San Luis Obispo County**

SUBJECT: **Morro Bay Water Reclamation Facility Draft Environmental Impact Report (2043)**

The City of Morro Bay is proposing to construct and operate a water reclamation facility (WRF) on an approximately 10 to 15-acre area of a 396-acre parcel in an agricultural area. The project site is near Highway 1 and the northern end of South Bay Boulevard, within San Luis Obispo County. The WRF will also include new pipelines and an injection well at other locations within city boundaries. The Agriculture Department has reviewed the draft environmental impact report (DEIR) and has the following comments associated with agricultural:

Environmental Setting Section 3.2.1

1. The project includes annexation to the City of Morro Bay through the Local Agency Formation Commission (LAFCO) process. The associated Cortese-Knox-Hertzberg Local Government Reorganization Act's definition of "prime agricultural land" as defined in Government Code 56064 includes: 25

   "Prime Agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

   a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, *whether or not land is actually irrigated, provided irrigation is feasible.*

   It is recommended that the discussion of prime agricultural land at the location of the WRF, on page 3.2-1, be expanded to discuss irrigation feasibility relative to the definition above.

2. Both the County and the City have coastal and agricultural land use policies aimed at protecting agricultural resources and operations from incompatible uses. Established policies require non-agricultural uses to be compatible with agricultural uses on surrounding lands. Additionally, the CEQA significance criteria in Section 3.2.3 addresses potential incompatibility by evaluating changes in the existing environment which, due to their location or nature, could result in conversion to non-agricultural uses. 26

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To provide a better understanding of the agricultural setting in which the WRF is located, a discussion of the Maino Ranch and its associated conservation easement located on over 1,800 acres of rangeland adjacent to the WRF site is recommended. The intent of the easement is to preserve the land for continued agricultural uses such as the current cow-calf operation. The area closest to the WRF is used for calving and this process could easily be disrupted by intensified activity associated with the WRF. Inclusion of the recommended additional information would enable evaluation of such incompatibilities and ensure the facility has been designed and/or mitigated to be compatible with surrounding agriculture.

Regulatory Framework Section 3.2.2

3. The County's Agriculture Element and LAFCO agricultural policies address land use incompatibility issues associated with the development of non-agricultural uses within an agricultural area. It is recommended that the Regulatory Framework Section 3.2.2 include the County's Agriculture Element AGP17 – Agricultural Buffers and relevant LAFCO agricultural policies.

Impacts and Mitigation Measures Section 3.2.3

4. The impact analysis for the conversion of prime farmland should be expanded to address LAFCO definition as necessary.
5. It appears the project has incorporated design elements that reduce impacts to agricultural resources, including but not limited to:
    - *Elimination of the corporation yard* which results in the reduction of the amount of agricultural land converted as well as significantly reduces the intensity of activity and uses (e.g. reduce traffic, noise, movement etc.) at the site and, therefore, incompatibilities.
    - *Buffering* neighboring agricultural uses by locating the operational portion of the facility more than 50 feet away. Based on the lower intensity use due to the elimination of the corporate yard, this separation helps reduce incompatibilities.
    - *Fencing* the entire treatment plant and access road allows for both the continuation of cattle grazing and reduction of trespass and other nuisance issues. While the type of fencing was not identified, it is recommended that adjacent ranchers be consulted to ensure fencing adequately addresses potential incompatibilities.

    Discussion of these project components in the impacts analysis and in the context of land use policies will provide additional clarity regarding project impacts.
6. The construction phase of the project could present several challenges to neighboring agricultural operators. It is recommended that coordination between neighboring ranchers

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and project management occur on a regular basis to ensure project construction impacts are minimized.

Section 3.4 Biological Resources

7. Development in agricultural areas, particularly pipelines, can result in the establishment and spread of noxious weeds on surrounding rangeland or fields. This potential impact should be discussed and appropriate mitigation identified. At a minimum, the mitigation should include the preparation and implementation of a weed control plan by a qualified biologist for invasive weed control and abatement.

Thank you for your consideration. If you have questions, please call 781-5914.

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Comment Letter – County of San Luis Obispo Department of Planning & Building and County of San Luis Obispo Department of Agriculture (County)

Response to County-1

The City thanks the County for its review of the Draft EIR. The comment is noted.

Response to County-2

Since the completion of the draft Facility Master Plan (FMP) in early 2016, the proposed project has been refined to eliminate the Corporation Yard facilities. There is no future project envisioned at this time that would include "full buildout and consolidated PW operations" as mentioned in the comment. As stated in the Draft EIR on page 6-9:

> In October 2017, the City Council refined the proposed project goals to reflect concerns related to cost and the ability to implement the proposed project effectively and in a timely manner. As a result, the proposed project was refined not to include moving the City's Corporation Yard to the preferred WRF location, a concept that had been part of the facility design in the Facility Master Plan. That aspect of the proposed project was removed from the project goals – that is, to design the proposed WRF to allow for other City functions (Minutes – Morro Bay City Council Regular Meeting – October 24, 2017). Thus, the footprint of the proposed project was reduced accordingly with elimination of the Corporation Yard.

The description of the WRF/O&M buildings that would be included in the proposed project can be found in the Draft EIR, Chapter 2, Project Description. Refer to Chapter 3.14 Traffic and Transportation and Chapter 3.16 Utilities and Service Systems for impact analyses related to traffic and water and sewer service capacity for the proposed project.

Response to County-3

As stated in the Draft EIR on page 2-25, "[s]taging areas for construction are anticipated to be onsite for project components or within existing City properties or City rights-of-way." The construction contractor and the City and County will work together to identify areas for staging and storage of construction equipment, which may also include Caltrans rights-of-way, once the final design of the proposed project is determined. Construction-related off-site hauling trips are included in the Draft EIR in Section 2.5.3, including a summary table of haul trips in Table 2-6 on page 2-25.

The impact analysis in the Draft EIR has resulted in the inclusion of mitigation measures that identify best management practices (BMPs) for areas of disturbances near creeks and drainages and staging/stockpiling areas. The applicable mitigation measures include Mitigation Measures BIO-2: Avoidance and Protection of Biological Resources, and BIO-8: Construction BMPs to Protect Jurisdictional Features and Aquatic Habitat. Mitigation Measure BIO-8 identifies specific BMPs to be incorporated into the SWPPP that would minimize construction-related impacts to

jurisdictional features, such as that the Erosion Control Plan show all project stockpile and materials staging areas and ensure that these areas are 50 feet away from drainages and conform to BMPs.

Response to County-4

Please refer to Responses to **Master Response 2 – WRF Site and Annexation** and LAFCO-1 and LAFCO-3 regarding the creation of the new Public Facility lot for the proposed WRF and applicable entitlement process. Please refer to Response to LAFCO-6 and LAFCO-7 regarding agricultural County coastal policies and standards for agricultural lands.

Table 2-10 on page 2-33 of the Draft EIR identifies the required permits to construct the proposed project, including approvals and permits for constructing the WRF such as the Resolution of Determination for City annexation required by LAFCO, the Development Plan required by the County, and the Conditional Use Permit and General Plan/LCP Amendment for the City.

Response to County-5

The following text from the Coastal Zone Land Use Ordinance (CZLUO) Section 23.04.210-Visual Resources has been added to the Draft EIR, Chapter 3.1 Aesthetics, on page 3.1-8:

> The proposed WRF site is located within the Estero planning area and is subject to standards for Sensitive Resource Area (SRA), including protection of the Morro Area SRA critical viewsheds along Highway 1. Pursuant to Section 23.04.210 of the CZLUO, all new development must obtain a land use permit that includes a landscaping plan, grading and drainage plan, lighting plan, fencing plan, and visual analysis, including the use of story-poles as required, that is prepared by a licensed architect, a licensed landscape architect or other qualified professional acceptable to the Director of Planning and Building. The plans and visual analysis shall be used to determine compliance with the following standards:
>
> 1. **Location of development**. Locate development, including, but not limited to primary and secondary structures, accessory structures, fences, utilities, water tanks, and access roads, in the least visible portion of the site, consistent with protection of other resources. Emphasis shall be given to locations not visible from major public view corridors. Visible or partially visible development locations shall only be considered if no feasible non-visible development locations are identified, or if such locations would be more environmentally damaging. New development shall be designed (e.g., height, bulk, style, materials, color) to be subordinate to, and blend with, the character of the area. Use naturally occurring topographic features and slope-created "pockets" first and native vegetation and berming second, to screen development from public view and minimize visual intrusion.
>
> 2. **Structure visibility**. Minimize structural height and mass by using low-profile design where feasible, including sinking structures below grade. Minimize the visibility of structures by using design techniques to harmonize with the surrounding environment.

3. **Ridgetop development**. Locate structures so that they are not silhouetted against the skyline or ridgeline as viewed from the shoreline, public beaches, the Morro Bay estuary, and applicable roads or highways described in the applicable planning area standards in the area plans, unless compliance with this standard is infeasible or results in more environmental damage than an alternative.

4. **Landscaping for hillside and ridgetop development**. Provide screening of development at plant maturity using native vegetation of local stock, non-invasive, or drought-tolerant vegetation without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). The use of vegetation appropriate to the site shall be similar to existing native vegetation. Alternatives to such screening may be approved if visual impacts are avoided through use of natural topographic features and the design of structures. Provisions shall be made to maintain visual screening for the life of the development.

5. **Land divisions and lot-line adjustments - cluster requirement**. New land divisions and lot-line adjustments where the only building site would be on a highly visible slope or ridgetop shall be prohibited. Land divisions and their building sites that are found consistent with this provision shall be clustered in accordance with Chapter 23.04 or otherwise concentrated in order to protect the visual resources.

6. **Open space preservation**. Pursuant to the purpose of the Critical Viewshed or SRA to protect significant visual resources, sensitive habitat or watershed, open space preservation is a compatible measure. Approval of an application for new development in these scenic coastal areas is contingent upon the applicant executing an agreement with the county to maintain in open space use appropriate portions of the site within the Critical Viewshed or SRA (for visual protection). Guarantee of open space preservation may be in the form of public purchase, agreements, easement controls or other appropriate instrument approved by the Planning Director, provided that such guarantee agreements are not to provide for public access unless acceptable to the property owner or unless required to provide public access in accordance with the LCP.

Response to County-6

The Draft EIR includes a visual simulation of the WRF from vantage points along Highway 1 (see Figure 3.1-1). The visual simulation accounts for the proposed architectural design criteria for WRF structures included as part of the project description, as well as surrounding topography. The architectural treatments to be applied to the WRF are described as follows on page 2-14 of the Draft EIR:

> The overall impression of the architecture of the WRF complex would be intended resemble a dairy farm or ranch. Generally, the proposed building forms would be recognizably agricultural, using simple rectangular floor plates and gable roofs at varying slopes that reflect the use of the enclosed volumes. These building shapes would be articulated where appropriate with clerestories and roof vents. The orientation of and

relationship between roofs would be chosen to maximize solar exposure for the potential application of photovoltaics for power generation.

While the individual buildings would borrow their configuration from the agricultural model, exterior materials would be applied in response to functional requirements for durability and maintainability, and would produce a slightly more contemporary, less literal version of this building type. Roofs would be standing-seam metal, and walls would be a combination of exposed concrete masonry, metal siding, cement board siding, and plaster.

Colors would be selected for compatibility with the prevalent pattern along the neighboring stretch of Highway 1, such as red roofs and white or light brown walls to blend well with the surrounding environment, as seen at Cuesta College, Camp San Luis, and a number of the barns on farm properties. Tree plantings will further reinforce the historical settlement pattern of the area and provide some visual screening of structures, using drought tolerant species such as deodor cedar.

Additional mitigation measures with performance criteria for architectural design are not required. The impact analysis in the Draft EIR has determined that the proposed WRF with the architectural treatments would have less than significant impacts to scenic resources (see pages 3.1-11 through 3.1-21). Given the proposed siting of the WRF facilities, the visual simulation illustrates how the proposed WRF would be visible, albeit only momentarily, by motorists traveling both east and west along Highway 1. Given the architectural treatments applied to the proposed WRF in the visual simulation, the WRF would blend in with the character of the surrounding agrarian landscape. The WRF would be visible in front of hillsides but not silhouetted on top of a hillside.

As described in Response to CCC-5, the onsite siting of the WRF reflects consideration of, and minimization of, all environmental impacts related to construction and operation including excavation, grading, retaining, erosion, and avoidance of sensitive features including drainages and Environmentally Sensitive Habitat Areas (ESHA). That demonstrates there would be no conflict with CZLUO Section 23.04.210.

Response to County-7

The following text from Agricultural Policy 2 and 3 of the County of San Luis Obispo Local Coastal Program, Coastal Plan Policies has been added to Section 3.2.2 of the Draft EIR, page 3.1-6:

Policy 2: Divisions of Land

Land division in agricultural areas shall not limit existing or potential agricultural capability. Divisions shall adhere to the minimum parcel sizes set forth in the Coastal Zone Land Use Ordinance. Land divisions for prime agricultural soils shall be based on the following requirements:

a. The division of prime agricultural soils within a parcel shall be prohibited unless it can be demonstrated that existing or potential agricultural production of at least three crops common to the agricultural economy would not be diminished.

b. The creation of new parcels whose only building site would be on prime agricultural soils shall be prohibited.

c. Adequate water supplies are available to maintain habitat values and to serve the proposed development

Land divisions for non-prime agricultural soils shall be prohibited unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished. Division of non-prime agricultural soils shall be reviewed on a case-by-case basis to ensure maintaining existing or potential agricultural capability.

Policy 3: Non-Agricultural Uses

In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low intensity visitor-serving uses allowed in Policy 1. Non-agricultural developments shall meet the following requirements:

a. No development is permitted on prime agricultural land. Development shall be permitted on non-prime land if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed or has been determined to be undevelopable.

b. Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.

c. The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.

d. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.

e. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.

f. Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.

g. Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.

h. The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agriculture and, if appropriate, open space use by the following methods:

Agricultural Easement. The applicant shall grant an easement to the county over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.

Open Space Easement. The applicant shall grant an open space easement to the county over all lands shown on the site plans as land unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.

Development proposals shall include the following:

a. A site plan for the ultimate development of the parcel(s) which indicates types, location, and if appropriate, phases of all non-agricultural development, all undevelopable, non-agricultural land and all land to be used for agricultural purposes. Total non-agricultural development area must not exceed 2% of the gross acreage of the parcel(s).

b. A demonstration that revenues to local government shall be equal to the public costs of providing necessary roads, water, sewers, fire and police protection.

c. A demonstration that the proposed development is sited and designed to protect habitat values and will be compatible with the scenic, rural character of the area.

d. Proposed development between the first public road and the sea shall clearly indicate the provisions for public access to and along the shoreline consistent with LUP policies for access in agricultural areas.

As stated on page 3.2-1 of the Draft EIR, the soils at the proposed WRF site are designated as Prime Farmland if Irrigated by the NRCS. The proposed project area is rangeland, historically used for grazing; the proposed WRF site has never been irrigated and is not currently surrounded by irrigated farmland. Please refer to Response to County-25 below, which further addresses irrigation feasibility and explains that the WRF site is not considered prime farmland.

Regarding establishing a non-agricultural use at the WRF site, page 3.2-8 of the Draft EIR defines the Public Utility Facilities requirements of the CZLUO. The compatibility analysis for establishing public utility facilities on lands zoned for Agricultural – Non-Prime soils is on page 3.2-14 of the Draft EIR. The analysis on page 3.2-17 of the Draft EIR explains how the development of the proposed WRF would not compromise the overall agricultural viability of the remainder of the parcel or surrounding parcels as required by the CZLUO. The Draft EIR notes 10 to 15 acres of the preferred site would be used for the WRF. The remainder of the 27.6-acre preferred site would be restricted by an open space or agricultural easement. The remainder of 396-acre parcel would be subject to the provisions of the County or City General Plans. Also, the proposed WRF is being designed to minimize its footprint as much as possible to minimize such effects to agriculture and would maintain the remainder of the rangeland to be contiguous with neighboring parcels (Draft EIR, page 3.2-17).

Response to County-8

The proposed WRF would be developed within 10 to 15 acres of the greater 396-acre parcel. When this is converted to percentages, the WRF would develop between 2.5 percent and 3.8 percent of the 396-acre parcel for non-agricultural use. As such, on page 3.2-17 of the draft EIR, the text conservatively states "The proposed WRF would convert up to approximately 4% of the 396-acres to non-agricultural use." Those percentages are estimates based on preliminary design for the WRF. As the proposed project proceeds through the design/build process, the actual footprint of the WRF would be refined and a more precise percentage for conversion of agricultural land would be calculated. In addition, Policy 3 indicates that non-agricultural development should include a "clearly defined buffer provided between agricultural and non-agricultural uses". In response to the comment, the following text has been added to Impact 3.2-5 on page 3.2-17:

> Current agricultural production in the proposed project area is shown in the aerial photograph of Figure 2-2. The proposed WRF site is rangeland that is currently used for cattle grazing (Yeh & Associates, 2017). For almost a century, land use at this site has not changed (Yeh & Associates, 2017). The proposed WRF would occupy 10 to 15 acres of a 396-acre parcel of rangeland, a land use that is considered agricultural. That is the primary project component that has the potential to permanently convert land that is currently being used for grazing to a non-agricultural use. Per the City's General Plan policies, the proposed project would be in compliance with Policy LU-44, which states that "All non-agricultural development permitted on non-prime agricultural lands shall preserve the maximum amount of lands in agricultural use. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the undeveloped portion of the property." Implementation of the proposed WRF would convert between approximately 2.5% and 3.8% ~~up to approximately 4%~~ of the 396-acre parcel to non-agricultural use. The City would purchase 27.6 acres of the 396-acre parcel; the area not directly developed for the proposed WRF ~~The remainder of the parcel~~ would still be available for grazing or to be placed into an agricultural or open space easement in compliance with County Land Use Ordinance policy 23.04.050. Also, the proposed WRF is being designed to minimize its footprint as much as possible to minimize such effects to agriculture, and would maintain the remainder of the rangeland area in one contiguous and useable parcel. In compliance with the City's General Plan land use policies and the County's Agricultural Element agricultural buffer policies, a buffer area is included for the proposed WRF site design to ensure that the operational portion of the facility is located more than 50 feet away from neighboring agricultural uses. The fencing surrounding the proposed WRF facility and access roads allows for the continuation of cattle grazing in neighboring lands as it reduces the potential for trespassing or other nuisance issues. That buffer area and fencing, along with the elimination of a corporation yard within the proposed WRF site, reduces the amount of agricultural land converted to non-agricultural use and helps further reduce land use incompatibilities. Thus, ~~T~~the impact of building the proposed WRF relative to the continued use of agricultural lands is less than significant.

> The other project component that has a similar potential to convert agricultural land to non-agricultural use is the proposed IPR East groundwater wells. A small portion of the IPR East wellfield area overlaps with active agricultural lands at the Narrows (see Figure 2-2). Those lands are also FMMP-designated Prime Farmland. However, the results from the LESA model indicate that the conversion of 1.26 acres of Prime Farmland within the proposed IPR East groundwater well injection area to non-agricultural use would not be considered a significant impact to agricultural resources. Therefore, the potential to convert agricultural land to non-agricultural use would be considered less than significant.

Response to County-9

The Estero Area Plan is included in the Biological Resources Regulatory Framework section of the Draft EIR on page 3.4-35. The CZLUO ESHA standards and policies are included in the Draft EIR on page 3.4-36.

Response to County-10

As stated on page 3.4-1 of the Draft EIR, the presence of environmentally sensitive habitat area (ESHA) as defined by the California Coastal Act, the City Local Coastal Program (LCP), and the County LCP has been evaluated in the Draft EIR. Biological Resources Impact 3.4-5, which starts on page 3.4-50 of the Draft EIR, specifically addresses the potential impacts of the proposed project to ESHA. The Draft EIR analysis concludes on page 3.4-51 that the proposed WRF would not impact ESHA:

> While the County LCP does identify rare or unusual native plant communities as ESHA, it does not specifically state native perennial grasslands shall be protected. While native grasslands dominated by purple needlegrass are relatively common in the general area (KMA personal observation), the small occurrences of native bunchgrass grassland in the WRF site study area site were intermixed with San Luis Obispo owl's clover, a special-status plant, and therefore should be considered ESHA. However, the proposed WRF facility would be developed outside of the areas that support San Luis Obispo owl's clover and purple needlegrass, and as such its construction would not impact the ESHA.

Response to County-11

No suitable habitat for Morro shoulderband snail (MSS) is present at the proposed WRF site. As stated in the Draft EIR on page 3.4-24, the MSS is found in coastal scrub habitats on Baywood fine sand soil and Dune Lands in the Los Osos and Morro Bay areas. There are no Baywood fine sand soils at the preferred WRF site. In addition, as stated in the Draft EIR on page 3.4-39:

> To avoid take of MSS during project construction, during design of the project components, surveys would be conducted in areas with potential habitat. The survey information will be used to locate facilities to avoid MSS habitat. If avoidance of MSS habitat is not feasible, then protocol surveys would be conducted to determine if MSS are present. If MSS are present, then consultation with the USFWS would be conducted as

appropriate and MSS individuals would be relocated from project areas as necessary. **Mitigation Measure BIO-3** outlines all steps to be taken to ensure impacts to MSS are avoided during project construction.

Response to County-12

Please refer to Response to County-10 above. The footprint of disturbance for the proposed WRF would not encroach on the adjacent areas surveyed for biological resources that include features that are considered ESHA, such as the native bunchgrass grassland intermixed with San Luis Obispo owl's clover and the rock outcropping. See also Figure 3.4-5 in the Draft EIR. Although there is a rock outcropping within the area of disturbance at the WRF site, the Draft EIR states on page 3.4-22 to 3.4-23 that no special-status plant species are present that would quality as ESHA:

> The majority of the special-status plant species identified by the CNDDB have highly specialized habitat requirements (i.e., they occur on serpentine rock outcrops and serpentine derived soils, active and stabilized coastal dunes, in maritime chaparral, or in brackish marsh habitats, etc.) that do not occur within the study area. Although coastal sand dunes, and the Morro Bay estuary are in relatively close proximity to the study area, they are not present onsite. In addition, the rock outcroppings identified onsite were not strongly influenced by serpentine material, and were carefully searched for any serpentine endemic species. Upslope outside the study area where serpentine rock outcrops were observed were inspected to confirm serpentine endemic species are present in the area, just not within the study area developed for the proposed project.
>
> Species identified in the area by the CNDDB that are known to occur on serpentine based soils such as La Panza mariposa lily (*Calochortus obispoensis*), Jones layia (*Layia jonesii*), Betty's Dudleya (*Dudleya abramsii* ssp. *bettinae*), and most beautiful jewel flower (*Streptanthus albidus* ssp. *peramoenus*) were not observed in the study area. The gently sloping hills with clay soils dominated by weedy non-native annual grasses and forbs do not provide suitable habitat for these serpentine endemic species.

Response to County-13

The proposed WRF site has been surveyed twice for special-status plant species. As stated in the Draft EIR on page 3.4-38, the study area contains two occurrences of the San Luis Obispo owl's clover, a CRPR List 1B species, that are outside the proposed development footprint. Native bunchgrass grasslands observed on portions of the proposed WRF site are also outside the development footprint and would not be impacted by the proposed project. Therefore, no direct impacts to special-status species would occur. As stated on page 3.4-38 of the Draft EIR, in order to minimize potential indirect impacts to special-status plant species, implementation of construction worker environmental awareness training and best management practices as described in Mitigation Measure BIO-1: Construction Worker Environmental Awareness Training and Education Program, and Mitigation Measure BIO-2: Avoidance and Protection of Biological Resources, would ensure potential impacts to special status plants are less than significant.

Response to County-14

As shown in Figure 3.4-8 and stated on page 3.4-27 of the Draft EIR, there is a jurisdictional drainage (Drainage 3, 3A, 3B) in the area north and east of the proposed WRF footprint. That unnamed drainage is a tributary to Chorro Creek. The potential impacts to jurisdictional drainages and associated riparian habitat at the proposed WRF site are covered under Impact 3.4-2 in the Draft EIR. In addition, Mitigation Measure BIO-8: Construction BMPs to Protect Jurisdictional Features and Aquatic Habitat specifically applies to Drainage 3/3A/3B and would ensure indirect impacts to this drainage during construction of the proposed WRF would be less than significant.

Please refer to Response to County-2 above regarding "full buildout."

Response to County-15

The City will comply with all applicable regulations and ordinances during implementation of the proposed project, including those of the County's CZLUO. Inclusion of the CZLUO in a mitigation measure is not necessary to ensure compliance. Mitigation Measure BIO-8 includes a requirement for all stockpile and staging areas to be set back at least 50 feet from sensitive features such as drainages and wetlands.

Response to County-16

In response to the comment, the following text on pages 3.4-49 and 3.4-50 of the Draft EIR has been modified:

> Ensuring sediment-laden runoff does not leave the preferred and proposed project sites during construction, and that post-construction runoff is consistent with pre-construction conditions is essential to reduce impacts to water quality. As described in Chapter 3.9, Hydrology and Water Quality, the City would be required to prepare a SWPPP for the proposed project in compliance with the NPDES General Construction Permit. The SWPPP would include BMPs to control erosion, sedimentation, and hazardous materials release. In addition, construction of the proposed project is also subject to the BMPs included in the City's Storm Water Management Plan to control runoff and protect water quality during the construction period. In accordance with the Morro Bay Municipal Code for Building Regulations—Stormwater Control (Chapter 14.48), the SWPPP would need to be approved by the City prior to commencement of construction activities. <u>The City also would coordinate review of the SWPPP for the WRF site with the San Luis Obispo County Department of Public Works.</u> Mitigation Measure BIO-8 includes specific BMPs to be incorporated into the SWPPP to minimize impacts to water quality and ensure there are no significant impacts to aquatic habitat downstream of the ephemeral drainages within the project area. With implementation of Mitigation Measures BIO-1, BIO-2, BIO-7, BIO-8, and BIO-9, impacts to migratory wildlife or native wildlife nursery sites would be less than significant.

Response to County-17

State requirements for Native American consultations per Assembly Bill 52 are included in the Draft EIR in Chapter 3.15 Tribal Cultural Resources. In response to the comment, the CZLUO Section 23.07.104 and County Local Coastal Plan policies regarding protection of cultural resources have been added to the Draft EIR starting on page 3.5-17 as follows:

County of San Luis Obispo Coastal Zone Land Use Ordinance

23.07.104- Archaeologically Sensitive Areas:

To protect and preserve archaeological resources, the following procedures and requirements apply to development within areas of the coastal zone identified as archaeologically sensitive.

A. **Archaeologically sensitive areas.** The following areas are defined as archaeologically sensitive:

1. Any parcel within a rural area which is identified on the rural parcel number list prepared by the California Archaeological Site Survey Office on file with the county Planning Department.

2. Any parcel within an urban or village area which is located within an archaeologically sensitive area as delineated by the official maps (Part III) of the Land Use Element.

3. Any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office.

B. **Preliminary site survey required.** Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. The County will provide pertinent project information to the Native American tribe(s).

C. **When a mitigation plan is required.** If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist. The County will provide pertinent project information to the Native American tribe(s) as appropriate. The purpose of the plan is to protect the resource. The plan may recommend the need for further study, subsurface testing, monitoring during construction activities, project redesign, or other actions to mitigate the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources. Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources.

The mitigation plan shall be submitted to and approved by the Environmental Coordinator, and considered in the evaluation of the development request by the Review Authority.

D. **Archeological resources discovery.** In the event archeological resources are unearthed or discovered during any construction activities, the standards of Section 23.05.140 of this title shall apply. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Environmental Coordinator, is completed and implemented. The County will provide pertinent project information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the approved mitigation plan has been completed shall be submitted to the Environmental Coordinator prior to occupancy or final inspection, whichever occurs first.

[Amended 1995, Ord. 2715; Amended 2004, Ord. 3048]

County of San Luis Obispo Local Coastal Plan

Chapter 12- Archaeology

Policy 1: Protection of Archaeological Resources

The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Identification of Archaeological Sites

The county shall establish and maintain archaeological site records of data files about known sites. These sensitive areas shall be defined as follows:

- Within rural areas, the county maintains on file a parcel number list of known sites as prepared and updated by the California Archaeological Site Survey Office.

- Within urban areas, the county shall maintain maps in the Land Use Element (combining designation) which reflect generalized areas of known sites. These maps shall be prepared by the California Archaeological Site Survey Regional Office.

Specific archaeological site information shall be treated as confidential to protect the archaeological resources. Development within an archaeological sensitive area shall not occur until a preliminary site survey is conducted for the site, and if necessary, mitigation measures implemented. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE COASTAL ZONE LAND USE ORDINANCE.] Early information on sensitive sites where new development is anticipated can be used to design and locate structures and site alterations to eliminate impacts. A preliminary archaeological survey can also help facilitate the timing of construction: if there is no evidence of the potential existence of archaeological resources, construction can commence; if the preliminary survey does indicate the presence of archaeological resources, mitigation measures can be designed into the development. Early identification can save both time and money for the applicant. Concerns have been raised by previous applicants about the expense and time-consuming delay if a project is stopped. Work crews, equipment and capital remain suspended until mitigation measures are drafted. Although all construction must cease if a site is discovered during any phase of construction, a preliminary survey can usually determine the potential extent of resources and thus avert unnecessary delays through an appropriate mitigation plan.

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas

Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction

Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

a) Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities.

b) Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil.

c) When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings

based on consultation with a qualified archaeologist knowledgeable in the Chumash culture.

d) A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities

Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.05.140 AND 23.07.106 OF THE CZLUO.]

Relationship to the Land Use Element/Coastal Zone Land Use Ordinance

Archaeological information will remain confidential, and will be used only to assist property owners in the design of development projects in a manner which protects resources. The sensitivity maps, in conjunction with the Site Survey Office's official maps of known sites, will be used to identify known and potential archaeological resources. The CZLUO addresses the protection of archaeological resources through the review process.

Findings

Through the maintenance of a sensitivity map and parcel number list of known archaeological sites, and through the establishment of pre-construction requirements and appropriate review procedures, the county has greatly improved the methods for protecting archaeological resources. The policies provide for the protection of both known and potential archaeological resources as required by the Coastal Act Section 30244.

Response to County-18

The County is a responsible agency due to its permitting authority over the proposed project. As part of the County's CDP process, additional conditions may be imposed with respect to the mitigation measures included in the Draft EIR, such as review and approval of mitigation measures applicable to cultural resources.

Discussion of compliance with the Native American consultation process per Assembly Bill 52 and outcomes are included in the Draft EIR in Chapter 3.15 Tribal Cultural Resources.

Response to County-19

The proposed WRF site does not overlie the Chorro Valley groundwater basin, and no changes to groundwater extraction would occur in the Chorro Valley groundwater basin as a result of the proposed project. The proposed project does not require groundwater monitoring or management in the Chorro Valley groundwater basin.

As the comment states, the unnamed drainage near the proposed WRF site is a tributary to Chorro Creek, which is a surface water within the boundary of the Chorro Valley groundwater basin. The Draft EIR evaluates the potential indirect impact of the proposed project on water quality in that unnamed drainage under Impact 3.9-2 and describes on page 3.9-31 through 3.9-33 how construction and operation of the proposed WRF would not have significant impacts to water quality. Such protections of water quality in that drainage would also protect water quality downstream in Chorro Creek and the groundwater basin underlying Chorro Creek.

Response to County-20

The comment does not identify the County agricultural lands within the Morro Valley groundwater basin that would be affected by the proposed project. The only agricultural lands in the County that would be affected by the proposed project are at and around the proposed WRF site; those lands are not within the Morro Valley or Chorro Valley groundwater basin (see Response to County-19 above). The proposed project has the potential to directly affect up to approximately 0.02 acres of agricultural land within the boundaries of the City due to the construction injection wells in the Morro Valley groundwater basin (see Draft EIR Figure 2-1 and Figure 2-2). The proposed project would not indirectly affect agricultural lands in the Morro Valley groundwater basins because the recycled water to be injected into the groundwater basin and extracted by the City would not be used for agricultural irrigation but rather potable supply within the City's water system.

Estero Area Plan policies that pertain to groundwater do not apply to the proposed project. A joint groundwater management program, as suggested in the comment, is not required; the proposed project would not provide groundwater to serve agricultural demand or urban demand in the County.

Response to County-21

All components of the proposed project, based on the preliminary design, are included in the Draft EIR. The impacts of constructing and operating the proposed project to onsite and offsite drainages, stormwater, and groundwater are included in the Draft EIR in Chapter 3.9, Hydrology and Water Quality.

Response to County-22

Please refer to Response to County-2 above regarding "full buildout."

Response to County-23

The City will consider the County's request to prepare a construction and operational air quality plan for the WRF. The comment is noted.

Response to County-24

As discussed above in Response to County-7, the proposed WRF would result in the development of a public utility facility on agricultural grazing land. In consideration of the allowance for a public utility facility at the preferred WRF site, the City has determined the preferred site is not located on prime farmland (see Response to County-25 below), and the proposed WRF footprint would not directly affect ESHA (see Response to County-10 above). In addition, as summarized in Chapter 6 of the Draft EIR, the City conducted an extensive site screening process to identify the preferred WRF site that is evaluated in the Draft EIR. The City has determined that there is no other feasible offsite WRF location at this time.

Please refer to the Response to CCC-5 regarding onsite siting and layout of the WRF. Changing the location onsite would have potential to directly affect ESHA and Drainages 3A and 3B, whereas the current proposed footprint avoids direct impact to those sensitive features. The visual simulation provided in the Draft EIR illustrates the less-than-significant effect of the proposed WRF as currently sited to visual resources in the coastal zone and Sensitive Resource Area. As explained in Response to CCC-5, the CZLUO development standards for fencing and screening requires public utility facilities to be screened on all sides and an effective visual barrier to be established through the use of a solid wall, fencing and/or landscaping.

The CEQA alternatives analysis has determined there are no significant and unavoidable impacts that require the consideration of another WRF site as an alternative. No additional alternatives are added to Chapter 6 of the Draft EIR as a result of this comment.

Response to County-25

In response to the County's comment about prime agricultural land, the following text has been added to page 3.2-1 of the Draft EIR:

> The proposed WRF site is underlain by Cropley clay soils, which consist of clay overlying silty clay loam that is typically found at a depth of 36 to 60 inches (JFR Consulting, 2016). Those soils are designated by the Natural Resources Conservation Science (NRCS) as prime farmland if irrigated. <u>According to the Cortese-Knox-Hertzberg Local Government Reorganization Act and California Government Code 56064, the definition of prime agricultural land is:</u>
>
> > <u>an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use…and that qualifies, if irrigated,</u>

for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

Historically, that portion of the project area and its adjacent land has been used for rangeland and has not been irrigated (JFR Consulting, 2013). Currently, the WRF site is not irrigated and neither are immediately adjacent parcels, which are also rangelands used for grazing. There currently is no existing irrigation infrastructure at or around the preferred WRF site. Irrigation feasibility at the preferred project site is low due to the requirement for substantial investment in either pipeline and pumping infrastructure to convey water to the site or construction of onsite groundwater wells, followed by installation of onsite piping for irrigation. As a result, the property in which the proposed WRF ~~is~~ would be located on does not support Prime Farmland (JFR Consulting, 2016). Thus, from a practical perspective, implementation of the proposed project would not remove important areas of prime agricultural potential.

Response to County-26

In Section 3.2.2 of the Draft EIR, there is a description of the Williamson Act lands located near the proposed project, and Figure 3.2-2 shows the location of these agricultural preserves, including the Maino Ranch to the north and east of the WRF site. In response to the comment, the following text has been added to page 3.2-2 of the Draft:

Figure 3.2-2 shows the Williamson Act contracted land present in the project area. There are Williamson Act contracted lands located east and north of the proposed WRF site, however none coincide with the location of proposed project components. These Williamson Act lands shown in Figure 3.2-2 include the Maino Ranch. Specifically, the 1,860-acre Maino Ranch includes a 436.4-acre parcel and a 138.3-acre parcel adjacent to the proposed project. Ranching and farming occurs in accordance with "best management practices" according to management plans by the owners, limiting future development (MBNEP, 2018).[4] The area of Maino Ranch closest to the proposed project is used for calving. Additionally, none of the project facilities would be located on land designated as Timber Production Zones or Forest land.

Response to County-27

In Section 3.2.2 on page 3.2-7 of the Draft EIR, the following text about the County's Agriculture Element Agricultural Buffer Policy was added:

Policy AGP17: Agricultural Buffers

a. Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses

[4] Morro Bay National Estuary Program (MBNEP), Restoration & Conservation, available at: http://www.mbnep.org/restoration-conservation/, accessed June 5, 2018.

in accordance with the agricultural buffer policies adopted by the Board of Supervisor (see Appendix C).

Appendix C: Agricultural Buffer Policies

Agriculture Buffer Distance Determination

The buffer is placed on the developer's property and will be recorded as a distance from the property line to the proposed occupied structure. However, the total buffer distance calculation and recommendation is measured from proposed occupied structure to the edge of the agricultural operation. The buffer will allow for such land uses as landscaping, barns, storage buildings, orchards, pastures, etc., while protecting the agricultural use and the public's health and safety.

1. General Guidelines

A. Determinations are made based on all relevant site and project criteria, practical knowledge of agricultural practices, technical literature, contact with other professionals within the University, industry, government agencies and training.

B. "Margin of safety" and "probability" concepts are used in determining setback distances.

C. The department's land use reports will identify recommended mitigation measures and will not provide alternatives.

D. Existing dwellings adjacent to agricultural use may already negatively impact agriculture. Buffer mitigations address reducing future or additional impacts and aren't necessarily affected by existing dwellings unless the extent of existing development is such that the proposal does not significantly worsen the land use conflict already present.

2. Buffer Distance Ranges by Crop

Agricultural practices associated with the production of crops are the most important contributing factor to land use conflict when development occurs in close proximity to agricultural areas. Since production practices vary considerably by type of crop, buffer distances may vary accordingly. Ranges in distance are necessary due to the influence that site or project specific factors may have.

Non-Intensive Agricultural Uses:

Dry farm field crops, orchards and vineyards - 100-200 feet

Rangeland/pasture - 50-200 feet

Site specific non-crop factors (such as topography, prevailing wind direction, and elevation differences) and proposal specifications often affect the final buffer distance recommendation within ranges listed in Number1 and 2. Significant overriding factors or land unsuitable for agricultural use could justify recorded buffers less than the indicated range.

The LAFCO agricultural policies have been added to Section 3.2.2 of the Draft EIR. Refer to the Response to LAFCO-7 for these agricultural policies.

Response to County-28

The impact analyses for the conversion of prime farmland are included on pages 3.2-13, 3.2-14, 3.2-17 and 3.2-18 of the Draft EIR. The LAFCO definition of prime farmland is the same as that presented above by the County in Comment 25. (See LAFCO Comment 6 and Response to LAFCO-6.) Based on the County and LAFCO definitions of prime farmland and lack of irrigation feasibility, the conclusion in the Draft EIR that the WRF site is not considered prime farmland does not need to be modified.

Response to County-29

The County's suggestion the City consult with neighboring ranchers regarding the type of fencing to be built around the proposed WRF is noted for the record. The following text is added to the discussion about agricultural land use zoning on pages 3.2-14 and 3.2-15 of the Draft EIR:

> The proposed WRF would be located on lands designated as Agriculture under the County's General Plan. According to the County's General Plan and Land Use Ordinance, public utility facilities (such as a treatment plant) are allowed within lands zoned for Agricultural – Non-Prime soils, subject to special standards or permit procedures such as approval of a Development Plan (County Coastal Zone Land Use Ordinance 23.08.288). A Development Plan is similar to a Minor Use Permit in that its application includes a preliminary floor plan, architectural elevations, adjacent land uses, landscape plan, grading plan, construction schedule, cross-sections, and public access locations and includes a public hearing. A Development Plan requires the development or project is consistent with the Coastal Zone Land Use Ordinance, which could result in minimizing the proposed project's disturbance at the site and including fencing or visual screening.
>
> Construction of the proposed WRF and connecting pipelines in agricultural areas could result in the spread of noxious weeds on surrounding rangelands or fields. Specifically, ground disturbance and regular movement of vehicles into and out of the property could increase the potential for an introduction of invasive weed species which may impair the agricultural use of the surrounding areas. As part of the Development Plan, a landscape plan would select plants that are native and drought tolerant and that protect and preserve native species and natural areas (CZLUO Section 23.04.186(c)(4)), minimize the potential for introduction and establishment of invasive species. A weed control plan may also be included as part of the landscape plan. A weed control plan would include methods, success criteria, and a monitoring and reporting program.
>
> As a result, acquisition of appropriate permits would allow the WRF to be constructed and operated on agricultural land. Furthermore, the buffer and fencing around the proposed WRF and access roads implemented as part of the project design would place the operational portion of the proposed WRF more than 50 feet away from the

> neighboring agricultural uses and allow for the continuation of neighboring cattle grazing and reduce any land use incompatibilities. Therefore, impacts related to conflicts with existing zoning for agricultural use would be considered less than significant.

Also, please refer to the Response to County-8 above.

Response to County-30

The City acknowledges the County's recommended coordination between neighboring ranchers and project management during construction. The comment is noted.

Response to County-31

In response to the County's request, a discussion about the potential introduction of invasive weed species on neighboring agricultural lands has been added to pages 3.2-14 and 3.2-15 of the Draft EIR. Please refer to Response to County-29 above.

NCTC 1

From: Scot Graham
To: Jennifer Jacobus; Michael Nunley (mnunley@mknassociates.us); John Rickenbach; Rob Livick
Subject: FW: New Water Reclamation Facility
Date: Thursday, April 12, 2018 8:48:17 AM

FYI

From: Fred Collins [mailto:fcollins@northernchumash.org]
Sent: Thursday, April 12, 2018 8:26 AM
To: phil@farwestern.com
Cc: Scot Graham <sgraham@morrobayca.gov>; Violet <whitesageherbs@aol.com>; J A <jag_peace2u@hotmail.com>; 'Barry Price' <bprice@appliedearthworks.com>
Subject: New Water Reclamation Facility

Hello Phil,

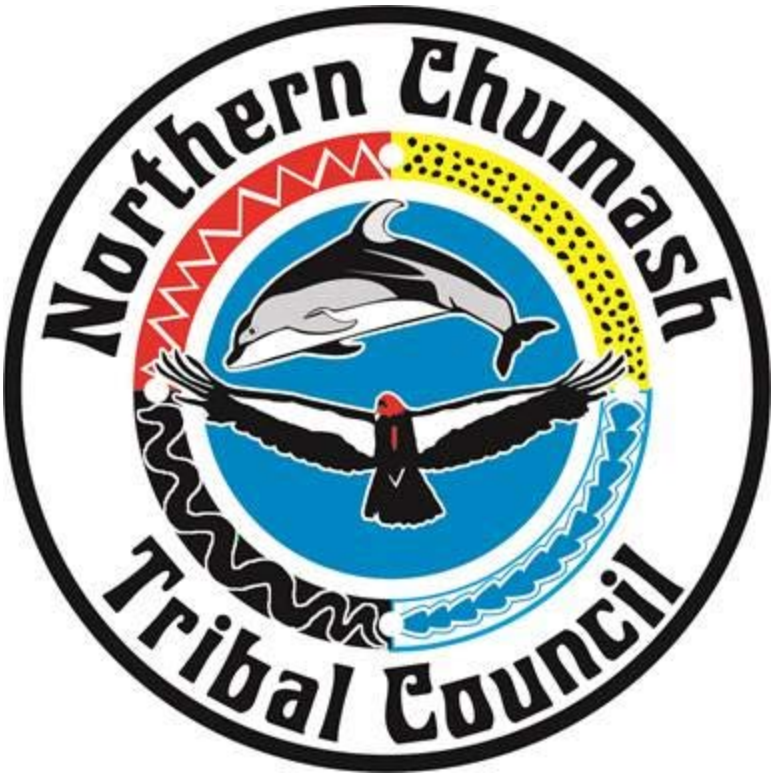
The Northern Chumash Tribal Council Inc., is in receipt of your letter dated March 22, 2018, RE: City of Morro Bay New Water Reclamation Facility Project Update, and has once again reviewed the proposed waste water project, as we stated in an earlier recommendation, NCTC stated in our previous comments, that the placing of a sewer line into or near our Chumash Nations Sacred Sites is not acceptable, go back to the engineers and reroute the pipelines around the Chumash Nation Sacred Sites, any incursion into or near our Sacred Sites is disrespectful and downright mean. There is not one person in Morro Bay or anyone working one this project that would allow the First Peoples to place a sewer line through their families cemetery/resting place, not one would say, go ahead and run that sewer line through our families burial blot and if it breaks go ahead and dig up my families blot and fix it. Far Western did the same thing in the Los Osos sewer project, we find your work to be divisive and totally out of touch with the First Nations Peoples, your company has shown great disrespect by supporting these types of horrible transgression of the Spirit of the First People, there is NO reason that engineers working on this project that can come up with a pipeline rout that will miss all our Chumash Sacred Sites, this can be done very easily. Please make this happen, reroute the pipeline to avoid all Chumash Scared Sites, thank you.

1

2

3

Fred Collins
Chairman



Northern Chumash Tribal Council
P. O. Box 6533
Los Osos, CA 93412
805-801-0347
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Comment Letter – Fred Collins

Response to Collins-1

CEQA Guidelines Section 15121 states "an EIR is an informational document which will inform public agency decision makers and public generally of the significant environmental effect of a project, identify possible way to minimize the significant effects, and describe reasonable alternatives to the project" and "the information in the EIR does not control the agency's ultimate discretion on the project." As an informational document, the EIR will allow the City, as the Lead Agency, to make an informed decision about whether to proceed with the proposed project.

Also, according to *CEQA Guidelines* Section 15126.6(a), an EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." *CEQA Guidelines* Section 15126.6(f)(1) states "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries…and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." As the Lead Agency, the City will decide whether to proceed with the proposed project or whether to accept or reject any of the identified alternatives.

Because of the previous years of studies and evaluations of a large range of alternative sites, the City has found there are only three viable alternatives that address basic project objectives and reduce one or more identified impacts, including the No Project Alternative required by CEQA. As described in Section 6.1.4.1 of the Draft EIR, the City Council determined there is no feasible alternative location for the proposed WRF because the CCC would not permit a project west of Highway 1, the Giannini site had no cost advantages, and due to risk of litigation the Righetti site is not feasible. Therefore, a pipeline must be constructed to connect to the proposed WRF. Under Alternative 2, an alternative pipeline alignment has been considered between the proposed WRF and the lift station and IPR West wellfield to determine if significant impacts can be reduced or avoided.

Alternative 2 would result in construction of all the same facilities as the proposed project, except for a segment of the raw wastewater pipeline that would have a different alignment and result in the construction of approximately 2,500 linear feet of additional pipeline. The additional pipeline construction would be along Embarcadero Road to the west of the existing WWTP and proposed lift station, traveling south and then east along Pacific Street, and meeting with the currently proposed raw wastewater pipeline at Butte Street. That segment under Alternative 2 would result in construction near two different and known cultural resources sites, may result in geotechnical challenges along the waterfront, and would result in a significant increase of construction impacts related to traffic, air quality and noise due to the location of construction within higher traffic corridors (residential and commercial), and the location of construction equipment relative to sensitive receptors (residences). Further, that segment of pipeline under Alternative 2 would require additional rights of way through residential property.

The City considered alternatives that would avoid or lessen the significant environmental effects of the proposed project, while attaining most of the project objectives, consistent with *CEQA Guidelines* Section 15126.6(a). Significant impacts of the proposed project include unavoidable direct and cumulative impacts to historical and archaeological resources and human remains due in part to construction of the proposed conveyance pipelines. Comparison of Alternative 2 impacts to the proposed project impacts indicate Alternative 2 would meet the proposed project's objectives, and would result in a reduction in impacts on number of cultural resources sites. However, Alternative 2 would increase the costs to the City related to construction and would result in more severe impacts on air quality, noise, and traffic. Therefore, the Draft EIR identified the proposed project as the environmentally superior alternative.

The City appreciates and understands the commenter's concerns regarding Native American sacred sites. This comment has been included in the Final EIR and will be considered by the City as part of its deliberations regarding the proposed project.

Response to Collins-2

CEQA Guidelines Section 15126.4(b) provides guidance on mitigation measures related to archaeological resources and states:

> (3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:
>
> > (A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
> >
> > (B) Preservation in place may be accomplished by, but is not limited to, the following:
> >
> > > 1. Planning construction to avoid archaeological sites;
> > >
> > > 2. Incorporation of sites within parks, greenspace, or other open space;
> > >
> > > 3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
> > >
> > > 4. Deeding the site into a permanent conservation easement.
> >
> > (C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional

> Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

Mitigation Measure CUL-3: Avoidance and Preservation in Place of Archaeological Resources requires the City to consider avoidance of archaeological resources qualifying as, or potentially qualifying as, historical resources and unique archaeological resources (including known sites with Native American human remains) through project re-design, consistent with *CEQA Guidelines* Section 15126.4(3)(A). In the event avoidance and preservation in place of a resource is determined by the City to be infeasible in light of factors such as project design, costs, and other considerations, then Mitigation Measure CUL-4: Development of an Archaeological Resources Data Recovery and Treatment Plan will be implemented for that resource, consistent with *CEQA Guidelines* Section 15126.4(3)(C).

CEQA Guidelines Section 15064.5(d) provides guidance on treatment of Native American human remains and states:

> When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code section 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission.

CEQA Guidelines Section 15064.5(e) further describes the process for discovery and treatment of Native American human remains, which includes compliance with California Health and Safety Code 7050.5 and California Public Resources Code Section 5097.98, and requires no further disturbance, contacting the County Coroner and Native American Heritage Commission, assignment of a Most Likely Descendant, and re-interring the remains and any associated grave goods in a location that will not be subject to further disturbance. The Draft EIR also included mitigation regarding discovery and treatment of Native American human remains – Mitigation Measure CUL-14: Inadvertent Discovery of Human Remains, located on page 3.5-33 of the Draft EIR, which requires compliance with the policies and procedures outlined in California Health and Safety Code 7050.5 and California Public Resources Code Section 5097.98, as described above.

While it is the goal of the City to avoid unnecessarily disturbing Native American human remains, in the event they are encountered during project-related ground disturbance, the City will comply with all applicable laws and statutes regarding discovery and treatment of Native American human remains, consistent with *CEQA Guidelines* Sections 15064.5(d) and 15064.5(e).

Response to Collins-3

With regard to the comment about Far Western Anthropological Research Group, Inc. (Far Western) and their work, Far Western is a cultural resources firm who has been working in cultural resources management since 1979. All of the Principals and Principal Investigators on staff meet the Secretary of the Interior's Professional Qualification Standards for archaeology and also meet the qualifications for the Register of Professional Archaeologists, as do many of the Senior Archaeologists and Staff Archaeologists.

The Secretary of the Interior's Professional Qualification Standards are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. For archaeology, the minimum professional qualifications are a graduate degree in archeology, anthropology, or closely related field plus: (1) at least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management; (2) at least four months of supervised field and analytic experience in general North American archeology, and (3) demonstrated ability to carry research to completion. In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period. The primary preparers of the cultural resources technical work for the proposed project meet the Secretary of the Interior's Professional Qualification Standards for archaeology.

The Register of Professional Archaeologists is a listing of archaeologists who have agreed to abide by an explicit code of conduct and standards of research performance, who hold a graduate degree in archaeology, anthropology, art history, classics, history, or another germane discipline and who have completed a thesis or dissertation (or its equivalent) that addresses a substantive archaeological research question. The primary preparers of the cultural resources technical work for the proposed project are on the Register of Professional Archaeologists and adhere to their bylaws, code of conduct, and standards of research performance.

Regarding the comment about re-routing the pipeline, the commenter is referred to Response to Collins-1.

Northern Chumash Tribal Council

A Native American Corporation - NorthernChumash.org
P.O Box 6533 Los Osos, CA 93412
805-801-0347

City of Morro Bay
Rob Livick
Morro Bay, Public Works Director

May 14, 2018

Re: Morro Bay Draft EIR Waste Water System

Northern Chumash Tribal Council, Inc. comments and recommendations for Draft EIR Waste Water System:

Prehistoric Setting, the Northern Chumash Tribal Council, Inc. (NCTC), does not agree with the archaeological determination of "Cultural Periods", for Indigenous Peoples the breaking down of our Life Times/Ways is the first step to dehumanize the First Peoples, some anthropologist/archaeologist have been breaking the Indigenous Community into pieces, so that our culture and heritage can be slowly destroyed. Piece by pieces, when you break the Life Ways of a First Peoples, it is much easier to catalog and affect in a negative way. NCTC elders view the Life Ways of the Northern Chumash Peoples to be one Continuum, still alive, reaching back to the very beginning of our Life Ways here over 15,000 years ago, our artifacts are alive with the energies of our Ancestors, our Village Sites are alive with the energies of the Ancestors, all of our Sacred Places are alive with the Ancestors energies and the energies of the current living Northern Chumash Peoples. NCTC is working 24/7/365 to protect 1% of the 100% of all the land that the Northern Chumash lived upon, and that all people in Morro Bay live on today, we have been the stewards of this amazing land for millennium, we have been fighting to save our culture and heritage for hundreds of years, which has been torn apart piece by piece, one project at a time. We the Indigenous Peoples the Northern Chumash are alive and well in One Continuum. 1

Ethnographic Setting, at the time of European contact there was only one Indigenous Peoples living in Morro Bay, (see Bob Gibson Ethnographic of the Salinan, John P. Harrington Chumash Territories), the Chumash Nation as a whole knows where our lands are located, all seven Chumash Tribal Governments including the Santa Ynez Federally recognized Chumash speak with one voice, the Northern Chumash lands extend from Lime Kiln Creek, or there about, to Mission San Miguel, and there were no Salinan's in Morro Bay before 1500, therefore all the California Native American Northern Chumash Cultural Resources are from only one Nation, the Northern Chumash Nation, the Cultural Resources in the City of Morro Bay are 100% Northern Chumash. During the historic period of the Missions the Salinas were moved into San Luis Obispo County to work at the Missions. 2

Chumash, there are over a million ways to describe the Northern Chumash Nation, and there are many authors who have written wonderful things about the Chumash Nation, but, in this instance to quote 3

Kroeber (1925) as the person to describe the Chumash Peoples is the Greatest Insult that anyone could perpetrate on an Indigenous Peoples, Kroeber not only never set foot in Chumash Nation Lands, not like Bob Gibson and John P. Harrington who walk our lands extensively, but, Kroeber is known as the one of the most evil persons that has ever been, from the lens of the Indigenous Peoples, his words are repulsive to all Indigenous Peoples, it is our opinion, and direct knowledge that California's Native American anthropology is inexorably marked by the sustained drama between the California Native American man called Ishi from the Yahi tribe and Alfred Kroeber, the German-American founder of the anthropology department at the University of California, Berkeley. In many ways, California anthropology's changing relationship to Native peoples, engendered in colonial power relations is symbolically played out in the extended Ishi drama that spans parts of three centuries. To this day, almost one hundred years after his death, Ishi draws anthropology into question as his life sheds light on the dark sides of anthropology and California history. His story bears revisiting as a healing dynamic, pertinent to California Chumash anthropology and California Chumash communities becoming whole once again.

Ishi was the survivor of one California tribe extinguished, like hundreds of other California Native tribes, by the genocidal onslaught of US military attacks, vigilante civilian assaults, scalp fees, legalized slavery, wholesale massacres of California Native Americans by White settlers, and the willful destruction of Indigenous social systems. Ishi was wandering alone in search of food when he was arrested in 1911 and then released to anthropologists Alfred Kroeber and T. T. Waterman, who held Ishi as a living museum artifact or spectacle viewed by thousands of visitors and myriad photographers until Ishi's death in 1916. At the time of Ishi's death, Kroeber notwithstanding his promise to the contrary became complicit in having Ishi's brain separated from his body and delivered to the Smithsonian, presumably in the "interests of anthropological science." Theodora Kroeber, Alfred Kroeber's partner, published a book in 1961 about Ishi, whose title, Ishi in Two Worlds: A Biography of the Last Wild Indian in North America encapsulates a prevalent anthropological ideology positing an imagined Indian extinction "last" and savagery "wild Indian", extending to the entirety of "North America".

In California a new movement to heal the past history and passed anthropology are on the forefront for the California Native American communities, born from the story of Ishi and the epic Indigenous effort to reunite Ishi's brain with other body parts, eighty years after his death. The Indigenous oral tradition of activist Art Angle's Native community had kept alive knowledge of the desecration of Ishi's human remains at the hands of anthropological scientist. In 1997 that historical remembrance motivated Indigenous demands for Ishi's repatriation from the Smithsonian Institution, where his brain was warehoused for decades.

That complicated repatriation effort ultimately motivated a collective apology from UC Berkeley's Department of Anthropology in 1999, which stands as a landmark truth speaking healing document: "what happened to Ishi's body, in the name of science, was a perversion of our core anthropological values, we are sorry for our department's role, however unintentional, in the final betrayal of Ishi, a man who had already lost all that was dear to him at the hands of Western colonizers. We recognize

that the exploitation and betrayal of California Native Americans is still commonplace in American society."

In a later statement UC Berkeley Department of Anthropology professors reneged on the apology, yet opted to "invite the people of Native California to instruct us in how we may better serve the needs of their communities through our research related activities." This conciliatory invitation, together with the conciliatory stance of the Maidu and Pit River Native Peoples, who initiated and carried out the movement to give Ishi proper burial, can well, be regarded as a milestone in an emergent California Truth and Reconciliation movement.

The cultivation of an anthropology that serves the needs defined by Indigenous communities is also of relevance with the Chumash homeland. The openly painful yet fruitful dialogue between California Indigenous communities and some anthropologists occasioned by the Ishi experience marks a qualitative new interaction.

We bring forward the concept of truth and reconciliation because its practices and commissions have served to repair the human suffering and devastation resulting from mass injustices, systematic violence, or genocide in many places around the world. Truth and reconciliation practices such as collective testimony and truth telling, community rebuilding, and establishment of new healing relationships have helped to address historic trauma in places such as Guatemala, South Africa, and some United States cities. Recent proposal for a United States Truth Commission that would address the long legacy of civil and humans rights violation by the United States against Indigenous Peoples include that by Waziyatawin Angela Wilson entitles " Relieving our Suffering: Indigenous Decolonization and United States Truth Commission."

3

Ishi's brain is but the tip of the iceberg, lest we forget, the relationship of "exploitation and betrayal" pertains not only Ishi's human remains but to anthropology as a whole, because there are thousands of Indigenous people held captive in the warehouses of today's museums, universities, and private collections around the world today, Chumash artifact are highly regarded around the world, the Chumash Nation has been the most studied Indigenous Nation in the Americas, they have collected our artifact in all major countries and museums around the world, and, as it stands, a prominent sector of California Chumash anthropology is fraught with colonial legacy that can well benefit from revisiting the Ishi story and subsequent truth and reconciliation dynamics.

It is our opinion that Far Western Anthropological Research Group (FWARG) has worked with and contributed to the prominent sector of Chumash anthropology that is fraught with colonial legacy that can well benefit from revisiting the Ishi story and subsequent truth and reconciliation dynamics. As an example; the work that was done by Far Western for Caltrans on the Salinan – Chumash border, 2005, in this work they use animal breeding and migration patterns in conjunction with unsubstantiated theory from Kroeber concerning where the location is of this most disputed boundary. This document was produced in the last few years, and is in a long line of documents that we believe FWARG has created telling the Chumash story from their eyes, whereby this document and others that they have

written need to be revisited with an Indigenous oversight. This Caltrans document was created in conjunction with John Johnson from the Santa Barbara Museum of Natural History.

Among the Chumash, the best known twentieth century anthropologist was John Peabody Harrington. Although Harrington and Kroeber are long gone, anthropology's often fractured relationship to California Chumash Peoples is set forth, for example, in some contemporary anthropological debates surrounding today's Chumash and in part by institutions that control much of the public discourse concerning "Chumash". Like the Bureau of Indian Affairs, some Santa Barbara anthropologist assumes the powerful role of identifies authenticator and gatekeepers over ethnic identities. Anthropologist John Johnson of the Santa Barbara of Natural History has established a hierarchical Chumash identity model based on what he terms "ancestry." His ancestry approach serves as a key tool for dividing, silencing, dismissing, and delegitimizing entire sectors of living Chumash Peoples, while favoring and fostering other sectors. Anthropologist Brain Haley and Larry Wilcoxon similar proclaim the "Chumash Traditionalists lack the kinds of biological and cultural linkages with the region's aboriginal past that they claim" as they highlight anthropologists' federal roles a "delineators of Chumash identity." They quote national guidelines that empower them and other anthropologists to act as "judges of the genuineness and authenticity of tradition" in evaluating traditional cultural properties such as, for example, Point Conception.

The anthropological imaginary constructs and reduces living Chumash peoples into supposed opposing and mutually exclusive monolithic binaries. For example, Brain Haley and Larry Wilcoxon categorize and divide the Chumash in terms of as "new-Chumash/ex-Californios" and "old Chumash'; or the "traditionalist" and non-traditionalist." Although appearing to be critical of federal traditional cultural property guidelines, anthropologist Haley and Wilcoxon stop short of revealing the economic development and economic ramifications are at the heart of their considerations and discussion of the Chumash Identity and of Point Conception as a sacred site. A portion of their study was funded by California Commercial Spaceport, Inc., the very same aerospace firm seeking to build a space port at Point Conception. Among the many published dissenting replies to Haley, anthropologist Jon M. Erlandson is particularly insightful as it contextualizes Haley and Wilcoxon's article with the political power struggles, "over control of the past". Erlandson indicates, "Native American groups have squared off against powerful developers, corporation, government agencies, museums, universities, and archaeological contractors over the control of archaeological sites, investigations, or collections. These battles have made the more radical Native American groups which including many traditionalist Chumash, a host of powerful enemies." Erlandson speaks to the broader decolonizing historical context and process. Although anthropologist Haley and Wilcoxon's deconstructive approach to identity seeks to lie bare "the processes through which people form ideas about their history, identity, heritage, and traditions," they do not frame Chumash Traditionalism or re-emergence as a part of the historic global, national, and local collectively organized decolonizing movements. Instead they cast the onset of Indigenous revitalization and Civil rights Movements in individualistic, belittling terms resembling the actions of a disgruntled drug addict getting up from a couch: "Individuals have shed former ethnic identities' to become Chumash following transformative life crises and experiences, including divorce, battles with substance dependency, participation in museum project to construct a Chumash canoe or Tomol."

In a 2005 article entitled “How Spaniards Became Chumash” anthropologist Haley and Wilcoxon continue to examine the ancestry claims and “identity changes” of specific Santa Barbara families they continue to label “neo-Chumash.” They also continue to refer back to their 1997 article that “showed founding Traditionalists lacked Chumash ancestry.” In fact they hardly look beyond changes in ethnic labels. Anthropologist Haley and Wilcoxon seem highly duplicitous. Although they begin to indicating that they do not want to dismiss “these neo-Chumash as anomalous fakes,” they then use scathing, dismissive language to indirectly liken them to “simulacra” who like Disneyland “symbolize the pervasive substitution of simulation for reality.” They repeatedly refer to the “neo-Chumash” as “descended almost exclusively from the people who colonized California for Spain” and as “a clear case of whole cloth fabrication.” Anthropologist Haley and Wilcoxon disregard the effects of their research models upon living Chumash communities. Writing within a small Chumash community, they use thinly veiled references to specific living families and individuals, pitting selected quotes against one another, deepening divide. Julianne Cordero observes that such binary models of Chumash identity “have for year’s violently polarized local mixed heritage, indigenous families.”

In their discussion anthropologist Haley and Wilcoxon reduce “ethnic identity” and their perceived changes in ethnic identity within Santa Barbara families to changes in ethnic labels applied reliably or not by officialdom: by the Spanish census of 1790, by mission records, and by the US Census Bureau. They conflate or equate the living dynamics of cultural identity change with ethnic label changes; they put forward dichotomies of “ancestry” that belie their professed motion of identity as a fluid category. They use the term “neo-Chumash” to mark boundaries and distinctions among the Chumash. Anthropologist Haley and Wilcoxon construct the “neo-Chumash” as distinct from the “Chumash” whom they imagine as “descended from contact era villages and who have maintained a continuous identity as local indigenes.”

In spite of community outcry, especially among the Chumash, and academic critique from colleagues, Santa Barbara Museum of Natural History anthropologist John Johnson also continues to assume the privileged power wielding role of arbiter and clearinghouse of Chumash identity, using written records and later DNA. He divides the Central Coast Chumash into “three concentric circles” A, B, C and dismissively assigns the term “neo-Chumash” to the circle C label, which he defines in terms of what is “lacks.” In his schema they “lack genealogical evidence of Chumash ancestry” while circle B has “some degree of Chumash ancestry.” Johnson’s “circle A are “people who descend from the indigenous Chumash populations who inhabited south central California and who have continuously maintained their identity as Indian communities.” Even if we set aside the ahistorical notion that any group of Chumash has “continuously maintained their identity as Indian communities,” Johnson’s pseudoscientific Chumash taxonomy is hierarchical, essentialist, and unreliable. He refers to circle A as “easily traceable” through various records of officialdom. He concludes his three page article by congratulating himself for helping “all who seek to determine if they have traceable California Indian ancestry.” Johnson and other anthropologist questionable practice of reducing Indian Identity to genealogies that he considers “traceable” through the records of violent colonizing institutions, mission systems, the reservation system, the US government systems, is highly problematic. This train of thought curiously reduces Chumash identity to a tenuous “ancestry” connection ostensible locatable in

the unreliable and incomplete mission records. In reality many Chumash fled from the mission areas and also avoided the later reservation process controlled by colonizers. Anthropology and Johnson fully ignores the non-reservation and non-mission Chumash Family histories never captured through officialdom's "records." This anthropological notion of "traceable ancestry" also ignores, for example, ceremonial kinship relations beyond "blood" relations. What is worse as we envision a healing anthropology, Johnson's categories mentally divide a living, breathing Indigenous community. Chumash scholar, Deana Dartt-Newton, curator of the Portland Museum of Natural History, one of the largest western Native American museum on the west coast, points out that Johnson's anthropological categories divide Chumash communities that are in fact interrelated: "As anthropologist define authenticity, they artificially divide the extended family networks that constitute the native community. Today, the people who some anthropologist claim are from the old families and possess ancient knowledge are no more authentic than those anthropologist Johnson, Haley, Wilcoxon and others Identify as neo-Chumash, they simply lack documentation of mission Indian ancestry."

Johnson's notion of a tribe that "has continuously maintained their identity as Indian communities" is an oddly static notion of "identity" that does not include culture, history, or sensitivity to contemporary Chumash community dynamics. Implicit in Johnson's taxonomy is the notion of authenticity, or what Eric Wolf has called the "mythology of the pristine primitive, that denies the facts of ongoing relationships and involvements." Johnson and many other anthropologists do not account for the ways in which the unrecorded widespread rape of Chumash women by colonial power holders under missionization, for example, changed the taxonomies of blood and ancestry he imagines as "traceable" within written records. Anthropologist Johnson and his followers fully ignore the historical presence of colonial violence. In the words of Ned Blackhawk, "given the histories of displacement, captivity, and violence that characterize Indian - white relations, the idea of pinpointing biological, racial ancestry amidst such social turbulence seems counterproductive at best." Johnson's research like anthropologist Haley and Wilcoxon's is in fact productively tied to economic development and land claims. As Julianne Cordero points out: "Not only are a series of flawed tests inadequate to infallibly identity an entire peoples, but Johnson's data disputing the indigenous identity of local Chumash peoples are used by landowners, local governments and developers, and are challenged by those same local peoples." Also, California's Native American Heritage Commission relies on Johnson's problematic ancestry research to help designate "MLDs" who make decisions concerning the disposition of Chumash burials at construction sites.

Vine Deloria Jr. observes, "Indianness' has been defined by whites for many years. Always they have been outside observers looking into Indian society form a self-made pedestal of preconceived ideas coupled with an innate superior attitude toward those different from them." Current anthropological efforts to define, categorize, and then identify the "authentic" Chumash while dismissing the rest in fact maintain existing anthropological positions of social privilege over the people they are "researching." Anthropologists who contrast an imagined authentic and inauthentic Chumash assume a position of power to discredit certain Chumash sectors while they privilege those they imagine "have maintained a continuous identity." They alienate many and favor others within a fractured Chumash community, thus augmenting the historical trauma from which Chumash communities seek to heal. Decolonial theorist Linda Tuwawai Smith alludes to the fact that "at the heart of such a view of

authenticity is a belief that indigenous cultures cannot change, cannot recreate themselves, and still claim to be indigenous. Nor can they be complicated, internally diverse or contradictory. Only the West has that privilege.

In direct response to anthropologist Haley and Wilcoxon, anthropologist Anders Linde-Laursen puts forward a view of the Chumash that is nonhierarchical and that accounts for the complexity of Chumash or any other culture: "Chumash or another invented and historically changing sociocultural formation must be regarded a possessing a complexity of compounded, contested, and contradictory identities." Chumash scholar Deana Dart-Newton argues for the crucial importance of recognizing Chumash ethnic mixture as central to survival and at the core of what is Chumash. In her analysis she is one of the core histories denied in the dominant discourse." What is at stake for those who espouse that dominant discourse? Jon M. Erlandson comments on changing power relations in the era where the native talks back and reclaims:

"For many museum professionals intent on protecting their collections, for archaeologists who long for the good old days when they could dig where they pleased without interference, for biological anthropologists who fear that analysis of skeletal remains will no longer be possible, and for cultural resource consultants who have made millions of dollars as the sole authorities on Native American culture, there is much to fear from newly assertive and empowered Native American groups."

More recently, emergent Chumash scholars have also taken issue with various elements of the Santa Barbara anthropological establishment, indicating that John Johnson is "part of a legacy of cultural negation and damage carried on through the use of anthropological method." Julianne Cordero indicates,

"Johnson, in his current capacity as curator of anthropology at the Santa Barbara Museum of Natural History, created an official-looking "Pedigree of Indian Blood" form. This form does very little besides document a very few Chumash individuals' connection to another set of forms, the mission registers and US census records, Johnson's textual reconstruction of Chumash History and genealogy and his position of scientific certainty are part of a legacy of cultural negation and damage carried on through the use of an anthropological method not designed to deal with fluid nature of intermarriage and multicultural identity."

For Julianne Cordero as contemporary Chumash woman scholar, Chumash health and healing through self-determination and through the establishment of sustainable reciprocal relationships are central concerns: "Chumash and Californio families are, by allying ourselves with the larger community, working within an ancient model of gathering power and performing health. We have for generations prayed for, and now receive, our *'atiswin* power to begin healing and supporting each other, power to recover from centuries old collective trauma, power to flourish, and power to protect and encourage the flourishing of our homelands."

Chumash identity is much more complicated than label changes, and all labels, such as Spaniard, are multifaceted and overlap. In fact, the distance from "Mexican" or Spaniard" to "Chicana/o" to "American" to "Chumash" is often in name only and certainly fluid. Ethnic labels that might appear to clearly demarcate difference tend to designate overlapping cultural realities, these realities tend to be permeable, slippery, or even interchangeable. Ethnic labels, just like their varied cultural realities, mark interrelationships more than separations. Like scores of other tribal groups, many Chumash found it historically necessary to at times self-designate as "Mexican" or "American" or "Spanish" or "Californio" over extended periods of time. Some of the Chumash elders in Santa Barbara confided that their self-identification as "Mexican" during much of their lives provided a modicum of social protection. Often sheer survival was at stake. Also, these changing labels reflect the very real intercultural relationships and mixing of cultures that happen everywhere.

During the brutal era of colonial nation-state formation, from the 1770 until recent times, the national designations such as "Mexican" or "American" or "Spanish" could provide tribal people with camouflage or safe haven from tribal persecution and genocide. National labels could occlude tribal provenance, and they served as an umbrella for multiple tribal peoples. Many of them de-tribalized or de-Indianized, some later re-tribalized or re-Indianized in safer times. De-tribalization sometimes involves only a semantic label change, as Guillermo Bonfil Batalla reasons: "De-Indianization has been achieved when, ideologically, the population stops considering itself Indian, even though the lifeway may continue much as before. Such communities are now Indian without knowing that they are Indian."

One of the most striking examples of semantic de-Indianization has to do with the so-called Spanish soldiers who came northward in the 1700s from what is now Mexico, colonizing for the Spanish Crown. Most of those "Spanish soldiers" were Indians from the Yaqui and Sonora/Sinaloa and Baja California tribes. The fact that these Indians are referred to in culture as "Spaniards" illustrates that semantic de-Indianization, both as a dynamic of social categorization, and, as a historiographical ideology that tends to erase Indians. The second largest group of Santa Barbara Mission and Presidio "Spanish soldiers" was comprised of recently free Afro-Mexican slaves. Chumash scholar Deana Dart-Newton intimates that John Johnson may be in the midst of reimagining what "Spanish soldiers" were. She quotes on Chumash community member:

I went to a lecture fairly recently that John Johnson gave at the Center for Genealogy Studies about his DNA research with Presidio soldiers that came up from Mexico. He determined that 80 percent of the soldiers were Indian regardless of what their caste had been documented as. And 40 percent of that 80 were indistinguishable from Chumash DNA. We laughed at the irony that research by the man dedicated to distinguishing the real Chumash from "Mexican" interlopers would prove that most of the people comprising these two supposedly "distinct" groups are, in fact all related.

With regard to the misguided anthropological efforts to separate the Chumash from "neo-Chumash" and other ethnic labels, ethnologist Anders Linde-Laursen significantly points to the "external circumstances" that create a blur between labels:

However, by choosing only one group-signifying criterion we lose sight of the fact that identities are fluid, established through processes in which now one, now another criterion (perhaps contradictory) compete for prominence. Thus it seems very probable that most of all persons who identify themselves as Chumash also sometimes identify themselves as Chicano or something else seemingly incompatible, depending on external circumstances. Consequently I find a more comprehensive understanding of the fluidity of identities useful. Not only are identities fluid historical products but the processes through which they are represented and demanded containing competing elements, for instance, Chumash or Chicano.

For our Chumash community, the umbrella "Mexican" or "Spanish" label, for example, often represented the possibility of social inclusion, staving off the social exclusion or death that came of self-designating as Native "india" or "indio." National labels could occlude dangerous personal cultural realities and specificities. In that sense the claim can be made that "Mexican" or Chicana/o in many cases implies a tribal, de-tribalized, or re-tribalized Indian. Historically there are no clear demarcation lines between the labels Chumash, California, Spanish, Mexican, or even Mexican American. After Mexican independence from Spain in the 1820s California gradually became part of the Mexican nation, and the Chumash technically became "Mexicans" until the United States waged war against Mexico and annexed the northern half of the Mexican nation by 1848. When California became part of the United States, the California legislature passed a law denying citizenship to California Native peoples, including, of course, the Chumash. In the US Southwest the term "Mexican" was in part utilized as a pantribal umbrella from which many tribal native people later emerged or "came out" as Indigenous during the Civil Rights Movement. That coming out is part of Chumash reemergence.

Re-emergence or tribal re-vitalization flies in the face of various anthropological declarations of Chumash "extinction," such as that by Thomas Blackburn, who in 1975 refers to "the extinct, fascinating, and possibly unique culture of the Chumash Indians of southern California." Vine Deloria Jr. comments on the re-Indianization or re-tribalization process, "According to the scholars, community Indians should have vanished long ago. The thought that Indians might detribalize, recolonize and recustomize will short many a fuse in the universities." Many Chicanos/as also re-tribalized, "came out" and claimed their Native heritage, in what Cherrie Maraga has called "Indigenismo: The Re-Tribalization of Our People." Moraga's "Our People" references both a re-Indigenized tribe she calls Chicano Nation and/or other forms of Chicana/o re-tribalized or came out as Chumash. Chumash reemergence of course in no way implies a cultural or political homogeneity of any kind, but rather a multiplicity and complexity of standpoints and experiences.
Santa Ynez Chumash elder Juanita Centeno described the social dynamic of self-protection that motivated Chumash community members to not claim Chumash identity in a racist society:

Sometimes I blame my parents, because they tried to take things away from us, the Indian ways. They thought they were doing us good by saying, "don't even mention you're an Indian. If you go and ask for a job, say you're Spanish, or Italian, or Portuguese, or something else. Don't say you're Indian. If you say you're an Indian you're not going to get the job." Sure enough, we'd forget. We'd say, "Well, we're Indian." "Well, we'll call you if we need you. We'll call you." They never called us.

The recent words of Sarah Moses, a Santa Ynez Chumash elder, similarly hold true for many Chumash: "I would never even tell people I was Chumash, I would say I was Mexican." Some of the Chumash in Santa Barbara also claimed "Mexicanness" to some degree, having grown up as Spanish speakers in the Santa Barbara Mexican/Chumash barrios, while others grew up as English speakers, and still others as bilinguals.

As a parallel, Yaqui Indians in Arizona were often virtually indistinguishable from other "Mexicans." When the Yaqui were accorded federal tribal recognition in 1978, many individuals officially changed labels. Tohono O'Odham tribal member Lucinda Hughes-Juan recalls: "At that time many Yaquis had to decide whether to continue on as Mexicans or whether to declare themselves officially Yaqui. The term "Mexican" had always been considered a step up from being Indian." Chumash Nation, Chicana/o Nation, Mexica Nation and other tribal/ethnic groups thus offer plenty of cultural fluidity where individuals and families over time move in and out of ethnic labels in chameleon like fashion. Still, some of the Santa Barbara anthropological establishment clings to labels they treat as bounded and mutually exclusive.

The fields of anthropology and archaeology, which in some measure emerged as the intellectual projects accompanying the economic disenfranchisement and physical decimation of Indigenous peoples worldwide at the hands of new nation-state empires established on Indigenous lands. The physical decimation of Native populations frequently references the pillaging of village sites and burials by so many archaeologist and grave robbers. The pillaging movements on Chumash land began in the eighteenth century and continues to this day. Bruce Miller is among the very few to report on the systematic plundering of Chumash cultural resources at village sites: "In the 1870s an intense interest in the Chumash developed. This intensity was not directed at the living people but towards the relics and buried artifacts of their fading culture." Miller references the highly lucrative and destructive transnational business of looting Chumash village sites. The chief clients were museum collections in Washington, Paris, Moscow, Madrid, and London.

What the Indigenous Peoples denounce as "grave robbing" has been standard colonial practice since anthropology's early history. Franz Boas, considered by many as the founder of anthropology in the United States, as well as Ales Hrdlicka, founder of physical anthropology, had no qualms about desecrating Indigenous burial grounds and unearthing thousands of Indigenous human remains and cultural properties. What David Hurst Thomas refers to as "Skull Wars," have also been waged upon Chumash land. Anthropologist John P. Harrington collected valuable stories, extensive oral testimony, and linguistic material from Chumash elders along with pillaging graves and village sites; he collected artifacts for shipping to his employer, the US government's Smithsonian Institution, Bureau of American Ethnology, in spite of the Chumash elders' exhortations concerning the sacredness of burials. Harrington, together with David Banks Rogers, excavated and removed all of one village mound, now called Burton Mound, in 1924. Prior to Harrington, three different groups of archaeologists had looted the "Burton Mound" and offered the materials for sale to museums all over the world.

Harrington's legacy casts both light and shadows. Kent G. Lighfoot who has extensively documented the involvement of anthropologist in the process of federal land allocation to some California Native groups and in the denial of land to others, on the one hand notes how Harrington was a "tireless and meticulous fieldworker," yet on the other faults Harrington" "But his secretive behavior and refusal to publish or share his field data did little to help the cause of local Indians in the early decades of the twentieth century. He kept his volumes of field notes which could be provided critical information about the deep histories of Central Coast peoples locked away, while decisions were being made about federal land grant allocation."

In whole the largely troubled relationship with so many anthropologist and archaeologists exists through today, but on the other hand there are relationship of mutual respect and reciprocity that have been established in some cases, Barry Price of Applied EarthWorks, Jon Erlandson University of Oregon and some other have built a respectful way of listening to Chumash concerns. In spite of the critique of anthropology that has issued forth from within and outside Indigenous communities, the legacy of classical anthropology and anthropology and so many of its Western categories of cognition, classification, and control in some measure continue to buttress hierarchical and disenfranchising race/gender/economic relations with Native peoples to this day. With regard to anthropological knowledge concerning the Chumash, we witness how the institutionalized anthropological knowledge produced by dominant normative institutions, be they museums, schools, or universities, enjoys visibility, circulation, power, and legitimacy. In this regard, and examination of the Santa Barbara Museum of Natural History's official booklet *California's Chumash Indians*, published in 1996 and reissued in 2002, merits our attention. That booklet is a segment of the longer *Chumash People: Materials for Teachers and Students*, printed in 1982; revised 1991. Both publications prominently inform public opinion concerning the Chumash, while they also manifest, in condensed form, standard strategies of a colonial historical whiting about the Chumash. Those strategies include the generous use of euphemisms that blur that smooth over Chumash genocide; the use of the passive voice to avoid naming the subject/agents of colonization; the deployment of an assimilationist nationalist master narrative; the tone of colonial inevitability; a steady colonial gaze and implicit glorification of a linear and seemingly irreversible colonial process; a distortive selective use of facts leading the readership to almost sigh with relief that White American has supplanted Chumash society and lifeway's; and the omission of Chumash voice and agency. Absolutely no living Chumash people were involved in the project. In fact, only three short paragraphs are dedicated to the living Chumash. Both publications tell us the "the Chumash are not extinct" and that "they are proud of their history, their spiritual values, and their cultural history." However, not a single living Chumash person is quoted.

The museum' aforementioned publications situate the silent Chumash almost entirely in the frozen long-ago time. The museum's pamphlet euphemizes Indian bondage and slavery within the Santa Barbara Mission as "Indian labor." The fact that colonizers often relied on physical force to recruit and maintain Indians in the missions is converted to a matter of friendly persuasion: "The Chumash were urged to leave their native villages." The violent colonization process is further neutralized as the museum pamphlet authors imply that the Chumash themselves eagerly recruited for the mission system: "the first Chumash to learn the new way of life went back to the villages and brought more Indians to the missions." Gone are the "Spanish soldiers," the Catholic mission whipping posts, torture

dungeons, sexual violence by soldiers and priests, the loss of personal autonomy and ensuing decline in births among the Native populations, as well as the colonial destruction of Native social systems and of ecological systems, and the Catholic missionaries' persecution of Native spiritual practices. The Chumash Holocaust is trivialized into "the populations of the villages declined to the point where their religious and social systems broke down." The publications' exclusion of Chumash voices, as legitimate speaking/writing subjects, as "knowers," is consistent with its overall strategy to disguise or embellish colonialism and its violence's. The almost entirely passive-voiced writing makes it appear as if the population decline happened by itself or was due only to diseases. "Their religious and social systems broke down." Who did the breaking? How did they break? It was the Indians' fault; we did it to ourselves……

The Santa Barbara Museum of Natural History's publication leaves the reader with a fairly idealized and benevolent image of Catholic missionization and colonization. The pamphlet, for example, fails to engage historical evidence concerning how the mission imposed a starvation diet upon mission Indians, weakening our resistance to disease and our ability to survive even without disease. For example, two-thirds of Chumash children brought into the missions died before age five. Although the successful Mexican wars of independence from Spain ultimately terminated the Spanish Catholic mission system by the mid-1830s, the Mexican nation greatly expanded the expropriation and privatization of Indian lands. Spanish rule from 1769 to 1821 had issued twenty private land grants, whereas Mexican rule, from 1821 to 1846 authorized five humored land grants, very few of them to Indigenous communities and individuals. Dispossession of communally held ancestral Native lands, along with expanded forms of enslavement and genocide, greatly increased with the arrival of US Americans and their Gold Rush in the 1840s.

The Santa Barbara Museum of Natural History booklet mentions the arrival of American after 1848 "to farm or run businesses." American westward imperial expansionism into the Chumash homeland would appear a matter of stalwart individuals wanting to do business in the context of an occasional racism perpetrated by random small groups. The booklet notes: "Many whites believed that Indians were either 'wild savages' to be destroyed or inferior 'diggers' to be laughed at or pitied." Such writing erases the fact that the genocide of Indian tribes was planned and executed not only by "many whites" but systematically by officialdom of the state of California and the United States government, by the judicial system, and by law enforcement. That period from 1848 to the 1890s was perhaps the bloodiest, may elders refer to it as "all out, total all out violence….It was an extremely terrible time for our people" After California became part of the United States, the California legislature institutionalized and enforced even more systematic and widespread forms of violence against Native peoples. The Santa Barbara Museum of Natural History's pamphlet systematically downplays the very violence that provided the museum with prime Chumash land adjacent to mission lands worked by captive Chumash laborers.

The museum's website is also problematic. It telescopes thousands of years of Chumash civilization into an abbreviated timeline entitled "Time of Cultural Change in South Central California." What is implied by the museums' decision to terminate the Chumash timeline with "Missionization'? What about cultural changes after Catholic missionization? The museum effectively obscures contemporary

living Chumash communities as it assumes authority over defining and representing Chumash peoples. When it does focus on living communities, typically through curator John Johnson, the museum wields power in highly controversial ways.

The museum's construction of history illustrates the unequal power relations, an elder describes: "Studying any people is an act of power over them. Researchers control the product and they disseminate it." In the "Chumash Indian Hall" with a Chumash diorama, manifests a wax-museum approach to human identity and history. The museum's taxidermy-like Chumash Indian Hall exhibit once again positions the Chumash in that frozen long-ago time. Raymond Corbey ties such ethnographic showcases "to the imperialism of nineteenth-century nation states" as he assigns ethnographic exhibits to "the wider context of the collecting, measuring, classifying, picturing, filing, and narrating of colonial Others during the heyday of colonialism" The museums' curators have the power, authority, resources and official space to present this frozen Chumash diorama, and this power implies many things, all of them tied to the legacy of enduring unequal colonial power relations installed and maintained by Eurocoloization. For Chumash communities, historical trauma is a central component of that legacy.

Beyond the appropriation of the Chumash as cultural "others," the Santa Barbara Museum of Natural History's exhibit reinscribes "Chumash" and the Indigenous within the purview of Euro-America's "natural history" while the absence of a White diorama implicitly positions Euro-Americans in a separate category. Chumash/California scholar Deana Dartt-Newton has undertaken a sustained analysis of California museum representations of Native peoples in her groundbreaking dissertation "Negotiating the Master Narrative: Museums and the Indian/Californio Community of California's Central Coast." She includes the Santa Barbara Museum of Natural History in her conclusion that "the four museums discussed above represent Indian people in a past, primitive, and natural state, predominantly occurring in dark, unappealing spaces. For these venues to bring Indian life to the fore in their narratives would require tackling issues of colonization, land tenure, sovereignty, and racism which began with the arrival of Europeans." She also signals the connection between the representation of Chumash by museums and some scholars and the continuation of historical trauma: "Today the Native communities of the Central Coast resemble so little the representations made of them that Native people hardly recognize themselves there. This disconnection contributes to continued marginalization as well as to experiences of sustained historic trauma."

Chumash scholar Deanna Dartt-Newton's research and writing contribute centrally to healing Chumash history, as she incorporates a host of Central Coast Chumash community voices, as well as community demands and critiques of the museum. Not least of those Chumash demands is that for the return of the seafaring plank canoe named Kelek. The Santa Barbara Museum of Natural History laid claim to the Kelek in 1976, bolted the Kelek to the museum ceiling, and has dismissed Chumash demands for its return to the community.

Given the museum's occlusion of traumatic colonial and continuing violence, it is worth remembering/restating highlights of that recent violent history that Chumash communities have resisted and survived against all odds. In 1849 California's first Constitutional Convention denied

"Indians and their descendants" voting rights. After California became part of the United States of America in 1850, the politicians of the new Golden State enacted laws legalizing Indian slavery and installing White supremacy as a matter of law. In an Orwellian distortion of language, the California legislature named its first 1850 legalizing Indian slavery an "Act for the Government and Protection of Indians." Under the guise of "protecting" Indians, Section 3 of the act stipulated that:

Any person having or hereafter obtaining a minor indian, male or female, from the parents or relations of such indian minor, and wishing to keep it, such person shall go before a justice of the peace in his township, with the parents or friends of the child, and if the justice of the peace becomes satisfied that no compulsory means have been used to obtain the child from its parents or friends…shall give to such person a certificate, authorizing him or her to have the care, custody, control, and earnings of such minor, until he or she attains the age of majority, male 18, female 15.

Throughout the nineteenth century, Euro-American slave traders routinely hunted Native American and sold them at auction for prices ranging between fifty and two hundred dollars. Historian James Rawls indicates, "So what we have here in California during the Gold Rush, quite clearly, was a case of genocide, mass murder that was legalized and publicly subsidized." Clifford E Trafzer and Joel R. Hyer, for example, published documents from the 1848-68 genocide in the collection Written Accounts of the Murder, Rape, and Slavery of Native Americans during the California Gold Rush, 1848-1868. California Natives were routinely hunted, captured, and either killed or sold at auction: "The slave traders frequently murdered the troublesome parents as they were gathering up the children, a tactic that allowed the slavers to sell their little charges as orphans.

3

It is incumbent upon us to remember that the violence was systemic and enacted merely by a few vigilantes or errant slave traders but a collaborative effort launched by US government policy, its military and law enforcement, and by the California judicial system. Governmental institutions protected the bounty hunters, slave traders, and Euro-American land grabbers, settlers, and ranchers. It is necessary to bring the extent of violence to mind to understand the degree of contemporary "whitewashing." Native peoples responded to the onslaught by organizing armies of self-defense throughout the country. Some of the best-known leaders of the resistance are Joaquin Murrieta, Tomas Tajochi, Mangas Coloradas, and Cochise.

The Santa Barbara Museum of Natural History's booklet would be insignificant, were it not paradigmatic of historiography emanating from such of institutionalized officialdom, which, knowingly or unknowingly serve as the localized extensions of state and national efforts to neutralize, define, and control native peoples. Ned Blackhawk describes historiography's trend to minimize violence directed at Native population as complicit with the celebration of US nationhood: "Despite an outpouring of work over the past decades, those investigating American Indian history and US history more generally have failed to reckon with the violence upon which the continent was built. Violence and American nationhood, in short, progressed hand in hand." The occlusion of violence, particularly nation-state violence visited upon the Chumash by colonialism, today tacitly legitimizes colonial politics, making the unspoken justification of history's violent outcomes far easier. If the bloodshed that created and sustains the American nation-state is whitewashed, the current national and state

apparatus appears benevolent, inevitable, and even "naturalized." Once the dispossession and enslavement of Native peoples is occluded, the glory of California's economy can be celebrated as the work of enterprising White Americans. Among the Santa Barbara Museum of natural History's most glaring erasures are the many Chumash resistance struggles across history. They omit every single Chumash uprising, indictments of the Catholic missions and newly imposed nation-state systems, as well as the more subtle resistance efforts by contemporary Chumash peoples. More contemporary struggles, such as the 1978 Point Conception Occupation also go unmentioned. Yet the broader epic story of that struggle over Point Conception remains to be written and will require its own book.

The physical Point Conception Occupation was the most publicized and dramatic aspect of a longer protracted struggle whose legal component began in 1977 and did not end until 1982. The 1977 federal lawsuit against Western LNG, who hoped to place an industrial development at Point Conception, was filed on behalf of the newly formed Santa Barbara Indian Center represented by attorney Marc McGinnes, general counsel and executive director of the newly formed Environmental Defense Center, a public interest law firm. The legal team argued for the rights of First Peoples and asserted rights of cultural continuity pertaining to the land and desecration of the land. With regard to the court battles, Marc McGinnes recalls, "We lost at every level, but we held them up for years and we fought for every inch." Western Liquid Natural Gas filed a countersuit against the Point Conception occupiers, charging them with "trespassing" on private property. In addition to the lawsuits fought out in court system, the US Federal Energy Regulatory Commission held hearings in Washington, D.C., and Santa Barbara. This huge culture class around Point brought national and international public attention to Native spiritual issues, while also generating alliances and coalitions with diverse groups, including the American Indian Movement, the Native American rights Fund and California Indian Legal Services. Ultimately, Western Liquid Natural Gas abandoned its designs on Point Conception in the 1980s. More importantly, as a landmark struggle for spiritual reemergence, the Point Conceptions Occupation signals Chumash revitalization; it brought healing upon the land and people.

A healing dynamic emerges not only from Point Conception but also from continued reclamation struggles since then. In the mid-1990, Chumash communities and their allies organized to build the Elye'wun tomol and paddle from the Chumash mainland to the island site of Limuw, for the second time in recent history. The subsequent establishment of the Chumash Maritime Association marks another significant step toward Chumash community self-governance and spiritual revitalization.

A new generation of critically engaged anthropologists and historians of the Chumash is on the rise. In 1989 Peter Nabokow noted that "There is a major book on the Chumash that cries out to be written." In 1991 James A Sandos calls for a new Chumash-centered history that respects Chumash humanity and seeks to view Indians acting on their own terms, for their own reasons, "in light of their own cultural norms and values." Lynn Gamblee's 2008 Chumash World at European Contact: Power, Trade, and Feasting among Hunter Gatherers, does meet the call for a "major book on the Chumash." Gambles's focus is largely pre-colonial and includes daily life, ceremonial activity, and a discussion of broader social structures and dynamics. While exceptionally detailed and well researched, the volume mainly compiles many previously written materials without in-depth critical commentary or original

analysis. In its marked reliance on excavations from a host of Chumash burial sites that have been disturbed and desecrated, Gambles' book shows itself at odds with traditional Chumash "cultural norms and values." Although the title refers to the time period "at European Contact," the colonial encounter and its aftermath are circumvented.

With regard to breaking new healing ground, some California anthropologist and historians do offer sustained innovative and critical engagements with California Indigenous history, knowledge, and lifeways. Notably, a number of historians manifest the will and determination to center Indigenous experience and voice; to highlight Indigenous agency; to bring into focus Indigenous faces, names, historical self-affirmations and resistances. Historians such as Edward Castillo, Robert H. Jackson, Antonia Castaneda, Robert F. Heizer, Lisbet Haas, and Steven W. Hackel, for example, systematically shed light on California Indian agency and perspectives usually obscured within much of mainstream and even Indian-sympathetic historiography and anthropology. Castaneda's meticulous work on gender issues, Hass's volume, Conquests and Historical Identities in California, 1769-1936, and Hackel's children of Coyote, Missionaries of Saint Francis: Indian-Spanish Relations in Colonial California 1769-1850 reconstruct the complexities of early California histories and Indigenous agency. Jackson and Castillo highlight the complexity of Indigenous resistances within the mission system in Indians, Franciscans, and Spanish Colonization. However, these works are not specifically Chumash-focused.

Significantly, there is an emergent New Chumash research, a Decolonial research agenda, in the works, challenging many aspects of established Chumash research and changing the terms and categories of analysis. A new Chumash-centered research will necessarily be rooted in an Indigenous knowledge system whose traditions of practice, categories of cognition, classification, knowledge production, storage, and transmission arise from a Chumash knowledge system. Chumash scholar Deana Dartt-Newton and Jon M. Erlandson, for example, signal the advent of a New Chumash Research that puts forward new Chumash research paradigms. For Example, they critique Santa Barbara anthropologist Daniel O. Larson, John R Johnson, and Joel C. Michelson, who claim that Chumash Indians moved to the Spanish missions owing to "climactic conditions" rather than as a matter of colonial oppression. Chumash scholar Deana Dart-Newton and Erlandson indicate, "We recognize that deeply submerged or ingrained in the intellectual history of Western science, resistance to a full accounting of this apocalyptic history is still widespread."

3

Salinan, no Salinans in the City of Morro Bay before 1500, (see Bob Gibson Ethnographic of the Salinan, John P. Harrington Chumash Territories).

4

Historic Setting, Morro Rock was first named by the Northern Chumash 15,000 years ago, Lisamu.

5

Identification of Cultural Resources in Project Site, no meaningful consultation with the Northern Chumash Nation has occurred, Indigenous Peoples knowledge is paramount. Must be peer reviewed, by an archaeological company, in good standing with the Northern Chumash.

6

Known Cultural Resources: Must be peer reviewed by an archaeological company in good standing with the Northern Chumash.

Buried Archaeological Site Assessment, Northern Chumash Cultural Sacred Places and Sites are not, "prehistoric archaeological sites", they are Northern Chumash sites, NCTC does not agree with this sensitivity mapping. Must be peer reviewed by an archaeological company in good standing with the Northern Chumash.

Paleontological Resources Records Search, paleontological resources are a part of the Northern Chumash cultural heritage, many stories are created from the ancient ones.

Local, we are not archaeological resources, all the language should be changed to Native American resources instead of "archaeological" resources.

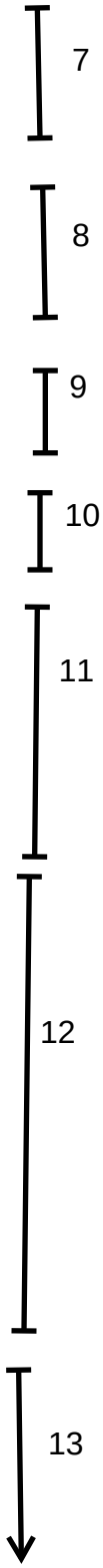
Policy 4.03: "with areas identified as having potential archaeological (change) sites" many areas have not been identified, and therefore under CEQA AB 52 meaningful consultation my require surveys where Native American resources have not been identified.
Policy 4.0: "can determine the significance of the resources" Northern Chumash consultation must be included for any mitigation measures. a. with consultation with Northern Chumash, c. coverage of any kind is not acceptable, avoidance is the only alternate.

B. Archaeological Reconnaissance. 1. Potential archaeological sites, change to Native American sites: "resource inventory" change by adding, "and Northern Chumash consultation". 2. Change to Native American resources:

Must Change all references to archaeological resources to Native American resources. a. must include Northern Chumash meaningful consultation. b. Must include Northern Chumash meaningful consultation, archaeologist are not superior to Native Americans, as much as they think that they are because of the educations and other monetary motivations, the court of California have stated that California Native American have equal standing with all scientist, making evaluations and determinations, no archaeologist should be making decision without California Native American Meaningful Consultation. i. not a Northern Chumash recommendation, leave it alone, Never cover Sacred Sites, Avoidance is the mandate.

Impact Analysis, must change all "archaeological resources" to "Native American Resources"

NCTC is requesting a peer review of all impacts, by a qualified archaeological company that is in good standing with the Northern Chumash Community, Barry Price Applied EarthWorks.



NCTC is disputing all findings in this section, California Native American Northern Chumash Cultural Resources are too precious, we have lost 99% percent of our cultural resources and history, the Native American Community deservers the best, not the lowest bidder.

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Mitigation Measures CUL-1 and CUL-6 through CUL-9 findings are disputed, these findings were done without any California Native American Northern Chumash meaningful consultation, and are in violation of the Northern Chumash protocols for determinations, mitigations, and must be rewritten with consultation with Northern Chumash Tribal Governments and must be peer reviewed by an archaeological company in good Standing with the Northern Chumash. Each and every one of the Mitigation Measures are disputed, mitigation measures are meant to preserve, we are talking about the Preservation of the Northern Chumash Nation, we deserve better, and we can do better, the Northern Chumash know how to enter into discussion and make determinations that will protect and preserve Northern Chumash Culture and Heritage for our future generations.

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Northern Chumash Tribal Council, Inc.
P.O. Box 6533
Los Osos, CA
93412

Comment Letter – Northern Chumash Tribal Council (NCTC)

Response to NCTC-1

CEQA Guidelines Section 15125 "Environmental Setting" states an "EIR must include a description of the physical environmental conditions in the vicinity of the project," that "environmental setting will normally constitute the baseline physical conditions," and the "description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." Also, that section states "knowledge of the regional setting is critical to the assessment of environmental impacts."

Section 3.5.1 Environmental Setting of the Draft EIR provides a brief summary of the prehistoric setting of the project site as understood by professional archaeologists (see pages 3.5-4 to 3.5-5 of the Draft EIR). It is not intended to be a comprehensive description of the setting of the project site, but instead provides an overview in which to assess the environmental impacts, consistent with *CEQA Guidelines* Section 15125.

The City understands the NCTC has a different perspective on the timeline of occupation for Indigenous Peoples and views the Northern Chumash occupation of the Morro Bay as one continuum. That comment has been included in the Final EIR and the information provided by the commenter is hereby incorporated by reference.

Response to NCTC-2

Both the Chumash and the Salinan are included in the Ethnographic Setting since both groups currently have ties to the Morro Bay area. The first recorded European exploration of the area was not until 1542, when Juan Rodríguez Cabrillo sailed up the coast of California. That is after 1500, the date at which the commenter notes the Salinan first occupied Morro Bay. However, the City understands there is some disagreement about pre-contact occupation of the Morro Bay area by the Salinan. In response to this comment, the text on pages 3.5-5 and 3.15-1 of the Draft EIR has been revised as follows:

> At the time of European contact of the Morro Bay area (ca. 1542), the preferred and proposed project sites were occupied by two Native American groups: the Chumash and the Salinan. Since there is some disagreement about the pre-contact boundaries for each group (see Gibson, 1983b; Kroeber, 1925; Mason, 1912; Milliken 2010; and Milliken and Johnson 2005), the following discussion focuses on the post-contact period.

Response to NCTC-3

Regarding the use of Kroeber as a reference, the City understands the NCTC has a different perspective on the use of Kroeber as a citation and appreciates the information provided by the commenter. This comment has been included in the Final EIR and the information provided by the commenter is hereby incorporated by reference.

Response to NCTC-4

The commenter is referred to Response to NCTC-2.

Response to NCTC-5

In response to this comment the text on page 3.5-6 of the Draft EIR has been revised as follows:

> Morro Rock, the prominent landmark at the entrance to Morro Bay, was first named by the Northern Chumash and was called *Lisamu*. It was later named again by Spanish explorer Juan Rodriguez Cabrillo during his voyage of the California coast in 1542. Cabrillo called the rock "El Moro," because it resembled the head of a Moor, the people from North Africa known for the turbans they wore.

Response to NCTC-6

Regarding the comment about consultation with the NCTC, pages 3.15-3 to 3.15-7 of the Draft EIR describe the Native American outreach that was conducted by the City and its cultural resources consultant, Far Western. Fred Collins, Spokesperson for the NCTC, responded to a request for information from Far Western via a telephone call on March 21, 2017, and expressed concerns about potential impacts of the proposed pipeline alignment within and adjacent to Lila Keiser Park and suggested rerouting the alignment to avoid the park and Morro Creek. Mr. Collins requested an in-person meeting with the City and County. A representative of the City, John Rickenbach, met with Mr. Collins and his representative, Barry Price of Applied Earthworks, on May 4, 2017. They discussed the proposed project and potential concerns Mr. Collins might have with the proposed project.

Regarding the comment about peer review, qualified archaeologists on staff with the City's CEQA consultant, ESA, peer reviewed all cultural resources documentation provided by Far Western.

Response to NCTC-7

The commenter is referred to the response regarding peer review in Response to NCTC-6.

Response to NCTC-8

Regarding the comment prehistoric archaeological sites are Northern Chumash sites, the Draft EIR uses terminology in keeping with CEQA terminology (i.e., historical resources, archaeological resources, human remains, tribal cultural resources). The use of the term "prehistoric" is commonly used to refer to Native American archaeological sites from the pre-contact era.

Regarding the comment about peer review, the commenter is referred to Response to NCTC-6.

Response to NCTC-9

The City understands the NCTC has a different perspective on paleontological resources and views them as part of the Northern Chumash cultural heritage. This comment has been included in the Final PEIR and the information provided by the commenter is hereby incorporated by reference.

Response to NCTC-10

This comment relates to pages 3.5-16 to 3.5-17 of the Draft EIR, which quote the *City of Morro Bay Local Coastal Land Use Plan* (1982) and *City of Morro Bay Zoning Code 17.48.310: Protection of Archaeological Resources*, and the City cannot change the language in the Draft EIR since it is a direct quote. Mitigation Measure CUL-3: Avoidance and Preservation in Place of Archaeological Resources requires the City to first consider avoidance of all archaeological resources that qualify as, or potentially qualifying as, historical resources or unique archaeological resources under CEQA through proposed project re-design unless determined to be infeasible, and indicates that "preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement."

Response to NCTC-11

This comment refers to page 3.5-17 of the Draft EIR, which is quoting the *City of Morro Bay Zoning Code 17.48.310: Protection of Archaeological Resources*, and the City cannot change the language in the Draft EIR since it is a direct quote. Several mitigation measures provide opportunities for Native American input on cultural resources, such as CUL-4: Development of an Archaeological Resources Data Recovery and Treatment Plan, CUL-5: Development of a Cultural Resources Monitoring and Mitigation Program (CRMMP), CUL-6: Construction Worker Cultural Resources Sensitivity Training, CUL-7: Archaeological Resources Monitoring, CUL-8: Native American Monitoring, CUL-9: Inadvertent Discovery, and CUL-14: Inadvertent Discovery of Human Remains. As noted in Response to NCTC-10, Mitigation Measure CUL-3: Avoidance and Preservation in Place of Archaeological Resources requires the City to first consider avoidance of all archaeological resources that qualify as, or potentially qualifying as, historical resources or unique archaeological resources under CEQA through proposed project re-design unless determined to be infeasible, and indicates that "preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement."

Response to NCTC-12

The commenter is referred to Response to NCTC-10 and NCTC-11.

Response to NCTC-13

Regarding this comment about replacing the term "archaeological resources" with "Native American Resources," the impacts analysis uses the CEQA terms provided in the threshold

questions in Appendix G of the *CEQA Guidelines* (historical resources, archaeological resources, unique paleontological resources, and human remains). Additionally, not all archaeological resources are Native American in origin.

Regarding the comment about peer review of all impacts, the Draft EIR is a public document and all members of the public, including Mr. Price, were welcome to comment on the Draft EIR during the comment period. An additional opportunity to comment on the Final EIR will be available at the joint Planning Commission/WRFCAC meeting and the City Council's certification hearing.

Regarding the comment about disputing all findings in the impacts analysis section of Chapter 3.5 of the Draft EIR, according to *CEQA Guidelines* Section 15126.2 "an EIR shall identify and focus on the significant environmental effects of the proposed project...Direct and indirect significant effects of the project on the environment shall be clearly identified and described." The Draft EIR shall also "describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance" and "the reasons why the project is being proposed, notwithstanding their effect." The Draft EIR acknowledges that impacts of the proposed project to historical and archaeological resources and human remains would be significant and unavoidable even after implementation of mitigation. The Draft EIR identified the proposed project as the environmentally superior alternative based on a variety of factors (see Chapter 6 Alternatives Analysis). The Draft EIR is an informational document that allows the lead agency to make an informed decision whether to approve or disapprove a project or alternative. As the Lead Agency, the City will decide whether to proceed with the proposed project or whether to accept or reject any of the identified alternatives.

The City appreciates and understands the commenter's concerns regarding Native American cultural resources. This comment has been included in the Final EIR and will be considered by the City as part of the deliberations to approve or disapprove the proposed project.

Response to NCTC-14

CEQA Guidelines Section 15126.4(b) provides guidance on mitigation measures related to archaeological resources and states:

> (3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:
>
> > (A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
> >
> > (B) Preservation in place may be accomplished by, but is not limited to, the following:

1. Planning construction to avoid archaeological sites;

2. Incorporation of sites within parks, greenspace, or other open space;

3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.

4. Deeding the site into a permanent conservation easement.

(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

Mitigation Measure CUL-3: Avoidance and Preservation in Place of Archaeological Resources requires the City to consider avoidance of archaeological resources qualifying as, or potentially qualifying as, historical resources and unique archaeological resources (including known sites with Native American human remains) through project re-design, consistent with *CEQA Guidelines* Section 15126.4(3)(A). In the event avoidance and preservation in place of a resource is determined by the City to be infeasible in light of factors such as project design, costs, and other considerations, then Mitigation Measure CUL-4: Development of an Archaeological Resources Data Recovery and Treatment Plan will be implemented for that resource, consistent with *CEQA Guidelines* Section 15126.4(3)(C).

Also, as noted in Response to NCTC-11, several mitigation measures provide opportunities for Native American input on cultural resources, such as CUL-4: Development of an Archaeological Resources Data Recovery and Treatment Plan, CUL-5: Development of a Cultural Resources Monitoring and Mitigation Program (CRMMP), CUL-6: Construction Worker Cultural Resources Sensitivity Training, CUL-7: Archaeological Resources Monitoring, CUL-8: Native American Monitoring, CUL-9: Inadvertent Discovery, and CUL-14: Inadvertent Discovery of Human Remains.

Regarding the comment about peer review of mitigation measures, as noted in Response to NCTC-12, the Draft EIR is a public document and all members of the public, including an archaeological company chosen by the Northern Chumash, were welcome to comment on the Draft EIR during the comment period. An additional opportunity to comment on the Final EIR will be available at the City Council's certification hearing.

MBNEP

May 17, 2018

Rob Livick, P.E.
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Comments on Morro Bay Water Reclamation Facility DEIR

Dear Mr. Livick,

Please consider this letter as comment to the Morro Bay Water Reclamation Facility Draft Environmental Impact Report.

1. **DEIR does not adequately address the potentially significant downstream impacts from spills or natural disasters to protect the Morro Bay estuary and adjacent wetlands.**
   a. The description of impact 3.9-2 (page 3.9-31) describes the potential of surface water or groundwater quality impacts in the event of a pipeline rupture or accidental spill at the WRF as less than significant. This determination does not adequately weigh the value of the Morro Bay estuary as a nationally designated waterbody through the National Estuary Program, home to two state marine protected areas, and a designated Important Bird Area. These designations indicate the high value of the habitat and resources in the bay, which make a potential sewage spill a significant event. Limited circulation in the back part of the bay means that any sewage making its way down stream could take weeks to flush out, causing significant harm (based on previous circulation studies by our program and others). Previous spills at the California Men's Colony treatment plant have resulted in elevated nutrient, chlorine, and bacteria levels in Chorro Creek. Although the proposed project will not release treated effluent to Chorro Creek or its tributaries, a major spill event could have similar impacts in the bay itself. The estuary not only supports sensitive wildlife but also two commercial oyster farms, an active commercial fishing harbor, and many recreation-focused businesses. A spill event could have human health effects as well as economic impacts. Morro Bay National Estuary Program views potential spill events as a significant impact that should be mitigated by project design or location. The DEIR should specifically explain how spills will be contained and what backstop measures will be put in place. The current description only vaguely states that spills will be contained on-site.

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b. The determination for impact 3.9-2 (3.9-31) assumes that other regulatory requirements will ensure that the project activities will have a less than significant impact. These other regulatory requirements include NPDES permitting, completed SWPPP, and State General Waste Discharge Requirements. However, these other permit requirements and plans are not available to the public to review and provide comment. Therefore, it is difficult to determine if they will be sufficient to make this impact less than significant. The EIR should specify actions, performance criteria or standards that will be accomplished by these other regulatory requirements. This remains a potentially significant impact and mitigations to avoid spills contaminating the wetlands and estuary (especially the back bay) should be specified. 2

2. **The proposed site introduces a new industrial use into an open space area that is zoned as agricultural. The DEIR does not fully address mitigation for this impact.**
   a. The WRF will introduce a quasi-industrial (albeit public) use to agriculturally designated open space, potentially opening the door for other developments/land uses, public or otherwise. This is a potentially significant impact not fully addressed by the growth inducement section (5.6.2) or land use planning section (impact 3.10). Furthermore, the Estuary Program obtained and monitors a conservation easement on the parcel immediately adjacent to the proposed site; the purpose of the conservation easement is to protect the wetlands and estuary from impacts from future development in the lower watershed. A mitigation measure requiring the remainder of the proposed project site be retained in a conservation easement (or other permanent, protected status) should be added to help mitigate this potentially significant impact. 3

3. **Project may result in increased groundwater resources for the city of Morro Bay but does not provide for mitigating the impacts of existing groundwater wells in the Chorro Creek area.**
   a. The DEIR states in Section 5.5 that the recycled groundwater component of the project will allow the city to reduce reliability on State Water Project (SWP) allocation and improve reliability of its water supply. This argument is used to state that the project will not increase the projected water supply for the City in the future. Since the DEIR does not state a future plan to reduce use of the Chorro Valley wells, the project may very well increase water supply if those wells are used to the full capacity of their permit and SWP allocation remains similar to current conditions. The DEIR should more adequately address the possibility of increased water supply and under what conditions that might happen. 4
   b. The Chorro Valley wells are sometimes used by the city during the dry season and can impact streamflow in Chorro Creek. The city's groundwater permit for the use of these wells limits their use to times when there is at least 1.4 cubic feet per second of flow in the creek. This permit condition is sometimes difficult to meet, given that 5

the city needs these wells when other sources (like SWP) are not available. In previous years, SWP water has been off-line for maintenance in the fall. Unfortunately, fall is also a time of low flows in the creek. As the proposed project creates improved water supply via recycled water, the increased supply should be used to reduce the use of the Chorro Valley wells, thus maintaining surface flows and reducing impacts to steelhead and other sensitive species.

4. **DEIR states alignment with the Comprehensive Conservation and Management Plan for the Morro Bay Estuary and this needs to be corrected.**
   a. The Comprehensive Conservation and Management Plan for the Morro Bay Estuary (CCMP) is assessed as part of the Land Use and Planning section 3.10 on the top of page 3.10-15. The DEIR states "No Conflict. The Comprehensive Conservation and Management Plan for Morro Bay, BMP-12, supports the increase in treatment levels and the upgrades for recycled water distribution both of which the proposed project incorporates..." BMP-12 from the CCMP was written in 2012, prior to the consideration of the proposed WRF site. When written, the wastewater treatment plant was located outside the Morro Bay watershed. BMP-12 was not intended to support a site within the watershed. BMP-12 also specifically states, "If the plant upgrade incorporates recycled water distribution, the estuary may benefit by a reduction in the use of wells adjacent to Chorro Creek." However, the DEIR frames the recycled water component of the project as a potential to reduce the city's reliance on the State Water Project allocation and does not reflect any intention to reduce use of the Chorro Valley city wells, adjacent to Chorro Creek. (See the last paragraph of Section 5.5, pages 5-6 and 5-7.) Therefore, the Estuary Program does not agree that BMP-12 presents no conflict to the proposed project. Instead, BMP-12 supports the general idea of increased treatment and reduced use of the Chorro Valley city wells. **The DEIR should state that the CCMP (BMP-12) supports increased treatment at the current wastewater treatment site and reduced use of the Chorro Valley city wells and makes no statement of support of a new site.**
   b. Chapter 3.4 (Page 3.4-34) describes components of the CCMP without providing a direct reference to the document. The CCMP should be directly referenced, as other resources in this section are referenced to source materials.

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5. **DEIR should provide specific actions, performance criteria, or standards when describing mitigation of water quality impacts.**
   a. The description of impact 3.9-4 (page 3.9-37) describes the potential of erosion, siltation, and flooding due to changes in topography and drainage patterns. The impact determination is based on other regulatory requirements, as stated previously for impact 3.9-2. It is difficult to determine if they will be sufficient to make this impact less than significant. The EIR should specify actions, performance

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criteria or standards that will be accomplished by these other regulatory requirements.

b. The description of impact 3.9-5 (page 3.9-39) describes the potential for increased stormwater runoff due to increased pervious surfaces at the proposed site. The impact determination is based on other regulatory requirements, as stated previously for impacts 3.9-2 and 3.9-4. It is difficult to determine if they will be sufficient to make this impact less than significant. The EIR should specify actions, performance criteria or standards that will be accomplished by these other regulatory requirements.

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6. **DEIR should include in the biological resources impact discussion the need for keeping planned technologies up to date.**
   a. Impacts 3.4-2 (page 3.4-44), 3.4-3 (page 3.4-46), 3.4-4 (page 3.4-49), and 3.4-5 (page 3.4-50), rely on the use of trenchless construction as essential to reducing impacts. Trenchless construction methods have been advancing rapidly over the past few years and the Estuary Program encourages the city to continue to assess these mitigation measures and the planned technology to ensure that the most reliable and least impactful method that is feasible for the project can be employed. Continual assessment of planned technology for trenchless construction and other methods relevant to this section should be included in the impacts discussions as a component of best practices.

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7. **DEIR should more fully describe specific technologies in a manner that can be assessed for impacts.**
   a. Section 3.8 briefly explains Clean in Place technology on page 3.8-15 but provides no detail. Impact 3.8-1 describes the routine use of hazardous materials for operation of the proposed WRF. However, the lack of detail about the Clean in Place technology makes it difficult to assess whether this impact is less than significant. The DEIR should provide a fuller description of how Clean in Place technology will operate at the facility.

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8. **Geology mitigation measures should consider future climate conditions and cumulative impacts.**
   a. Geotechnical investigation described in mitigation measure GEO-1 (page 3.6-16) should consider the cumulative impacts of geologic activity and climate/weather events such as wildfire and intense storms. Structural mitigation should be able to withstand multiple events at once, as experienced recently in Santa Barbara County.

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   b. Mitigation measure GEO-2 (page 3.6-18) should include restoring vegetated areas with native plants to improve erosion control and minimize risk of environmental

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impacts from non-native species, such as spreading outside the project area and competing with native species.

c. The DEIR states that mitigation measure GEO-2 (page 3.6-18) would address erosion impacts because existing regulatory requirements demand features that minimize erosion. This mitigation measure and other regulatory requirements should be implemented under considerations of precipitation patterns that are expected to occur over the life of the plant – increased storminess, more intense rain events happening less often, and other predicted changes to our region's climate.

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9. The DEIR should include one or more alternative site(s) outside the Morro Bay estuary watershed, given the significance of this resource and potential impacts.

a. The DEIR states in Chapter 6 (Alternatives Analysis) that previous work to assess 17 sites for the WRF was sufficient to determine that only the proposed site is feasible. However, the previous site assessments did not necessarily consider the differences in environmental impacts between sites. Given the potential for impacts to cultural and environmental resources, the DEIR should examine another site more fully. The Morro Bay watershed and estuary has special designation through the EPA's National Estuary Program. The bay is also an Audubon Important Bird Area and home to two state Marine Protected Areas. These special designations serve to protect the wildlife, habitats, and beneficial uses of the bay. Taken together, the bay's special status highlights its importance to our community and nation. Given the importance and sensitivity of the Morro Bay estuary, a site outside the watershed may be an environmentally superior alternative and should be included in the alternatives assessment.

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Thank you.

Sincerely,

Lexie Bell
Executive Director

Comment Letter – Morro Bay National Estuary Program (MBNEP)

Response to MBNEP-1

As stated in the comment, the operation of the proposed project would not include the release of effluent to Chorro Creek or its tributaries or to Morro Bay estuary. Operation of the proposed project would result in the discharge of tertiary-treated effluent and brine to Estero Bay only. Please refer to **Master Response 3 – Accidental Release and Impacts to Morro Bay Estuary** for additional information.

Response to MBNEP-2

An explanation of the NPDES General Construction Permit for Storm Water Runoff, Storm Water Pollution Prevention Plans (SWPPPs) and best management practices (BMPs), and the City's Storm Water Management Plan are included on pages 3.9-18 to 3.9-21 of the Draft EIR, prior to the discussion of Impact 3.9-2 on page 3.9-31. Compliance with those regulatory requirements are mandated by law and additional mitigation is not required.

Response to MBNEP-3

Implementation of the proposed project would not conflict with, or have an adverse effect on, the continued use of surrounding parcels for grazing or other agricultural uses. Figure 3.2-2 of the Draft EIR acknowledges the surrounding parcels that are established agricultural preserves as Williamson Act parcels. The proposed WRF would be fenced and screened and would not encroach on neighboring parcels. The Draft EIR states that although 10 to 15 acres would be converted to non-agricultural use, the remainder of the parcel would still be available for grazing or to be placed into an agricultural or open space easement. Also, the proposed WRF is being designed to minimize its footprint as much as possible to minimize such effects to agriculture (Draft EIR, page 3.2-17). See Response to LAFCO-7 regarding the requirements for a conservation easement as a result of the proposed project. See also Response to County-7.

Regarding the potential for the proposed WRF to lead to the development of the remainder of the parcel and result in population growth, the proposed annexation would include only the 27.6-acre parcel, which would include the 10 to 15-acre preferred WRF site, with remaining acres available to be placed into an agricultural or open space easement. As such, the annexation itself would not result in population growth or affect the City's provision of public services. The annexed property would include public use facilities that directly provide a public service. See also **Master Response 2 – WRF Site and Annexation**.

Response to MBNEP-4

A description of the City's water supply portfolio is included in the Draft EIR on pages 3.16-2 and 5-6. Table 3.16-2 in the Draft EIR includes projections for the City's water supply and demand from 2020 through 2035, per the City's 2015 Urban Water Management Plan (UWMP). The water supply portfolio includes recycled water, estimated at the time at 650 AFY. Currently, according to estimates from the Master Water Reclamation Plan, the Draft EIR states that the proposed WRF could produce up to 825 AFY of recycled water for indirect potable reuse (page 5-6). As stated on page 3.16-3, the water supply portfolio demonstrates water supply reliability for the Morro Bay due to the diversity of water sources that can be used to meet demand during normal years and multiple dry years when imported water through the State Water Project (SWP) is restricted. The City is estimated to have adequate water supply to meet demand in dry years through 2035 (City of Morro Bay, 2016).

The water supply portfolio for the City also includes groundwater supplies from the Chorro Valley and Morro Valley groundwater basins. As stated in the Draft EIR on page 5-6, the City's groundwater pumping is limited by existing groundwater permits to 1,142.5 AFY and 581 AFY, respectively, from the Chorro Valley and Morro Valley groundwater basins. The Draft EIR acknowledges on page 5-6 "the nitrate concentrations in both basins exceed the Primary Maximum Contaminant Levels for drinking water. The City has a water treatment system that can remove nitrates from Morro Valley groundwater. However, there is no treatment process in place at the Chorro Valley wells. However, the 2015 UMWP assumes treatment would be provided at the Chorro Valley wells to meet potable water quality requirements."

As stated in Section 5.5 of the Draft EIR, implementation of the proposed project would not increase the projected amount of water supply anticipated for the City in the future, but would rather increase the percentage of the City's water supply supplied by recycled water and groundwater and decrease dependency on water supplied by the SWP. Imported water from the SWP is the primary source of water in the City's water system and consisted of 87.3 percent of the City's water supply in 2015 (Draft EIR, page 5-6). The availability of imported water supplies is dependent on the amount of precipitation in the watershed, the amount of that precipitation that runs off into the watershed, water use by others in the watershed and the amount of water in storage in the SWP's Lake Oroville at the beginning of the year. Variability in the location, timing, amount and form (rain or snow) of precipitation, as well as how wet or dry the previous year was, produces variability from year to year in the amount of water that is available for the SWP (Draft EIR, page 5-6). The proposed project would allow the City to increase the reliability of its water supply. The addition of potable water resulting from the proposed project's indirect potable reuse component would reallocate the percentages of the water sources used by the City, but would not exceed the total amount of water supply the City has planned for in the 2015 UMWP. As such, the proposed project would not create a new or expanded water supply that could create an indirect growth inducement potential (Draft EIR, page 5-8).

Response to MBNEP-5

Please refer to Response to MBNEP-4 above. The proposed project is providing recycled water for the City's water supply portfolio as anticipated in the 2015 UWMP. The proposed project is a

water supply reliability project, that will reduce reliance on imported water from the SWP. The City's water supply portfolio allows for flexibility in the use of imported water, groundwater, surface water, and recycled water based on seasonal and annual precipitation and drought conditions. The City anticipates groundwater from Chorro Valley to be part of its water supply portfolio in the future. The City will continue to comply with all terms and restrictions associated with its groundwater permit in the Chorro Valley groundwater basin.

Response to MBNEP-6

Please refer to Response to MBNEP-5 regarding future use of Chorro Valley wells. The MBNEP's disagreement with the City's conclusion regarding conflict with the Comprehensive Conservation and Management Plan (CCMP) BMP-12 due to the preferred location of the proposed WRF is noted. In response to the comment, the following modification is made to the text of the Draft EIR on page 3.10-15:

Environmental and Cultural Resource Policies and Programs	
V. Morro Bay Estuary and Its Watershed A. Policies, Cayucos and Rural Area 5. Where feasible, implement applicable provisions of the Comprehensive Conservation and Management Plan for Morro Bay published by the Morro Bay National Estuary Program through special programs, land use planning strategies, review of development proposals, and public education.	**No Conflict-Partial**. The Comprehensive Conservation and Management Plan for Morro Bay Estuary, BMP-12, supports the upgrade of the existing MBCSD WWTP "because increasing the treatment level of the effluent could have beneficial impacts to the estuary." BMP-12 states that although Morro Bay does not directly receive effluent from the WWTP, "it is possible that the diluted treated wastewater does occasionally enter the bay through the harbor mouth." As such, increasing the treatment level of effluent discharged through the outfall could have beneficial effects to the estuary. In accordance with BMP-12, the proposed project would serve to increase the level of treatment provided to effluent discharged through the outfall. In addition, BMP-12 includes reduction in the use of City wells adjacent to Chorro Creek. The proposed project does not modify the City's proposed operation of the Chorro Creek wells. ~~increase in treatment levels and the upgrades for recycled water distribution both of which the proposed project incorporates.~~ Additional discussion of consistency with the Comprehensive Conservation and Management Plan is discussed in Chapter 3.4 Biological Resources.

In response to the comment, the following text has been modified on page 3.4-34 of the Draft EIR:

Morro Bay National Estuary Program

The Morro Bay National Estuary Program (MBNEP) seeks to identify a network of interconnected lands to focus conservation efforts that provide critical habitat for sensitive species; high biodiversity patterns; essential ecosystem services and functions; and provide the greatest opportunity for biodiversity to adapt naturally in a changing and variable environment. In order to do this, the ~~Program~~ MBNEP has developed the Comprehensive Conservation and Management Plan (MBNEP, 2012 Update), which

identifies, among other things, action plans to be implemented to support the conservation and sound management of the estuary and watershed. The following action plans ~~has identified the following needs for biological resources that~~ are pertinent to the proposed project:

Response to MBNEP-7

An explanation of the NPDES General Construction Permit for Storm Water Runoff, NPDES MS4 permit, Storm Water Pollution Prevention Plans (SWPPPs) and best management practices (BMPs), the City's Storm Water Management Plan, and the NPDES General Industrial Permit for Storm Water Runoff are included on pages 3.9-18 to 3.9-21 of the Draft EIR, prior to the discussion of Impact 3.9-4 on page 3.9-37. Compliance with those regulatory requirements are mandated by law and additional mitigation is not required.

Response to MBNEP-8

An explanation of the NPDES General Construction Permit for Storm Water Runoff, NPDES MS4 permit, Storm Water Pollution Prevention Plans (SWPPPs) and best management practices (BMPs), the City's Storm Water Management Plan, and the NPDES General Industrial Permit for Storm Water Runoff are included on pages 3.9-18 to 3.9-21 of the Draft EIR, prior to the discussion of Impact 3.9-5 on page 3.9-39. Compliance with those regulatory requirements are mandated by law and additional mitigation is not required.

Response to MBNEP-9

In Chapter 2 of the Draft EIR (page 2-28), the description of proposed project construction methods includes trenchless construction methods including suspension of pipelines on existing bridges or directional drilling or jack and bore methods. The City has not committed to a specific trenchless construction method. If the City implements the proposed project, then available technologies would be considered and evaluated based on constraints and feasibility criteria (e.g., costs and environmental commitments), and the most appropriate and available trenchless methods will be selected.

Response to MBNEP-10

The Clean in Place chemical storage facility is described on page 2-12 of project description in the Draft EIR. The description is copied here for convenience of the reader:

Clean in Place Chemical Storage Facility

A Clean in Place (CIP) chemical storage facility would be constructed for hazardous materials containment and handling. The CIP facility would include a metal canopy to cover chemical tanks, bins, and/or totes in a concrete containment area. Hazardous materials associated with the treatment process include MF/RO membrane cleaning chemicals, disinfection chemicals, and other treatment-related chemicals. Chemicals such as sodium hypochlorite, citric acid, sodium bisulfite, and sulfuric acid would be stored in the CIP. All bulk chemical storage would be located in chemical containment areas fitted

to contain spills. Spills would be conveyed to blind sumps for manual pumping and disposal by truck.

Response to MBNEP-11

The Geotechnical Investigation required by Mitigation Measure GEO-1 would identify a multitude of subsurface geologic and seismic hazards specific to the area around each proposed project facility, and provide structural recommendations to be incorporated into the proposed project design. As such, the Geotechnical Investigation would consider the cumulative effects of such geologic and seismic hazards. The Geotechnical Investigation is not intended to provide design criteria to mitigate potential impacts associated with wildfire and intense storms. Please refer to Impact 3.8-7 on page 3.8-22 of the Draft EIR that evaluates impacts associated with wildfire. Please refer to Impact 3.9-6 on page 3.9-41 of the Draft EIR that evaluates impacts associated with flood hazards.

Response to MBNEP-12

In response to the comment, Mitigation Measure GEO-2 on page 3.6-18 of the Draft EIR has been modified as follows:

> **GEO-2: Post-Construction Site Restoration.** After construction of project pipelines, disturbed areas shall be managed to control erosion, including without limitation: repaving areas within roadways, restoring vegetated areas (with native plants if applicable), and regrading surfaces to minimize changes in drainage patterns.

Response to MBNEP-13

Mitigation Measure GEO-2, as modified above under Response to MBNEP-12, applies to post-construction restoration of pipeline alignments. The City will be required by the State Water Resources Control Board to implement post-constructions erosion control measures in accordance with the SWPPP prepared for the project, as explained on pages 3.6-10 and 3.6-11 of the Draft EIR. In accordance with CEQA, the analysis in the Draft EIR considers the existing baseline conditions (Draft EIR, page 1-9); Mitigation Measure GEO-2 ensures impacts relative to such baseline conditions are less than significant.

Response to MBNEP-14

As explained in Chapter 6 of the Draft EIR, the only potentially significant and unavoidable impacts associated with the proposed project would be to cultural resources. The impacts would be the result of implementing the proposed pipelines across Morro Creek, and would not be associated with construction of the proposed WRF facility itself. There are no significant and unavoidable impacts identified in the Draft EIR due to construction or operation of the WRF treatment facility component of the proposed project. As such, a pipeline alternative that may lessen or avoid impacts to cultural resources is considered (see Alternative 2 on page 6-12 of the Draft EIR). Based on the CEQA requirements for the analysis of alternatives, no alternative WRF site is required to be considered due to the Morro Bay estuary. The proposed project would not have significant impacts to the Morro Bay estuary. Please refer to **Master Response 1 – Alternatives** and **Master Response 3 – Accidental Spills and Impacts to Morro Bay Estuary**.

SC/SF/Coastkeeper

SIERRA CLUB
SANTA LUCIA CHAPTER

SURFRIDER FOUNDATION
San Luis Obisbo Chapter

San Luis Obispo COASTKEEPER.

05/18/2018

To: City of Morro Bay

Re: Comments on Draft EIR for Morro Bay Water Recycling Facility

Good day,

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Morro Bay Water Recycling Facility. Please accept these comments on behalf of the Surfrider Foundation San Luis Obispo Chapter ("Surfrider"), San Luis Obispo Coastkeeper, and the Santa Lucia Chapter of the Sierra Club ("Sierra Club"), which have been vocal and active in efforts to upgrade the City's existing wastewater treatment plant for well over the past decade.

Surfrider Foundation's mission is the protection of our ocean, waves, and beaches through a powerful activist network. The San Luis Obispo Coastkeeper is the only environmental watchdog dedicated solely to enforcement of water quality, watershed protection, and coastal planning regulations in San Luis Obispo and northern Santa Barbara counties. The Sierra Club practices and promotes the responsible use of the Earth's ecosystems and resources, the protection and restoration of the quality of the natural and human environment and the use of all lawful means to carry out these objectives. We applaud the Morro Bay City Council and its citizens who support protections of Morro Bay's coastal resources. Managed retreat of the city's wastewater treatment plant, combined with tertiary treatment and groundwater recharge, is a sound investment which will benefit Morro Bay's citizens and businesses for many years. 1

Our chapters agree with the City Council's selection of the South Bay Blvd ("SBB") site for the Water Recycling Facility ("WRF"). The site has passed through multiple layers of public feedback and site alternative analysis, and we believe the SBB site will avoid 2

many obstacles presented by alternative sites. In construction of the SBB site, for aquifer recharge sites, and for pipelines, we note the report's recognition that *"the proposed project could result in significant and unavoidable impacts to cultural resources (historic and archaeological resources and human remains) that cannot be reduced to less than significant levels, even with mitigation measures"*. We ask that the City make every effort to reach out to our local tribal leaders to assure the cultural heritage and artifacts are protected to the greatest extent possible during construction.

2 cont.

We are also concerned with the WRF's infrastructure which will remain in the coastal zone south (and west) of Highway 1. Primarily, we are concerned with the sewage lift station pumps and pipelines to be built near the existing Corporation Yard located on Atascadero Road. We feel the project as proposed in the Draft EIR lacks redundancy for pump failure in this zone, and improvements can be made to the project which will reduce environmental impacts in this regard. Without addressing this deficiency and incorporating into the project back-up infrastructure which will provide redundancy for sewage pump failure, we believe that the potential future impacts to water quality are not less than significant, and thus that further analysis and project revision is necessary to mitigate impacts to less than significant levels.

3

We believe it would be beneficial to analyze an alternative which would include a constructed wetland to be located on the existing wastewater treatment plant ("WWTP"), downgrade from the pump station planned near the Corporate Yard. A constructed wetland project at the existing site of the Morro Bay WWTP would help mitigate some of the project's significant impacts. With brine re-directed from the ocean outfall to the wetland, the project could also decrease the impacts of brine discharge to the ocean ecosystem. Furthermore, a constructed wetland in this location would serve many beneficial functions: "slow the flow" during a sanitary sewer overflow; stormwater management; dedicated open space in the coastal zone; carbon sequestration (reduction in Greenhouse Gases); and aquifer recharge. Incorporation of a constructed wetland could make the project more attractive for grant funding opportunities.

4

Thank you for your consideration.

Surfrider Foundation San Luis Obispo

Brad Snook

Chair, Surfrider Foundation San Luis Obispo

chair@slo.surfrider.org

(805) 440-9489

Sierra Club – Santa Lucia Chapter

Andrew Christie, Director

andrew.christie@sierraclub.org

(805) 543-8717

Gordon Hensley,

San Luis Obispo Coastkeeper

Environment in the Public Interest

EPI-Center, 1013 Monterey Street

San Luis Obispo, CA 93401

E-mail: coastkeeper@epicenteronline.org

Phone & Fax: 805-781-9932

Comment Letter – Sierra Club Santa Lucia Chapter, Surfrider Foundation San Luis Obispo Chapter, San Luis Obispo Coastkeeper

Response to SC/SF/Coastkeeper-1

The City acknowledges the commenter's support for upgrade of the City's existing wastewater treatment plant and managed retreat. The comment is noted for the record.

Response to SC/SF/Coastkeeper-2

The City acknowledges commenter's support for the site selection of the South Bay Boulevard (SBB) site for the proposed WRF; and it is noted for the record. Regarding requests the City reach out to local tribal leaders, pages 3.15-3 to 3.15-7 of the Draft EIR describe the Native American outreach that was conducted by the City and its cultural resources consultant, Far Western.

Response to SC/SF/Coastkeeper-3

The proposed project includes a lift station in one of two locations (1A or 5A), both of which would be located in the coastal zone as well as a 100-year flood hazard zone. The Draft EIR explains on page 3.9-41 that the lift station would be floodproofed and designed to be at least two feet above the base flood elevation in accordance with the Morro Bay Municipal Code (Subdivision 14.72.050 (A)(3)(a) and (b)). The structure would be watertight with walls substantially impermeable to the passage of water. The design of the lift station would ensure its continued operation in the event of a flood, ensuring raw wastewater is pumped to the WRF without interruption, thus avoiding wastewater backup and spills. The lift station design also would include a backup generator to ensure uninterrupted operation in the event of a power outage (Draft EIR, page 3.9-41). These design features would minimize potential impacts to water quality due to lift station pump failure. In addition, please refer to **Master Response 3 – Accidental Spills and Impacts to Morro Bay Estuary**.

Response to SC/SF/Coastkeeper-4

The City acknowledges the Surfrider Foundation's suggestion for the future use of the decommissioned WWTP site. The City is currently preparing the General Plan Update/LCP, which will include a land use designation for the WWTP site and guide future development at the site. With respect to mitigating significant effects, the only significant and unavoidable impacts that are identified in the Draft EIR pertain to cultural resources. While there may be benefits associated with constructed wetlands in general, the development of wetlands at the WWTP site would not serve to mitigate any significant environmental effects as suggested in the comment. The Draft EIR does not identify significant impacts due to discharge of brine through the exiting ocean outfall.

McCray

From: Rob Livick
To: Jennifer Jacobus; jfrickenbach_aol.com
Subject: FW: DEIR
Date: Monday, April 23, 2018 2:30:10 PM

From: Mccraywa <mccraywa@aol.com>
Sent: Monday, April 23, 2018 2:29 PM
To: Rob Livick <rlivick@morrobayca.gov>
Subject: DEIR

TO: **Rob Livick, PE/PLS, City of Morro Bay, email: rlivick@morrobayca.gov**

FROM: Wallace McCray ASLA, 225 Marina Morro Bay email: at mccraywa@aol.com

SUBJECT: Draft Environmental Report (EIR) written comments

DATE: 23 April, 2018

DEIR (Aesthetics)

The DEIR indicates that impacts to "aesthetics" were "less than significant" and require no mitigation. The consultants are suggesting that the proposed project aesthetics are less important, less worthy of attention and less noteworthy (definitions of significant)

All person made projects, if seen by people will have a significant visual impact. All planned constructed developments (buildings, roads, sewer treatment plants, residential housing) will have an impact on the aesthetics. People will see these projects. There will be visual (aesthetic) impact. 1

All projects require visual resource mitigation. Aesthetics are usually considered at the design, construction and implementation states. Therefore the proposed City of Morro Bay's water reclamation facility, where seen, will require visual resource mitigation.

The guidelines used should be to make any above the ground "water reclamation facility" developments "subordinate to the characteristic landscape". Design and build it to look like it belongs to the surrounding areas or to the surrounding building or utility structures. Use color and building elements to mitigate the visual resources. For example bulldozing the Native American sites will require mitigation. The contractors will have to reshape the impacted soil. This requires reshaping the landforms back to their natural form. This is called visual mitigation. It is easy to do. 2

DEIR (No project alternative)

In my past career, I have been project manager of two major DEIR projects. I have never seen or reviewed a DEIR that dismissed the "no project alternative" outright. Most no project alternatives that I am familiar with required the author to address each resource impact equally. This would allow management (City staff and Council) to make decisions based on resource impact facts, not pre-subjective consultant values.

3

Thanks and good luck...

Wally

Comment Letter – Wallace McCray

Response to McCray-1

The City thanks Mr. McCray for submitting comments. The commenter is referred to CEQA Guidelines Appendix G, which presents the thresholds of significance for impacts to aesthetics. As stated in CEQA Guidelines subdivision 15064(b), the impact determination is "based to the extent possible on scientific and factual data" and "an ironclad definition of significant effect var[ies] with the setting." As lead agency, the City has discretion to determine the level of significance, based on technical analysis performed and factual data available. The "less than significant" determination does not, as the commenter suggests, mean the impact is "less worthy of attention" or "less noteworthy," or the proposed project would not be visible at all. The "less than significant" impact determination in the first three impact statements for aesthetics discussed on pages 3.1-11 through 3.1-19 of the Draft EIR is based on the specific thresholds included in CEQA Guidelines Appendix G for aesthetics resources, which pertain to specific impacts to scenic vistas, State scenic highways, and visual character. The City determined no mitigation measures are required. However, as discussed on page 3.1-18 of the Draft EIR, the proposed WRF building forms and architecture would be informed by development along the Highway 1 corridor, with the overall impression of the WRF complex as a dairy farm or ranch. The specific architectural treatments to be applied to the proposed WRF structures during the design process are described in the Draft EIR project description on page 2-14. Because of these design considerations, impacts would be less than significant.

Response to McCray-2

As discussed on page 2-14 and 3.1-18 of the Draft EIR, the proposed WRF building forms and architecture would be informed by development along the Highway 1 corridor, with the overall impression of the WRF complex intended to resemble as a dairy farm or ranch. Because of those considerations, which will be incorporated into the design, impacts would be less than significant and no mitigation would be required.

Regarding the reshaping of natural landforms, implementation of Mitigation Measure GEO-2: Post-Construction Site Restoration would ensure areas disturbed due to pipeline construction and installation are restored, including paved areas and vegetated areas.

Response to McCray-3

CEQA Guidelines subdivision 15126.6(e)(3)(c) states that a lead agency should proceed to analyze the no project alternative "by projecting what would reasonably be expected to occur in the foreseeable future if a project were not approved." CEQA Guidelines subdivision 15126.6(d) states tan EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. On page 6-11, the Draft EIR describes potential impacts may arise from not implementing the proposed project. That analysis concludes the No Project would not meet any of the project objectives, would not achieve the benefits provided by the project, and would be infeasible since RWQCB requires improved effluent quality. While the commenter may be accustomed to seeing the No Project Alternatives

analyzed a specific way, the CEQA Guidelines don't specify a particular format and the method used in the Draft EIR is reasonable and meets legal requirements, when considering the nature of and need for the proposed project. Please also refer to **Master Response 1 – Alternatives** for additional information.

Maino

1331 San Bernardo Creek Road
Morro Bay, CA 93442

May 3, 2018

Rob Livick, PE/PLS
Public Work Director
City of Morro Bay
955 Shasta Avenue, Morro Bay, CA 93442

Dear Mr. Livick,

Subject: WRF Draft EIR

I have some concerns regarding the Draft EIR primarily dealing with site access and building sizes.

Site Access

There are currently no plans that I am aware of as to how access to the site will occur from South Bay Boulevard and Teresa Drive. The proposed easement is 60 feet wide with a 24 foot paved surface. This size is out of proportion to what would appear to be needed given the limited amount of traffic the WRF will require. By contrast, many county roads have 40 foot easements with about 20 feet of paved surface.

My property boundary is roughly the centerline of the existing paved surface of Teresa Drive at South Bay Boulevard. As far as I know my property is not being considered as part of the easement. Regardless, it would appear that Teresa Drive will have to be altered in order to accommodate the WRF access. What will be the effects of the alteration and possible expansion? When will the costs, environmental and related impacts of these changes be addressed? I would assume this would have to be part of the WRF EIR. Being the adjacent landowner I am uncertain as to how the access to the WRF site will impact my ability to access my own property and to what sort of fencing is being proposed between the driveway easement and my property.

1

Building Size

The Operation Building referenced in the Draft EIR is 7000 SF. This would appear to be grossly out of scale for what would be necessary for 4 on site employees. In order to decrease costs, visual and environmental impacts, is consideration being made to reduce the size of the Operation Building? Likewise, is the 5600 SF Maintenance Building size being scrutinized?

2

Thank you for consideration of my concerns.

Sincerely,

John J. Maino

Comment Letter – John Maino

Response to Maino-1

The City thanks Mr. Maino for submitting comments. The Draft EIR on page 2-12 identifies the fact an easement to access the preferred WRF site is still being developed by the City. Construction and operational impacts associated with use of Teresa Road to access the preferred WRF site are addressed in the Draft EIR on page 3.14-10. The analysis in the Draft EIR covers any impacts to Teresa Road and South Bay Boulevard as a result of construction and operation of the project. Access easements are typically finalized during the design stage, at which time the City will confirm all impacts analyzed in the Draft EIR have been addressed, and will work with all landowners to obtain the necessary access easements.

Response to Maino-2

As shown on Figure 2-4, the WRF Operation Building (7,000 SF) and the WRF Maintenance Building (5,600 SF) constitutes a small portion of the overall project site. As described on page 2-13 of the Draft EIR, the Operations Building would provide facilities other than for the four permanent employees (*i.e.*, the reception area, conference room, break room, copy room, janitorial room, sample storage room, operations center, restrooms, uniform storage and wash room, map room, server/electrical room, and an outside boot wash). The final design of those facilities will be determined through the design-build process, which will evaluate the proposed project and modify it as needed to more closely suit the required functionality of the overall facility.

Hanson

Rob Livick, P.E., Public Works Director
City of Morro Bay,
955 Shasta Avenue
Morro Bay, CA 93442

Dear Mr. Livick:

Regarding the WRF Draft EIR and, to a larger extent, the potential Water Reclamation Facility in general, henceforth referred to as the "sewer plant", the proposed plan to move the plant to the Southbay Blvd. location is literally fraught with problems.

Plans to move the plant from its current location, where it has been working safely and efficiently for well over 60 years, to pristine agricultural land outside of town will lead to a number of problems and concerns. 1

Aside from the 150 to 167 million dollar price tag, which will do irreparable financial harm to thousands of Morro Bay citizens, digging up the town to reroute the current piping system will have a significant negative effect on any businesses along the chosen streets, as well as a negative impact on tourism. This will seriously decrease the tax revenue to the city. Morro Bay depends on sales tax revenue and spending of dollars by tourists, which is now Morro Bay's primary industry.

Then there is the potential problem of running afoul of the Chumash Indian protected tribal lands and possible artifacts, which could significantly impact the cost and timeframe for constructing the plant, if not closing down the project altogether. 2

Everyone who is not involved in the extremely corrupted effort to move the plant, originally spearheaded by the mayor, due to his own personal agenda, knows that the plant is perfectly safe at its current location. In fact, everyone who is directly involved with the corrupted effort, including you, knows that the plant is safe at its current location.

It is NOT at risk of rising sea levels or a 100 year flood of biblical proportions. Numerous plants along the coast of California, as well as the east cost of the United States, are much closer to the ocean's edge and far more vulnerable to such natural climate changes or disasters. 3

However, the vast majority, if not all of these plants, are scheduled to remain at their existing locations, with funding being provided to simply build short concrete walls (berms) or earthen levees around them. This is an affordable method of protecting these plants even though, again, our plant is not at such risks. However, constructing such a berm to satisfy the nay sayers and doomsday believers would still be an affordable option.

The current plant can be either upgraded to add increased filtration, to satisfy the Regional Water Quality Control Board's or the EPA's criteria, or a new, more technologically advanced plant can be constructed on the abandoned Hanson Concrete Plant site. Either way, the cost would be limited to as little as 20 million dollars to as much as 54 million dollars, considerably less than the current estimated cost of from 150 to 167 million dollars. A price tag that may not include the cost of the lift station, the destruction of the current plant or the inevitable cost overruns.

So, who will benefit from a totally unaffordable plant at the Southbay Blvd. location? Obviously, the company that gets the contract, the TRI-W Corporation, who will make money off the land they sell to the city for the new plant, and the right they will gain to develop their land on the east side of Highway 1 and, of course, anyone who accepts money under the table, and off of the record, for awarding such a contract. The names of several different people come to mind.

And who will lose from the totally unaffordable sewer plant at the Southbay Blvd. location? Technically, every property owner in Morro Bay but, more importantly, the low income people, the retirees on a fixed income, and the renters, who will be forced to pay higher rents to cover the costs. Any or all of these folks may be forced to move out of town or, at the very least, make difficult choices between paying for food, medication or inflated sewer and water rates.

So, what decision should be made? The city and its citizens should band together, return to the California Coastal Commission, a governing board made up essentially of liberals, who are suppose to care about the average low income and elderly citizens, and request that they issue a permit to enlarge or replace the current sewer plant at its current location, since it is NOT at risk of anything and does NOT impede anyone's view.

I truly believe that a permit to refurbish or rebuild the sewer plant at its current location was denied simply because the mayor asked, in fact urged, the California Coastal Commission to do so. This was clearly driven by the mayor's own personal agenda, and was never in the best interest of the majority of the citizens of Morro Bay.

The original project manager of the 34 million dollar sewer plant, designed back in 2011, felt that the California Coastal Commission could have just as easily approved a permit to leave the plant at its current location, had they been asked to do so. After all, the plant exists in an industrial area with a commercially developed, decades old, carbon footprint, which makes it nearly impossible to return it back to its pre 1954 condition.

Commercializing and industrializing pristine agricultural land, directly above a creek that feeds the estuary and sensitive wildlife habitat, poses a totally unnecessary, irresponsible and reckless risk to both the environment and the innocent people of Morro Bay.

5

Respectably submitted by:

Mark C. Hanson
2736 Birch Avenue
Morro Bay, California 93442
(805) 225-1378

Comment Letter – Mark Hanson

Response to Hanson-1

The City thanks Mark Hanson for submitting comments. The City has spent many years evaluating the options for upgrading the City's wastewater treatment infrastructure to meet regulatory requirements to protect ocean water quality. The alternative development process including the alternative of remaining at the existing location is discussed in **Master Response 1 – Alternatives**. The Draft EIR evaluates the temporary impacts of installing additional pipelines and provides mitigation measures to minimize the disruption as much as possible. Environmental impacts of installing pipeline within roadways constitutes a temporary impact and would not permanently impact the business community. As required by Mitigation Measure TRAF-1, a Traffic Control Plan would be implemented that requires access to be maintained to individual properties during construction. In addition, the proposed pipeline would be installed at approximately 150 feet per day, as described on page 2-28 of the Draft EIR. As such, the disruption to any one business location would be limited to approximately one week or less.

Response to Hanson-2

Section 3.5.3 of the Draft EIR discusses the proposed project impacts to cultural resources (historical, archaeological, and paleontological resources), and Section 3.15.3 of the Draft EIR discusses the impacts to tribal resources.

The commenter is referred to Section 1.2 of the Draft EIR (pages 1-1 to 1-4) which discusses background of the project, including the RWQCB's requirements to upgrade the treatment facility to full-secondary treatment and reasons for the relocation of the treatment facilities. The existing plant requires significant upgrading pursuant to an RWQCB order. The City cannot meet the order at the current location due to the previous denial from the California Coastal Commission (CCC) of such a project. The commenter's statement about the safety of the existing WWTP site and coastal hazards is addressed in the CCC comment letter as the CCC emphasizes the need to move the WRF from the existing WWTP.

Response to Hanson-3

Page 3.9-9 and Figure 3.9-4 shows the existing WWTP is located within a FEMA 100-year flood zone. Page 1-3 of the Draft EIR explains the CCC's denial of upgrading the existing WWTP at the current site due to several reasons including failure to avoid coastal hazards, which include sea level rise, as stated in the CCC's comment letter included in this Final EIR. The commenter's suggestion to construct a berm or earthen levee to protect the existing WWTP has been noted.

Response to Hanson-4

The City notes Mr. Hanson's comment regarding upgrading the existing plant on the existing site. As indicated on page 1-3 of the Draft EIR, the City attempted to upgrade the existing site; however, the CCC denied that option due to inconsistency with the City's LCP zoning provisions, failure to avoid coastal hazards, failure to include a sizeable reclaimed water component and the

plant is within an LCP-designated sensitive view area. The Hanson Concrete Plant alternative site mentioned in the comment is adjacent to the existing treatment plant site. That location is within the coastal zone and subject to the same restrictions from the CCC as the existing plant location. Since the same impacts and CDP restrictions would apply to a location immediately adjacent to the existing facility, it was not considered as an alternative to the existing site. Please refer to **Master Response 1 – Alternatives**. The comment raised related to the costs of implementing the proposed WRF plant, including the cost of the lift station and decommissioning the existing plant, are unrelated to the CEQA analysis required of an EIR. Per CEQA Guidelines Section 15064(e), "economic and social changes resulting from a project shall not be treated as significant effects."

Response to Hanson-5

The City notes Mr. Hanson's comment regarding rebuilding the existing WWTP at its existing location. Please refer to pages 1-1 to 1-4 of the Draft EIR, which provides background information regarding the reasons for the relocation of the treatment facilities and the history of previous denial of a CDP for upgrade of the current WWTP. Please refer to **Master Response 1 – Alternatives**. Please also refer to the CC's Comment letter in this Final EIR and Response to CCC-3, which states the CCC's goals for moving public infrastructure away from the shoreline and areas of coastal hazards and making shoreline property available to other uses such as public access and recreation.

The noted impacts of the proposed project to agricultural land, wildlife, and drainages and creeks can be found in the Draft EIR in Chapter 3.2, Chapter 3.4, and Chapter 3.9, respectively. The Draft EIR concludes in each of those sections a new treatment plant can be built in the preferred location without resulting in significant impacts to agricultural lands, wildlife and water quality.

Sylvester

Edward J. Sylvester
1245 Hillcrest Drive
Morro Bay, CA 93442

May 12, 2018

Rob Livick, P.E.,
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

RE: Comments and Questions on the Draft Water Reclamation Facility EIR

Morro Bay is proposing to establish a recycle pipeline to the Morro Valley and use groundwater injection wells for groundwater replenishment. A decision by the Ninth Circuit Court of Appeals "Hawai'i Wildlife Fund v. County of Maui" (filed February 1, 2018) found that a NPDES permit would henceforth be required for such a discharge. As with Maui's discharge, there is an interconnection between the Morro Valley and the Ocean. Brown and Caldwell found that the Morro Creek Basin had a subsurface discharge of 3,400 acre-feet per year[1]. It would be impossible to separate any of Morro Bay's recharge from this existing outfall, thereby requiring the NPDES Permit.

1

Question: With this new Court of Appeals decision, will Morro Bay be able to obtain a NPDES discharge for its groundwater injection, or will another reclamation scheme be required? And if so, what would the additional cost be?

Although the groundwater replenishment may help Morro Bay's wells in the Morro Basin, the 2007 Morro Basin Nitrate Study would suggest that any water being pumped from that source would require the use of its Reverse Osmosis Facility to bring the water to drinking water standards.

2

Question: Has this additional treatment cost been included in the City's new WRF operating cost structure?

Sincerely,

Edward J. Sylvester

[1] City of Morro Bay, Coastal Land Use Plan, Chapter V, p. 72.

Comment Letter – Edward Sylvester

Response to Sylvester-1

The City thanks Mr. Sylvester for submitting comments. As stated on page 3.9-32 of the Draft EIR (Section 3.9 Hydrology and Water Quality), during operation of the proposed project, the discharge of brine and tertiary-treated recycled water through the existing ocean outfall would continue to be regulated under an NPDES permit, similar to discharges from the existing MBCSD WWTP.

Under the proposed project, the injection of the advanced treated recycled water into the Morro Valley groundwater basin would be regulated under the CCR Title 22, Division 4, Chapter 3 Water Recycling Criteria (Draft EIR page 3.9-15 and 3.9-22). As shown on Figures 3.9-5 and 3.9-6 in Section 3.9 Hydrology and Water Quality of the Draft EIR, groundwater modeling indicates, based on the groundwater flow paths, injected recycled water would not reach the ocean. The proposed project would extract volumes of water that would be equal to or more than the volume of injected water. Consequently, based on groundwater flow paths, retention time of injected groundwater, and operation of the existing extraction wells, the injected water would be extracted prior to reaching the ocean.

Since the discharges through the existing ocean outfall would be regulated under NPDES permits and the injected water would never reach the ocean, the court case would not apply here. In addition, the City would obtain the necessary permits to allow the injected water. No modifications to the Draft EIR were made in response to this comment.

Response to Sylvester-2

As stated in the Draft EIR on page 2-22, once the proposed project is operational, "[a] blend of the injected water and groundwater would be extracted from the existing City wells to be treated at the City's Brackish Water Reverse Osmosis (BWRO) treatment facility at the existing desalination plant adjacent to the existing WWTP (160 Atascadero Road) then distributed for potable use" through the City's existing water system. The existing wells are shown in the Draft EIR in Figure 2-9. As stated in the Draft EIR on page 3.9-6, "[t]he City's BWRO plant is designed to remove TDS and nitrate from groundwater pumped out of the Morro Valley groundwater basin. Permeate from the reverse osmosis process is remineralized through calcium carbonate contact to reduce corrosivity and is disinfected and sent to the distribution system. Concentrate is discharged to an ocean outfall separate from the existing WWTP outfall (MKN, 2017)." No improvements are currently required to the BWRO facility to operate the proposed project.

The question about inclusion of water treatment costs at the BWRO facility is unrelated to the CEQA analysis required of an EIR. Per CEQA Guidelines Section 15064(e), "economic and social changes resulting from a project shall not be treated as significant effects."

Sadowski

Attention:

Mr. Rob Livick, PE/PLS
Morro Bay Public Works Director

Subject: Comments and questions on the Morro Bay WRF Draft EIR

Below are my comments and questions. The questions were posed to the city's consultants and staff at the 5/01/18 WRFCAC meeting. Please include this document in the record for the Morro Bay Water Reclamation Facility Draft Environmental Impact Report, SCH # 2016081027, Dated March, 2018

General Comments:

Morro Bay is one of the first coastal cities in California that is actively considering a managed retreat of wastewater infrastructure to address climate change and SLR. That said, Morro Bay is in an optimum position to implement a pilot project that takes a more holistic approach to the issue of climate change and SLR adaptation.

The current Draft EIR fails to properly address the cumulative impacts and important issues such as GHG emissions from energy usage, sewer gas emissions from collection and treatment infrastructure, and sewer collection exfiltration rate effects on treatment capacity calculations just to name a few. 1

California has raised the bar for Climate Change and SLR adaptation strategies by recognizing the importance of integrating various elements in nature, those being air, water, and land use, along with the need to address the socio-economic implications when implementing those measures. This Draft EIR for the Morro Bay WRF project falls short of the stated goals.

Subject: Greenhouse Gases

Comments:

Reference pg. 3.3-8, 9 California Air Resources Board; Table 3.3-2, pg. 3.3-7

In 2004, Cayucos Sanitary District staff studied and tested the H2S (sewer gas) issue along north Main Street. The CSD staff determined that the sewer gases were generated by the anaerobic conditions that exist during pumping cycles from the CSD's Lift Station #5, where all of Cayucos's sewage is conveyed and pumped to a dedicated gravity sewer main along the North bound lane of North Main Street. With the CSD building their own sewer plant, the sewer gas issue that has plagued the city will be alleviated. (baseline environmental condition) 2

However, with the current SBB WRF proposal, a large Lift Station will have to be constructed and associated Force Main. Due to the larger volume of sewage being pumped by the proposed Lift Station, it is safe to assume that a significant increase of sewer gases will be generated by this project.

The passage of AB 32(California Global Warming Solutions Act) and more recently AB 398 which strengthens and extends the state's cap-and-trade , ensures California will meet its SB 32 target to reduce GHG emissions to 40 percent below 1990 levels by 2030. The WRF Draft EIR failed to mitigate the GHG generated by the energy needed to pump the sewage via the proposed Lift Station to the SBB

site as well as the energy needs to pump the treated effluent from the SBB site to the current ocean outfall.

Questions:

1) How is the H2S generated from the proposed Lift Station and associated Force Main environmental impact been mitigated? 3

2) How is this project in accordance with the state of California's GHG reduction goals? 4

Subject: Alleged pollution of the Estuary by the existing plant

Comments:

In an attempt to justify a large federal loan for the proposed project (ref. city's WIFIA letter of interest) the city staff stated that:

"Morro Bay water quality is impaired by pathogens, sediment and nutrients. Bacteria contamination in Morro Bay has increased to a point where many of the shellfish growing beds are no longer viable. Bacteria levels exceed standards for shellfish growing in half of the sampled locations in the shellfish beds, and have often exceeded county and state limits for body contact recreation"

The implication is that the current WWTP is at fault and a new sewer plant is needed to solve the problem. It isn't.

First, it must be noted that the WWTP outfall discharges into Estero Bay and not into the estuary. 5

Second, please consider the following information from the 2017 MB/CSD WWTP monitoring report:

Pathogens:

Regarding coliforms, the report says, "WWTP personnel strive to maintain densities close to the detection limit of 2 MPN/100 ml, and during 2017, over half of the 284 measurements were at or below this detection level (see the inset in Figure 2.13b). Accordingly, the median coliform density for the year was also below the detection threshold and an order-of-magnitude below the 23-MPN/100 ml monthly permit limit (Table 2.2). However, due to the complexities of the disinfection process, elevated density is occasionally observed within individual samples. The greatest population density (500 MPN/100 ml) was measured on January 20th in conjunction with high plant flow following two intense rainstorms. Nevertheless, this isolated maximum measurement was still an order of magnitude lower than the permit limit on instantaneous coliform density (Figure 2.13b1)."

City of Morro Bay/Cayucos Sanitary District Treatment Plant Offshore Monitoring and Reporting Program 2017 Annual Report, page 2-29

Sediments:

"Finally, the absence of adverse discharge-related impacts to the physics, chemistry, and biology of benthic sediments verified the effectiveness of the treatment process, the high dilution of effluent within receiving waters, and the low toxicity of the discharged effluent. The additional data presented in this report are consistent with conclusions based on historical data insofar as the treatment plant's continued low emission of contaminants, low toxicity of the effluent stream, and absence of impacts to the marine environment."

"Three sediment-chemistry analyses document the absence of discharge-related benthic impacts. First, chemical concentrations measured within Estero Bay sediments during 2017, and in prior years of monitoring, were below thresholds identified as toxic to marine organisms."

"Throughout the monitoring program, there has never been an indication of discharge-related impacts to benthic biota. Instead, the data have revealed a consistently healthy indigenous infaunal community, with uniformly high diversity that does not decline with proximity to the diffuser."

City of Morro Bay/Cayucos Sanitary District Treatment Plant Offshore Monitoring and Reporting Program 2017 Annual Report, pages ES-1, 2-5; 2-6; 2-29; 2-30

Nutrients:

"In fulfillment of the current permit requirement, nutrient assays of MBCSD effluent were conducted on grab samples collected in January and July 2017. The results were consistent with those of prior years, and demonstrate that nutrient concentrations within the MBCSD effluent, and their mass loading to the marine environment from discharge, are small compared to: i) other central- and southern-California coastal dischargers, ii) the contribution from regional streams and rivers, and iii) the nitrogen flux from localized upwelling (Table 2.4). Although concentrations of urea within MBCSD effluent (≤ 0.091 mg/L) were comparable to those of the three large central-coast WWTP's to the north (≤ 0.110 mg/L), the concentrations of nitrate, phosphate, and silica within MBCSD effluent were substantially lower than those of the other dischargers. The MBCSD nitrate levels, in particular, were two orders of magnitude lower than those of the other WWTP's within the central-coast region. Nitrate and silica concentrations within MBCSD effluent were also less than the average concentrations found within central-coast rivers and streams; although, urea and phosphate concentrations were higher, as was the case for the other central-coast WWTP's."

City of Morro Bay/Cayucos Sanitary District Treatment Plant Offshore Monitoring and Reporting Program 2017 Annual Report, page 2-32

5 cont.

Of major interest is this quote from pages 2-4 and 2-5 of the report:

"Figure 2.2 is a photograph of a diffuser port taken during a previous outfall inspection. It shows a dense cover of marine epifaunal organisms thriving on the outer surface of a diffuser port. A large colony of club-tipped anemones (Corynactis californica), bright pinkish-red in color, covers the top surface of the port. The continued presence of these filter-feeding organisms attests to the benign nature of the effluent discharge, and to the outfall's value as an artificial reef. Quantitative biological surveys conducted within the region found that these anemones are only occasionally observed on high-relief rock surfaces within Estero Bay, and then only in deeper water (>85 m) (Morro Group 1999). Ostensibly, their susceptibility to elevated suspended-sediment loads explains their rarity on nearshore, lower-relief rocky substrates."

The pathogens, sediments, and nutrients the City referred to obviously do not come from the WWTP (ref. photos of the outfall diffuser in the 2017 monitoring report). The city staff and consultants have taken a position that sewer collection line exfiltration rates have been ruled out. However, the WIFIA letter of interest indicates that sewage is polluting the shellfish beds in the estuary.

Question:

3) How are the current WWTP and associated ocean outfall responsible for the sewage pollution in the estuary?

Subject: Lift station located at current WWTP site

Comments:

From my experience as a sewer collection operator and previously a first responder to sewer collection emergencies, I strongly oppose the preferred SSB WRF project. In my professional opinion, the construction of a Lift Station and associated Force Main along with the outfall infrastructure to convey treated effluent back to the ocean outfall puts the public in greater health and safety risk than the current site of the wastewater treatment plant. The potential points of failure are significantly increased by this proposed project.

In terms of managed retreat of critical infrastructure in addressing climate change and SLR, the proposed project would make the situation worse, not better.

The city staff and consultants have stated that the proposed Lift Station poses a lower public health risk in the event of a failure, due to the fact that a Lift Station is quicker to rebuild than a WRF at the same location. Although this might be true, not all Lift Station failures would require a total rebuild. For example, a Lift Station failure could occur from auxiliary power failure or liquefaction damage from an earthquake. In the event of such a failure a Lift Station would spill raw sewage on land and create a greater public health risk to the public and first responders than the current WWTP. Also, with a properly designed power back up, the current WWTP, or one at an adjacent site, would reduce raw sewage exposure by discharging to the ocean via the outfall

The city's favored WRF location, SBB site, is located approximately 3 miles from the existing WWTP. In the event of a catastrophic failure the proposed WRF would eventually discharge effluent into the estuary, specifically the Morro Bay East Estuary State Marine Reserve (SMR).

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Questions:

4) How is the proposed Lift Station and associated Force Main a lower public health risk than the existing WWTP?

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5) Eliminating the variables of mechanical and electrical redundancies, which could be applied to any project and location, what mitigation measures are proposed with respect to protecting the Morro Bay East Estuary SMR?

8

Subject: Sewer flows

Comments:

According to the Environmental Impact Report for the Cayucos project, "By reducing the flows to the WWTF, the CSWP project would make the existing WWTF compliant with the Clean Water Act and the Regional Water Control Board settlement agreement, resulting in the possibility of the City staying at that location for the foreseeable future. Given these uncertainties and the preliminary nature of City plans at the time of the CSWP NOP, the CSD believes it was correct in not including the decommissioning as part of the Proposed Project."

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It is estimated that the proposed WRF capacity will be reduced by approximately 25% after the CSD's new sewer plant becomes operational.

City staff have continually stated that Inflow and Infiltration (I&I) rates are much greater of a concern than exfiltration with respect to the sewer collection and conveyance system as they relate to WRF design capacity.

Questions:

5) How were I&I rates from the CSD factored in the design calculations for the WRF?

6) On what study or documentation is the city basing their assumption that sewer collection system exfiltration rates need not be considered in the WRF analysis?

9 cont.

Subject: Brine discharges

Comments:

The Draft EIR does not address the environmental impacts from the proposed brine discharge from the SSB WRF site.

It should be noted, that the city and the Cayucos Sanitary District (CSD) have a settlement agreement that prohibits the discharge of brine from the city's desalination facility into the outfall. However, this settlement agreement does not preclude consideration of proposals from other sources, and one such proposal by a local water softener company was considered several years ago, but abandoned after protests from the public.

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Questions:

7) What environmental studies from the proposed SSB WRF facility outfall have been done on the near shore ocean environment with respect to the brine discharge components?

8) Does the city have a memorandum of understanding (MOU) or other documents between the city and the CSD that would allow the city to use the MB/CSD jointly owned outfall for brine discharge from the proposed SBB WRF facility ?

Subject: Insurance and Risk Management

Comments:

An Integrated Pollution and Prevention Control (IPCC) guide is required by insurance companies who cover wastewater treatment and collection infrastructure.

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Question:

9) What risk management and actions are proposed in the event of a failure at:

a) the proposed Lift Station?

b) the SSB WRF site?

Subject: Siting options

Comments:

I recommend that the City respond appropriately to the widespread and very strong public opposition to the current project due to environmental concerns (the big lift station makes it just as vulnerable to natural hazards as the existing WWTP) and due to cost concerns. Public opposition to the current project because of its cost is very strong and is likely to delay the project for years unless a better siting option is chosen.

In 2013, when the CCC ordered the plant moved off the coast, most of us accepted the idea. A January 10, 2013 Tribune article said "Moving the treatment plant to a new location will add from $12 million to $20 million to its cost, which translates into an additional $12 to $20 a month on the average sewer bill." If the Commission had been looking at costs that would drive people out of their homes in huge numbers, would they have voted the same way or found a way to adapt? It must be noted that the Hanson's site has never been formally evaluated by the CCC.

I think the right thing to do is to bring back the project to the whole Commission, not just the staff, and ask them to consider the Hanson's site, which is appropriately 4 feet higher in elevation than the current WWTP and is owned by the city.

The city's consultants never properly evaluated this site which could be a great compromise between the unaffordable South Bay Boulevard option and remaining in the current plant – which is something a lot of people want to do.

Here are some of the benefits of the site:

a. Ability to use the existing headworks

The use of the Hanson's site would also makes the BMP (best management practices) by using the existing head works of the WWTP , eliminating the need to redirect the existing sewer collection mains entering the WWTP.

(note: These large sewer mains are over 20 feet deep and in normal weather conditions below the water table.)

Since the city has spent a significant amount of taxpayers' dollars in rebuilding this headworks in the past several years, the option to demolish this piece of infrastructure is fiscally irresponsible.

b. Minimal impacts to cultural resources

A letter submitted by the Salinan representative to the city titled " City of Morro Bay New Water Reclamation Facility Project Update, Section 106 review ", dated March 30, 2018 , states the following,

" ...When it comes to the new proposed Collection System we would choose Option 1A, the City's existing Cooperation Yard on Atascadero Road. This area is already disturbed and would be less likely to disturb intact cultural resources."

With the Hanson's site adjacent to the Cooperation Yard and the city's Desalination Plant, this option leaves our Native Americans sacred sites less likely to be disturbed.

c. Mitigation of issues of concern to the Coastal Commission

The Draft EIR, ES.2 Project Background pg. ES-3 discusses the CCC's denial of a demolishing the existing WWTP and construction of a new treatment facility on the same site. The Draft EIR says:

" ... The basis for denial include the CCC's assessment that the new facilities would be inconsistent with the City's Local Coastal Plan (LCP) zoning provisions, failed to avoid coastal hazards, failed to include a sizable reclamation component, and that the project location was within an LCP-designated sensitive view area. "

Here are ways the concerns can be addressed:

1. Zoning and reclamation: Currently the city is in the process of updating the city's LCP, so the Hanson's site, formally a concrete plant, could be zoned appropriately for a Water Reclamation Facility (WRF) that has a significant reclamation component.

2. Coastal hazards and protection: Please consider applying the strategies developed in other communities. The city of Morro Bay could benefit greatly by considering what New York City (NYC) learned and implemented after the October 2012 Hurricane Sandy incident. Although the New York City Department of Environmental Protection (DEP) was already in the process of studying the potential impacts of storm surge and Sea Level Rise (SLR) of low-lying wastewater treatment plants and pumping stations, the Hurricane Sandy event initiated the DEP to study and implement the NYC Wastewater Resiliency Plan. It must be noted that Hurricane Sandy provided an unprecedented example of flood risks at wastewater facilities.

   By using the NYC Wastewater Resiliency Plan as a model and integrating California's SLR guidance document with California's Greenhouse Gas Reduction goals, Morro Bay could become an example for responsible Climate Change and SLR implementation and adaptation. A successful climate change and SLR program must not only address the obvious issues of protection to public health and safety and the environment, but should also consider the socio-economic impacts to a community in the name of environmental justice.

3. Sensitive view area: Regarding the Hanson's site being in the LCP - designated view area; footprint and height parameters could be stated in the request for proposal documents that would satisfy the CCC' s criteria. Also, since it has come to the attention of the local citizens via correspondence by an elected official that the city is considering to allow a hotel to be built at the existing WWTP, a WRF at the Hanson's site could be constructed that would not exceed the height of a hotel.

12 cont.

Subject: Proposal

Please consider the following proposal:

WRAP

- Wastewater Resiliency Action Plan -

As California policies move from mitigation to adaptation with respect to climate change and SLR, it has become clear that a comprehensive approach with interagency cooperation and collaboration is imperative for success. A project such as the Morro Bay WRF must consider not only water quality and quantity issues but must also integrate air quality with respect to GHG emissions from power generation and associated sewer gases. The current Morro Bay WRF project ignores California's GHG reduction goals and in fact exacerbates the problem by pumping sewage miles inland, just to pump effluent back to the ocean.

This is why i believe that a WRAP near our current WWTP site is the best option for our community. In other words, pick Alternative #1 No Project and WRAP it up instead. The issues and concerns of Alternative #1 in the Draft EIR could be mitigated with Best Management Practices (BMP) of a WRAP program.

The NYC Department of Environmental Protection (DEP) Commissioner explains the benefits of a wastewater resiliency plan this way:

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" ...In determining the benefits of resiliency measures and the level of acceptable cost, DEP considered not only the value of wastewater assets, but also the population and critical facilities in the service areas and potential impacts on beaches."

Furthermore, The Executive Summary states that;

"... Increased resiliency not only reduces damage to DEP's assets, but also enables rapid recovery of full service to the community following a flood event, reduces risk of sewer backup into homes, and reduces likelihood of the release of sewage into the environment. "

What a WRAP might look like for Morro Bay:

A WRAP would require the city to adopt new wastewater facility standards that incorporate more robust measures than were formally required. The NYC DEP portfolio of possible adaptation strategies included six primary options;

... Elevating equipment above the critical flood elevation

... Making pumps submersible and encasing electrical equipment in watertight

casings.

... constructing a static barrier around a location

... Sealing structures with water tight windows and doors

... Sandbagging temporarily and providing back up power to pumping stations and to the treatment plants.

Morro Bay has some of these adaptation strategies already in place; for example, back up power at sewer Lift Stations and WWTP. These adaptation strategies could be incorporated into the design and building of a facility at the Hanson's site. Funding for these measures should be well under the already approved rate increases and SRF loan amount.

13 cont.

Richard E.T. Sadowski

5/15/18

Morro Bay Planning Commissioner

Mechanical Engineer

Wastewater Collection System Operator

Comment Letter – Richard Sadowski

Response to Sadowski-1

The City notes Mr. Sadowski's acknowledgment the proposed project is implementing managed retreat of the wastewater treatment facility from the coast and associated coastal hazards such as sea level rise. The City notes the comment suggests implementation of a holistic pilot project. Without further detail about the suggested pilot project, the City cannot further respond.

The Draft EIR evaluates the direct, indirect, and cumulative impacts of the proposed project to GHG emissions due to energy use in Chapter 3.7 Greenhouse Gases Emissions and Energy and Chapter 4 Cumulative Impacts.

The Draft EIR considers hydrogen sulfide gas (sewer gas) emissions from collection and treatment infrastructure in Chapter 3.3 Air Quality. The design and operations will incorporate odor control facilities to capture and treat odorous air produced during sewer collection and treatment. Please refer to the Draft EIR pages 3.3-24 to 3.3-25.

The City notes the comment regarding sewer collection exfiltration rate effects on treatment capacity calculations. The City considers sewer collection exfiltration rates to be less than significant

The Draft EIR evaluates the proposed project's effects to air quality (see Chapter 3.3), water quality (see Chapter 3.9) and land use (see Chapter 3.10). Socio-economic impacts are not required to be evaluated under CEQA. Per CEQA Guidelines Section 15064(e), "economic and social changes resulting from a project shall not be treated as significant effects."

Response to Sadowski-2

The quantity of hydrogen sulfide gas (sewer gas) generated at the lift station is not expected to be significantly different than generated under existing conditions. Residence time in the upstream collection system is a determining factor in H2S generation and will not increase as a result of the proposed project. The new lift station, similar to the existing WWTP influent lift station, will be operated to minimize retention times in the wetwell and minimize additional odor production. In addition, the lift station will be enclosed and odor control will be installed.

The Draft EIR evaluates the direct, indirect, and cumulative impacts of the proposed project to GHG emissions due to energy use in Chapter 3.7 Greenhouse Gases Emissions and Energy and Chapter 4 Cumulative Impacts. The analysis takes into consideration all operational aspects of the project including the energy requirements to pump raw wastewater from the lift station to the proposed WRF and recycled water/brine from the proposed WRF to the injection wells and ocean outfall. The Draft EIR identifies the energy requirements of the proposed project on page 2-32 in the project description. Those energy requirements are accounted for in the analysis of GHG emissions and energy use.

Response to Sadowski-3

Please refer to Response to Sadowski-1 and Response to Sadowski-2.

Response to Sadowski-4

A discussion of all regulations pertaining to GHG emissions, including the state's GHG reduction goals, is included in Chapter 3.7 Greenhouse Gas Emissions and Energy, particularly page 3.7-13. An assessment of the proposed project's consistency with the state's GHG reduction goals in provided in the Draft EIR under Impact 3.7-2 starting on page 3.7-26. As part of this assessment, Table 3.7-7 provides a consistency analysis for all GHG reduction strategies.

Response to Sadowski-5

The commenter is referred to Section 1.2 of the Draft EIR, which discusses background of the project, including the RWQCB's requirements to upgrade the treatment facility to full-secondary treatment, the California Coastal Commission's denial of the CDP for upgrading the WWTP at the existing location, and the need to move components of the treatment facility inland and away from coastal hazards. The Draft EIR does not suggest the proposed project is required to address water quality impacts in Morro Bay or Estero Bay. The Draft EIR does not state the existing WWTP and associated ocean outfall are responsible for sewage pollution in the Morro Bay estuary. The existing WWTP and ocean outfall are part of the existing baseline conditions against which potential impacts of the proposed project are evaluated (see Draft EIR page 1-9 regarding baseline).

Response to Sadowski-6

The commenter's concern regarding potential spills into the estuary is addressed in **Master Response 3- Accidental Spills and Impacts to Morro Bay Estuary**. Master Response 3 details the measures in place to monitor, prevent, or contain any accidental spill that may occur as a result of the proposed project.

Response to Sadowski-7

The Draft EIR evaluates the environmental impacts associated with constructing and operation the proposed project, including the lift station and raw wastewater pipeline (i.e., force main), relative to existing baseline conditions (see Draft EIR page 1-9) to determine if impacts are significant. The proposed project would move the open treatment facilities from the existing WWTP, which is within a 100-year flood hazard zone, to the preferred WRF site, which is not in a flood hazard zone. The proposed lift station would remain within the 100-year flood hazard zone near the existing WWTP; however, due to the proposed design to floodproof the lift station such that it would be watertight with impermeable walls, the potential impacts associated with operating wastewater treatment facilities within a flood hazard zone would be reduced. That beneficial (Class IV) impact is described in the Draft EIR under Impact 3.9-6 starting on page 3.9-41.

Response to Sadowski-8

Please refer to Response to Sadowski-6.

Response to Sadowski-9

The commenter is referred to Section 1.2 of the Draft EIR which discusses background of the project, including the RWQCB's requirements to upgrade the treatment facility to full-secondary treatment, the California Coastal Commission's denial of the CDP for upgrading the WWTP at the existing location, and the need to move components of the project inland and away from coastal hazards. Please also refer to **Master Response 1 – Alternatives** for additional information. The existing WWTP is jointly owned and operated by the CSD and City; as such, the CSD will participate in the decommissioning of the WWTP, which will occur once the new wastewater treatment facilities being proposed by the CSD and City are operational and online.

For a discussion of the design criteria for the proposed project, including flow rates, please see the draft Facility Master Plan. The City considers sewer collection exfiltration rates to be less than significant.

Response to Sadowski-10

As stated in the Draft EIR on page 3.9-32, "relative to the existing ocean discharge from the existing WWTP, the proposed project would decrease the volume of effluent currently discharged to Estero Bay under expected normal operating conditions when recycled water is used for groundwater replenishment and brine is discharged through the outfall." The existing WWTP effluent TDS concentrations are approximately 900-1,000 mg/L based on historical analyses (MKN, 2018). With full reverse osmosis (RO), assuming an 80% recovery rate, the RO brine stream discharged to the outfall from the proposed WRF would be estimated at approximately 0.24 MGD and 3,700 – 4,100 mg/L TDS. While this is an increase in TDS from existing conditions, the TDS concentrations anticipated for the RO brine are much lower than seawater (typically around 35,000 mg/L) (MKN, 2018).[5] As a result, the discharge would remain a buoyant plume, and would not substantially change the plume dispersion dynamics from the existing outfall diffuser. There would be no risk of a negatively buoyant plume that could result in elevated salinity on the ocean floor.

In addition, the source sewage water that would flow into the proposed WRF is the same sewage currently being treated at the WWTP. The proposed WRF would provide a minimum of tertiary treatment to all influent to the WRF, which is greater than the secondary treatment currently provided to the majority of influent to the WWTP. As such the effluent discharged from the WRF would have improved water quality relative to the effluent currently discharged from the existing WWTP. As stated on page 3.9-32 of the Draft EIR, "under conditions when recycled water is discharged through the outfall, water quality would be improved due to the addition of advanced treatment at the proposed WRF. As currently required for any water that is discharged to Estero

[5] MKN, April 2018, Draft Technical Memorandum, MBCSD Wastewater Treatment Plant Outfall Management Plan.

Bay, the effluent would be required to adhere to the requirements of the Ocean Plan which would be included in the WRF's NPDES permit."

As stated on page 7-4 of the Draft EIR, the water quality of proposed discharges due to the proposed project would be improved to tertiary-treated recycled water. The contribution of the RO brine stream would increase TDS, but not enough to exceed ambient ocean water salinity. As noted on page 3.9-14 of the Draft EIR, the California Ocean Plan establishes water quality objectives for ocean discharges to ensure the protection of the marine environment. The NPDES permit for the new WRF would require the City to comply with water quality objectives for receiving waters based on the California Ocean Plan; the water quality objectives would protect beneficial uses including marine habitat. Monitoring requirements in the Ocean Plan will require the City to perform monitoring to demonstrate compliance with the receiving water limitation, and to evaluate the potential effects of the discharge within the water column, bottom sediments, and the benthic communities. The NPDES permit will require data collection and monitoring to compare baseline biological conditions at the discharge location as well as at a reference location outside the influence of the discharge prior to commencement of discharge and after discharge commences. Monitoring would be required until the RWQCB determines a monitoring program is adequate to ensure compliance with the receiving water limitation. The Monitoring and Reporting Plan would require review and approval by the RWQCB as part of the NPDES permit process. The NPDES permit would impose conditions to ensure that there would be no adverse impacts to habitat in the vicinity of the ocean outfall diffuser port and the mixing zone as a result of the proposed project.

Currently, the existing ocean outfall that is used to discharge effluent from the existing MBCSD WWTP is not used for discharge of wastewater from the City's desalination plant. This existing condition will not be altered by the proposed project. Similar to the CSD's Sustainable Water Project, which proposes to use the existing MBCSD WWTP outfall to discharge brine and tertiary-treated effluent from its new plant, the City's proposed WRF will also discharge brine and tertiary-treated and advanced treated effluent through the existing WWTP ocean outfall.[6] The 1993 Settlement Agreement that pertains to the desalination plant outfall is not applicable to this project. The City owns 65% of the MBCSD WWTP outfall capacity, and the CSD owns 35% of the MBCSD WWTP outfall capacity. The City's continued use of the outfall to that capacity for brine and tertiary-treated effluent would continue to be allowed with no changes to that agreement. However, CSD and the City will need to agree to the process and funding for the decommissioning and demolition of the WWTP and reuse of that site and will memorialize or modify each entity's continued authority to use the outfall.

6 Cayucos Sustainable Water Project, Draft Environmental Impact Report, prepared for Cayucos Sanitary District by Firma Consultants, Inc., January 2017.

Response to Sadowski-11

Regarding risk management and actions proposed in the event of failure at the proposed lift station and WRF site, please refer to **Master Response 3- Accidental Spills and Impacts to Morro Bay Estuary**. Master Response 3 details the measures in place to monitor, prevent, or contain any accidental spill that may occur as a result of the proposed project.

Response to Sadowski-12

The Hanson Concrete Plant site was evaluated in a 2017 study requested by the City Council and referenced on page 6-1 of the Draft EIR. The study concluded any site west of Highway 1 would be opposed by the CCC for the same reasons as the existing site. The City Council voted on September 27, 2017, to proceed with planning the proposed project at the preferred location based on the conclusions of that 2017 study. As noted in Chapter 6 of the Draft EIR and as summarized in **Master Response 1 – Alternatives**, the City has conducted years of siting analysis to find the best location for a new treatment plant.

The comment is correct. The LCP could be amended to accommodate the treatment plant site to address one of the CCC's concerns regarding coastal access and visual impacts. The commenter is also correct, the elevation afforded by the Hanson Site would assist in reducing the impacts to the facility from sea level rise compared to the existing site. However, the City Council voted on September 27, 2017, to pursue planning the proposed project at the preferred location based on the CCC's direction stating a move away from the coastal zone was preferred. The Draft EIR evaluates potential impacts of the proposed project and includes an alternatives analysis that identifies the use of the existing site as a foreseeable outcome of the No Project Alternative. The Draft EIR concludes on page 6-12 that this outcome would be infeasible due to institutional constraints (i.e., inability to obtain a CDP) and would not meet any of the proposed project objectives.

Regarding cultural resources at the Hanson site, the Option 1A quoted in the comment refers to the lift station location near the existing Corporation Yard included in the Draft EIR, rather than an optional site for the proposed WRF. There are no known Native American archaeological resources within the 12-acre area of focus on the Hanson RV/Storage site; however, there are resources nearby and the area was identified as having a higher sensitivity for buried archaeological resources by Far Western, the City's cultural resources consultant.

The suggestion the City prepare a wastewater resiliency plan is noted for the record. For the proposed project, the City already has a draft Facility Master Plan and a Master Water Reclamation Plan. The City has also prepared a Draft Sea Level Rise Adaptation Strategy Report (Moffatt & Nichol, 2017) and Draft Community Vulnerability and Resilience Assessment (Michael Baker, 2016), which notes wastewater infrastructure in Morro Bay is threatened by climate change, both drought and flooding/sea level rise.

The suggestion a treatment facility at the Hanson site could be designed to be consistent with CCC criteria for sensitive view areas is noted for the record.

Response to Sadowski-13

The City thanks Mr. Sadowski for the thoughtful comment developing a Wastewater Resiliency Action Plan, which is noted for the record. The comment suggests the No Project Alternative should be selected. Please refer to **Master Response 1 – Alternatives**, which addresses the No Project Alternative, as well as the Hanson site as an alternative site.

The Draft EIR evaluates the proposed project's GHG emissions in Chapter 3.7. The Draft EIR concludes the project's estimated GHG emissions would be consistent with State objectives to reduce GHG emissions, and would not result in significant contributions to the State's cumulative GHG emissions. The assessment of the effectiveness of a Wastewater Resiliency Plan applied to the existing location is not relevant to the Draft EIR's evaluation of the proposed project. The application of a Wastewater Resiliency Plan could assist in reducing impacts from sea level rise if the proposed project was at or near the existing location. However, the preferred project location would be well protected from sea level rise.

Bast

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Morro Bay, CA
May 16, 2018

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
MORRO BAY WATER RECLAMATION FACILITY (WRF)
SCH #2016081027

The proposed project design is composed of elaborately interconnected parts that are sited in widespread locations which create unnecessary cost, economic hardships on rate payers and businesses, difficult and costlier maintenance, greater safety and environmental risks, onerous years of construction inconveniences to residents, businesses and visitors to name a few of the adverse impacts. 1

AREAS OF CONTROVERSY

The DEIR fails to address the degree of prevailing outrage the project as proposed has met with in the community. The exorbitant cost of $150,000,000 and up borne by just 5000 rate payers is a primary concern, however the design siting with it's many separated facilities is integral to the cost and construction chaos that the community opposes.

Citizens for Affordable Living (CAL) a State licensed, non-profit, resident all volunteer group was established to raise public awareness of the proposed project and to bring about an affordable Wastewater Reclamation Facility.

CAL has hundreds of supporters, a www. site, a Facebook page, volunteers in well received door-to-door contact throughout the community, information tables in public venues, mailers and a well attended public informational forum conducted by CAL. 2

Residents are frustrated by a lack of transparency by the Council and administration including:

*Council's unilateral choice of "preferred site".
*Monies already spent lack accountability.
*Omission and/or vagueness of many costs.
*Council's lack of response to concerns of residents.
*Council limited WRF Citizens Advisory Committee members opposing viewpoints.
*Council actions to discredit opposing viewpoints including city funded flyers and forums.
*Irregularities in sequence of the CEQA, Request for Proposals and permitting processes has created an intimidating threat of penalties and loss of funding

if the proposed project is not approved as soon as possible.

PROJECT DESCRIPTION

The proposed WRF project - that normally would be centralized in one area for efficiency and economy - is reliant on **6** essential and separated components requiring **redundancy of machinery and treatment processes,** located **as far apart as 3 miles:**

1.The Wastewater Treatment Plant (WWTP)
2. Lift Stations
3. Over 9 miles of pipeline
4. Injection / monitoring wells
5. City wells.
6. A Brackish Water Reverse Osmosis water treatment plant (WTP)

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The project DEIR is highly complex, confusing and vague and **lacks many areas of specificity** including:

1. Alternative sites for Lift Station
2. Alternative pipeline routes for waste effluent to and return brine from WRF.
3. Alternative pipeline routes for return of advanced treatment water to injection fields.
4. Alternative injection fields.
5. A Membrane Bioreactor (MBR) treatment technology is indicated, however "It should be noted that a functional **process equivalent** could be provided later in the design-build stage".
6. The actual WRF site is indicated to cover 10 to 15 acres, a large disparity - how many acres will it be?
7. It is questionable (per DEIR "likely") whether the shallow aquifer will accept 600,000 gallons per day of advanced treated water for groundwater replenishment.
8. It is questionable (per DEIR "likely") if the mandated **minimum 2 months ground retention** of the injected water will be met before it is pumped from City wells.

These different possibilities each will have significant effects on the lives and/or economy of residents and businesses.

The EIR predicates how a contract bid cost is figured, however the Request for Proposals was issued previous to the DEIR and without a certified Final EIR.

How can a design/build bidder risk estimating an accurate cost **without identifying the specific project**?

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Will a contract clause be necessary to allow unknown or unlimited additional charges for modification of the project during the construction process?

Without a specific design plan, how can a monetary **limit** be determined for contingencies? Is it simply their best guess?

PROJECT LOCATION

Because the "preferred" site lies in the county outside MB city limits, the county requires the city to annex the land to the city which enables the City to issue the permit for the project (the county only needs to issue a land use permit).
City initiative law requires a vote of the people to annex land, how will the City process annexation of the land? 5

Despite the fact the preferred site lies **adjacent to 150 acres of vacant land within the city limits,** why was land lying in County jurisdiction chosen to add more unnecessary expense and transaction to the project?
Will the contract with the property seller contain any special conditions to benefit the seller such as agreement for the City to supply water and sewer utilities to the seller's adjacent 396 (most lies in the county) acres of undeveloped land? Or any other benefit (exclusive of price)? 6

The existing WWTP occupies 5.7 acres, why is it necessary to annex (buy) 27.6 acres for the new plant?
Could it be to provide a **buffer for the potential of housing development** on the adjoining undeveloped land? 7

Why will the extension of Southbay Blvd. to the facility be a 60 foot right of way when the roads within the facility will be 16 to 22 feet wide?
To allow for future access to the undeveloped property? 8

The senior retirement/assisted living/hospital facilities houses **190 elderly people** living within 360 to 500 feet of the proposed project.
Per design consultants, the Bayside/Casa De Flores management was supportive of the project, however were residents queried by the consultant?
What considerations have been given to these nearby residents to mitigate:

1. **2 1/2 years of construction** disruption five days a week 7am to 5pm?
2. **6,574** estimated heavy truck trips?
3. Inherent noise of trucks and heavy equipment?
4. Air pollution (many residents on oxygen) from internal combustion engines and asphalt?
5. Parking for **210 employees** on Teresa Drive (during pipeline installation)?
6. It is noted that a large outcropping of rock lies in the southern area of the proposed WRF site, will removal require blasting? 9

The DEIR acknowledges possible soil erosion and sedimentation of Morro Creek, Estero Bay and **Chorro Creek**. The drainage channel adjacent the proposed WRF site drains into Chorro Creek which immediately drains into the **Morro Bay Estuary**. Why was possible sedimentation of the Estuary not listed? Has there been discussion with the stewards of the National Estuary Program about this possibility? 10

If natural gas generators will be used, an additional pipe will be laid to the WRF, if so would it use the same trench as the force main and brine pipeline? 11

LIFT STATION IMPACTS

Effluent from the Lift Station must be pumped 3 miles uphill to the WRF, then Brine and the advanced RO and UV treated water **must also be pumped back** to the outfall and injection well sites respectively. 12

Placement of the Lift Station at either proposed site would be subject to the same conditions as the current WWTP of sea level rise, tsunamis and 100 year flood plain, but with the added condition of being **sunk into the ground 16 feet.**

The proposed West Lift Station site along the north side of Atascadero Road and across from the current WWTP is on land (contrary to the DEIR) that has no other structures and is open visually from the roadway to the ocean beach. It is historically a popular public access to the beach and parking for horse trailers.
Placement of the lift station there would be **nearer** to sea level rise, preclude parking, impede access to the beach and the 16X30X10 fenced structure would have an adverse visual impact. 13

The same conditions of sea level rise, flooding and visual impact would apply to the East Lift Station. Contrary to the DEIR, after demolition of the WWTP, the lift station would occupy the "vacant" site.

Lift Station construction is estimated to take **10 months and 127 truck trips**, what consideration is given to that impact to nearby High School traffic? Why is it not considered an adverse impact? 14
Nearby Recreation Vehicle Campgrounds economic impact?

GROWTH INDUCEMENT

Is the proposed project being overbuilt?
In the past 40 years, MB population has increased by about 1,000; the estimated growth is to around 2,300 more people by 2040.
The current WWTP treats approximately **0.8** million gallons per day, when Cayucos (about 2800 population) effluent goes off line, the average daily effluent treatment will drop to approximately **0.6** million gallons per day. 15
Why is the proposed WRF able to treat a **maximum peak flow of 2.75 million gallons** per day?
Why is the proposed Lift Station capable of pumping **7.05 million gallons** per day?
Why is the proposed WRF buildings total of **65,260** square feet necessary?
If the proposed project goes forward, another rate increase will be necessary, creating the possibility of many vacant homes by an exodus of residents unable to afford living here. How would a possible large drop in effluent volume for an unknown period of time affect the WRF process?

EXISTING DAMAGED PIPELINE NOT ADDRESSED

Video footage of the sewer collection system shows many areas of **damaged, broken or offset pipe** allowing **leakage out** (Exfiltration) of sewage and **leakage in** (Infiltration) from storm water.

Yet per the DEIR the collection system does not need to be modified and there is no acknowledgment of the need to replace leaking mains which **skew all the sewage flow capacity figures upon which the proposed design is based**. 16

Why is it necessary to have a larger 18 inch pipe (the sewage force main is 16 inch) for the brine that must be **pumped back** to the ocean outfall if the collection system does not leak storm water **in** through damaged pipes?

Why must a **500,000 gallon tank** be built for storage of water in "**rain events**" and for advance treated water the injection wells **"will not accept"**?

Treating effluent to "advanced treated water for ground injection" is very expensive, why would a system be designed to put such expensive water into the ocean, even for a (unspecified) short term?

PIPELINE CONSTRUCTION IMPACTS

Proposed pipeline routing from the Lift Station to the 3 mile distant treatment plant will excavate city streets either through the **central commercial areas** of the **Embarcadero** or **Quintana Road**.

One proposed route on **Pacific Street** through residential area requires the purchase of a private residence property on Butte St. for right of way.

Force Main **Pipeline construction is estimated to last 1 year, involving 2,571 estimated truck trips,** what consideration is given to the **substantial economic impact** of severely limited access to businesses on Quintana, especially between Main Street and the Roundabout? 17

The Force Main must be pumped at high pressure 3 miles uphill to the WRF.

If the pipe should fail for any reason, it would severely compromise groundwater, what procedures will be in place to prevent such a catastrophe?

Continuous monitoring of 3 miles of force main as stated in the DEIR adds cost that would be unnecessary if the WRF was located near the existing WWTP.

INJECTION WELL IMPACTS

Piping from the WRF to the east Injection Well site will follow an excavation route parallel to Hwy 1 on undeveloped land, then on Bolton Drive, Radcliffe, Main Street and 18

Errol Street to a City easement near the confluence of Morro and Little Morro Creeks adjacent and visible to the densely populated Silver City Mobile Home Park.

The area of the site is currently a verdant natural riverine landscape and a small private park/picnic area, how will the 3 to 5 injection wells and monitoring wells be screened from the Mobile Home Park's **165 residents** and their picnic/BBQ area? 18 cont.

The proposed Injection wells construction will require **24 hour drilling and lighting** for an estimated **1 month**, total construction time 2 months, what consideration is given to mitigate the noise and lighting impact on nearby residents?

Access to this injection site for construction and monitoring is assumed to be from Little Morro Creek Road, would access ever be necessary through the Mobile Home Park? 19

The west proposed Injection Well site piping would follow the same route as the Force Main and brine pipeline to a site near Lila Kaiser Park close to City wells, which would likely make **this site infeasible** because of the 2-4 month groundwater retention requirement. 20

Long Term "pilot injection and monitoring wells are needed for baseline groundwater monitoring to substantiate the projects modeling estimates" of how much advanced treated water from the WRF can be accepted into the ground before the full-scale project can be permitted. 21
Does this process require a separate contract and consultant?
Is it included in the Request for Proposal?
If long term pilot monitoring is needed, **how long before the full-scale expensive advanced treated water** can be injected into the ground for use by the community instead of uselessly emptied into the ocean?

REVERSE OSMOSIS TREATMENT PLANT
The water that is pumped from City wells **must then be treated at the "Brackish Water Reverse Osmosis"** (BWRO) plant, adding yet another **cost intensive** process because the advanced treated water is being injected into an existing contaminated aquifer.
For years the De-sal plant has been operating sporadically on an emergency permit issued by the Water Quality Control Board. 22
The existing aging De-sal plant purportedly is **not capable of processing 0.8 million gallons daily,** will it be necessary to replace or rebuild the existing De-sal plant?
At what cost?
Is it included in the Request for Proposal?
Are there any reasons that would inhibit a permit to be issued for permanent operation of the BWRO by the board? Such as a requirement to relocate the plant as the Coastal Commission staff has indicated?

ALTERNATIVE ANALYSIS

Of the 17 alternative sites listed, the vacant former cement plant **Hanson site adjacent to the existing WWTP** was never seriously considered and is not mentioned in the DEIR.

It meets the goals of a water reclamation system far better that the "preferred site" and is economically superior to all other alternatives except up-grading the existing WWTP.

It would fulfill the City's **primary** objective of **"minimizing rate payer and City expense".**

Some of the advantages of this site include:

Major cost reduction in millions.

Location, Location, Location!

Next to the current WWTP.

Close to all sewer system infrastructure.

City owned land.

Already compromised land - "urban built-up land".

Minimal cultural resources likely.

Elimination of costly high pressure pump Lift station.

Elimination of over 9 miles of expensive pipe and casing.

Elimination of 5 years of **major** community disruption."

Uninterrupted commerce in commercial areas.

Higher ground than proposed Lift Stations.

An off-the-shelf time-tested and proven design could be used avoiding overpaid consultants.

Such a design could provide potable water that would eliminate costly treatment by the separate Reverse Osmosis (BWRO) plant.

If a sunken Lift Station closer to the beach than the Hanson site can safely be built to be water-proof, a WRF also could be safely built to withstand hypothetical flooding.

It is an arguable risk that sea level rise, a tsunami or 100 year flood would outweigh the **massive financial and physical benefits** of the WRF during it's 50-60 year life at this site.

It is doubtful the **Coastal Commissioners** would ignore the onerous financial, social and psychological plight of the people of Morro Bay forced to pay for a $150 (and up) million dollar sewer plant when an affordable and better alternative exists.

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WATER RESOURCE USE

Water for dust control at **four** separate construction sites will require an estimated:

1. The WRF = 15 acre feet
2. The Lift Station = 4.2 acre feet
3. Pipeline construction = 4.2 acre feet
4. Injection well site = 2.6 acre feet

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Where will 26 acre feet of water come from?
Average annual Morro Bay water consumption is less than 13 acre feet.

LONG TERM IMPACTS
Over the 3 - 4 year construction period, it is estimated that there will be in excess of **10,500 truck trips** laden with building materials, cement, asphalt, concrete blocks, heavy grading equipment, demolition material, soil removal etc. traveling city streets.
What provision has been made to repair or pave the **inevitable deterioration** to the city's streets once the construction phase is complete?

Because of the many separated construction sites, many more streets (in addition to those excavated for pipeline installation) will be subject to use and deterioration than if the WRF was to be built at a single site.
The prospect of those streets being repaired seems unlikely given the annual street maintenance budget is notoriously inadequate.

The project goal as proposed is a **complex system of many separated sites** that are each essential to the function of the system as designed in order to provide the community with potable water through groundwater replenishment reuse - **creating a costly maintenance and monitoring nightmare that will worsen as the infrastructure ages.**

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CONCLUSION:
The **HANSON SITE ALTERNATIVE** is environmentally superior and the only realistic option for this city of approximately 10,000 population!
The annual City budget is purported to fall in the red with revenue of $1.00 for every expenditure of $1.10.
The City cannot afford the proposed WRF any more than residents can.

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Nancy Bast
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Comment Letter – Nancy Bast

Response to Bast-1

The City thanks Ms. Bast for submitting comments. The commenter expresses opinion about the proposed project analyzed in the Draft EIR. Several of the comments are expanded on and responded to below. The commenter's dissent is noted for the record.

Response to Bast-2

The commenter expresses concern about the cost of implementing the proposed project and also presents information about the Citizens for Affordable Living (CAL) volunteer group to raise public awareness about the project. The comment is noted for the record.

Response to Bast-3

The commenter notes the various components of the proposed project are separated from each other. The commenter also states the "project DEIR is complex, confusing and vague and lacks specificity" about certain components. The Project Description included in Chapter 2 of the Draft EIR provides project details that are available in order to conduct meaningful environmental review. CEQA Guidelines Section 15124 includes the requirements for an EIR project description, which should "not supply extensive detail beyond that needed for evaluation and review of the environmental impacts." In particular, the project description should include the proposed location and boundaries of the project being analyzed, shown on a map; a statement of the project objectives; a general description of the project's technical, economic, and environmental characteristics, considering any principal engineering proposals, and a statement briefly describing the intended use of the EIR. The project description does not need to include alternatives for all project components. Regarding the specific items in the comment:

1. A discussion of the alternative sites considered for the proposed lift station can be found in the Draft EIR in Chapter 6 Alternatives Analysis.

2. Alternative pipeline alignments for the raw wastewater/brine pipelines were considered in development of the Facility Master Plan and an alternative pipeline alignment is considered in the Draft EIR in Chapter 6 Alternatives Analysis. Please also refer to **Master Response 1 – Alternatives**.

3. The project description in Chapter 2 of the Draft EIR includes two alternative pipeline routes for the recycled water pipelines.

4. The project description in Chapter 2 of the Draft EIR includes two alternative wellfield areas for the proposed injection wells.

5. The quoted text is found on page 2-9 of the Draft EIR, and the comment is noted for the record.

6. The final footprint of the proposed WRF will be determined during the design/build process but is estimated to be up to 15 acres for purposes of assessing environmental impacts in the Draft EIR.

7. As stated in the Draft EIR on page 3.9-24, groundwater modeling was conducted to evaluate the response of the aquifer to the injection and extraction of treated recycled water (GSI, 2017). The modeling report is included as Appendix G to the Draft EIR. Prior to the modeling, aquifer testing was conducted on the existing city wells to better quantity the parameters of the aquifer to be used for injection, including the horizontal and vertical hydraulic conductivity. That information was reported in the groundwater modeling report and used to design the model. The groundwater modeling was used to evaluate the feasibility of injecting 825 AFY of treated recycled water to the aquifer (Draft EIR, page 3.9-24). With respect to the comment, 825 AFY is equivalent to approximately 736,000 gallons per day.

8. As stated in the Draft EIR on page 3.9-24, a screening level groundwater model was developed for the proposed project to determine the feasibility of the proposed injection and extraction of advanced treated recycled water (GSI, 2017) (see Appendix G to the Draft EIR). The modeling effort evaluated the feasibility of injecting 825 acre-feet per year (AFY), determined the maximum annual production (extraction) capacity of the existing wells without causing seawater intrusion, and the ability to satisfy the CCR Title 22 minimum response retention time requirements for the injected recycled water. The modeling results suggest that it may be possible to meet the minimum required retention time (Draft EIR page 3.9-26). In conjunction with the State's Division of Drinking Water, the City will conduct a pilot injection program to confirm the modeling results (Draft EIR page 3.9-27).

Response to Bast-4

The comments raised related to the project cost and design/build process are unrelated to the CEQA analysis required of an EIR. CEQA Guidelines Section 15088 requires the City, as the Lead Agency, to evaluate comments on environmental issues received from parties that have reviewed the Draft EIR and to prepare a written response. The comment is noted for the record.

Response to Bast-5

Regarding permits for the proposed WRF, which is located in San Luis Obispo County, a coastal development permit would either be issued by the County, or by the California Coastal Commission if the City chooses to consolidate the permits for the entire project.

Regarding annexation, the annexation of the proposed WRF site would follow the procedures set forth by the San Luis Obispo Local Area Formation Commission (LAFCO). Annexation does not require a vote of the Morro Bay electors because it is to serve a public project. That annexation does require LAFCO's determination the City can provide public services to the preferred site, and LAFCO policies are followed with respect to environmental compliance. In response to comments by LAFCO, additional information about the annexation process has been added to the Draft EIR. Please refer to **Master Response 2 – WRF Site and Annexation** and Response to LAFCO-3.

Response to Bast-6

The boundaries of land for the preferred WRF site were based on a negotiated Memorandum of Understanding (MOU) with the property owner. The MOU is available for public review. The preferred site is intended to provide logical boundaries for annexation to the City, and allow some

flexibility within its boundaries to accommodate proposed WRF designs that could minimize impacts to various issues such as visual resources, biological resources, and geologic resources, among others. It also allows for a potential conservation easement to address agricultural and open space issues.

Although the comments did not pertain to environmental impacts, the MOU does not provide special benefits to the current owner of the preferred site. It does provide the City would assist with having the entire property added to the City's Sphere of Influence, but the current land uses permitted on that property would not change and are consistent with the City's General Plan and zoning.

Response to Bast-7

As stated on page 2-1 of the Draft EIR, the proposed WRF would be constructed on a 10- to 15-acre plot. All facilities are shown on Figure 2-2. The proposed WRF would be developed within the 27.6-acre area, with the undeveloped acreage to be available for an agricultural or open space easement, as stated on page 3.2-7 of the Draft EIR. Please refer to **Master Response 2 – WRF Site and Annexation**. There is no basis for the speculative question raised in the comment. Also, see **Response to Bast-6**, above.

Response to Bast-8

The Draft EIR on page 2-12 indicates the right-of-way access easement along South Bay Boulevard to the preferred WRF site is still being developed by the City. As explained on page 3.14-18, proposed WRF does not include the construction of a new public roadway; however, the WRF's driveway would be designed and constructed in compliance with all applicable City and County codes to ensure traffic operations at that entry point are consistent with City and County standards to ensure it does not create a safety hazard. Once the proposed WRF is built, the remainder of the 27.6 acres would be available for an agricultural or open space easement. Any other use of the undeveloped property within the greater 396-acre parcel is outside of the purview of the Draft EIR.

Response to Bast-9

The commenter questions whether the residents of the Bayside/Casa De Flores community were queried regarding the project. Several efforts to consult with representatives from Casa De Flores occurred throughout May 2016 to inform them of the proposed project including telephone and in-person consultations. Based on outreach to that community at that time, there was no opposition expressed by residents that the City is aware of.

Regarding transportation impacts, construction and operational impacts associated with access to the preferred WRF project site are addressed in the Draft EIR starting on page 3.14-10. As explained therein, construction of the proposed WRF would not create a significant impact to the local or regional circulation systems. Additionally, the proposed project's contribution to traffic volumes during operation of the WRF would not result in a significant impact to the local or

regional circulation systems (Draft EIR page 3.14-13). As a result, impacts would be less than significant with no mitigation measures required.

The commenter presents a list of project construction details. The number of truck trips represents the total number of truck trips over the entire construction period, as explained on page 2-25. That overall number was amortized over the construction period in the traffic impact analysis. Please see Section 3.3 of the Draft EIR for air quality analysis and Section 3.11 of the Draft EIR for noise analysis. Blasting will not be used as a construction activity associated with the proposed project (see 3.11-26).

Response to Bast-10

As explained in the Draft EIR starting on page 3.9-32, the City would be required to implement a stormwater pollution prevention plan (SWPPP) that would include best management practices (BMPs) to meet waste discharge requirements and prevent soil erosion and sedimentation of surface waters around the various project components, including Chorro Creek. Additionally, construction of the proposed project is also subject to the BMPs included in the City's SWMP to control runoff and protect water quality during the construction period. As a result, sedimentation is not expected to occur in Chorro Creek, or farther downstream in the estuary. Please also see Responses to MBNEP-2, MBNEP-7, and MBNEP-8

Response to Bast-11

A natural gas pipeline to provide service to the WRF would be extended from the existing natural gas pipelines within the City and is not anticipated to be as long as the force main and brine pipeline. Near the WRF site, the natural gas pipeline may follow a portion of the same alignment as the other pipelines and depending on the timing of implementation, the same trench or a different trench might be used.

Response to Bast-12

As described on pages 6-8 and 6-9 of the Draft EIR, eight lift station locations were analyzed as potential project components. These were narrowed down to the two proposed sites evaluated in the proposed Draft EIR due to various criteria including costs, location, planning, and public support. As noted in the comment, the proposed lift station would remain within the 100-year flood hazard zone near the existing WWTP; however due to the proposed design to floodproof the lift station such that it would be watertight with impermeable walls, the potential impacts associated with operating wastewater treatment facilities within a flood hazard zone would be reduced. That beneficial (Class IV) impact is described in the Draft EIR under Impact 3.9-6 starting on page 3.9-41.

Response to Bast-13

The comment pertains to lift station location Option 5A, on the north side of Atascadero Road, shown in the Draft EIR in Figure 2-3. The proposed lift station would not be located in the vacant

site after demolition of the WWTP as stated in the comment. The location for Option 5A is described in the Draft EIR as follows on page 2-15:

- Option 5A: The site is located directly adjacent to Atascadero Road, on the north side, partially within public right of way. It is located across from the City's existing water treatment plant.

Regarding sea level rise and flooding, please refer to Response to Bast-12 above. Regarding visual impacts due to the lift station, please refer to Chapter 3.2 Aesthetics in the Draft EIR, which determines there would be no significant impacts to scenic vistas, scenic resources, or visual character due to the proposed lift station.

Response to Bast-14

The 127 truck trips required to construct the lift station would be amortized over 10 months and, therefore, would blend in with existing traffic. As explained in the Draft EIR on page 3.14-16, the City would be required to prepare and implement a Traffic Control Plan for construction of the lift station in accordance with Mitigation Measure TRAF-1. The Traffic Control Plan would include, but not be limited to, signage, striping, delineated detours, flagging operations, changeable message signs, delineators, arrow boards, and K-Rails that will be used during construction to guide motorists, bicyclists, and pedestrians safely through the construction area and allow for adequate access and circulation to the satisfaction of the City Traffic Engineer. Specifically, Mitigation Measure TRAF-1 includes the following:

> The Traffic Control Plan shall include provisions to ensure that the construction of the lift station, conveyance pipelines, and the IPR injection and monitoring wells do not interfere unnecessarily with the work of other agencies such as mail delivery, school buses, and municipal waste services.

Those measures would reduce traffic impacts near the lift station and around the high school to a less than significant level. Regarding the comment regarding economic impact to the "Nearby Recreation Vehicle Campgrounds," per CEQA Guidelines Section 15064(e), "economic and social changes resulting from a project shall not be treated as significant effects." As such, economic impacts associated with the proposed project are not included in the Draft EIR.

Response to Bast-15

As explained on page 5-5, the existing WWTP has a daily wastewater collection flow of 1.089 MGD, although during recent times of drought and water conservation, wastewater flows have averaged between 0.8 and 0.9 MGD. In support of the City's decision to construct a new wastewater facility, a draft Facilities Master Plan (FMP) and the MWRP were prepared to evaluate the design and operations of the proposed WRF to determine the necessary capacity of the facility. The draft FMP and MWRP for the proposed project took into consideration the planned population projections in the City's General Plan and UWMP and sized the plant to accommodate wastewater flows associated with the City's expected population of 12,000 in 2040.

Based on a future population of 12,000 in 2040, the proposed WRF was designed to treat an average annual daily flow rate of 0.97 MGD, which assumes an approximate 10 percent increase for future growth.

The 2.75 million gallons per day represents the estimated peak daily flow required to be treated during high flow conditions due to wet weather or tourist events. The lift station will be designed to handle both low and high sewage flows that may occur over shorter periods of time. The 7.05 MGD represents the peak hour flow, or the highest flow anticipated over an hour. The lift station pumps will need to transport all the wastewater generated in the City. Without significant tanks for storage, it must be capable of pumping high flows that may only occur for a short period.

Response to Bast-16

The proposed project does not require modification to the sewer collection system and would not put additional demands on the sewer system. The City has a capital improvement program that includes maintenance and replacement of the sewer collection system.

Regarding the commenter's questions about the need for certain facilities and size of pipelines, the City has determined the project as proposed and analyzed in the Draft EIR includes necessary components for treating wastewater and producing potable water under all operating scenarios.

Regarding the discharged of recycled water to the ocean, the Draft EIR states on page 2-32, "[i]f the full level of treatment required for GRRP is not achieved for any reason, then treated effluent would be directed to the ocean outfall through the brine discharge line, which will be sized to handle the full WRF flow rate." In addition, the Draft EIR states on page 3.9-32:

> The new WRF facilities would allow the City to discharge the advanced treatment recycled water for groundwater injection and indirect potable reuse, as well as direct discharge to Estero Bay through the existing ocean outfall if necessary, such as during periods of high groundwater levels. In addition, brine and wet weather flows would be discharged through the existing ocean outfall.

Response to Bast-17

The commenter presents an opinion regarding construction-related traffic impacts to commercial areas within the City. Environmental impacts of installing pipeline within roadways constitutes a temporary impact and would not permanently impact the business community. As required by Mitigation Measure TRAF-1, a Traffic Control Plan would be implemented that requires access to be maintained to individual properties during construction. In addition, the proposed pipeline would be installed at approximately 150 feet per day, as described on page 2-28 of the Draft EIR. As such, the disruption to any one business location would be limited to approximately one week or less.

Regarding the pipeline route, the final pipeline route will be determined during the design/build process along with necessary property acquisitions or easements. In the event that property

acquisition is required, all necessary procedures and payment of fair market value would be provided, and relocation benefits if applicable.

Any contingencies needed to address the "failing" of project components will be determined during project design, as is typical for design of any large infrastructure projects. The proposed project includes a leak detection system that would monitor the pressure in the raw wastewater pipeline. Please refer to **Master Response 3 – Accidental Spills and Impacts to Morro Bay Estuary** for additional information.

Response to Bast-18

The commenter is referred to Section 3.1 of the Draft EIR, which address the aesthetic impacts associated with constructing and operating the injection wells. Specifically, see page 3.1-15 for operational impacts and 3.1-20 for lighting-related impacts. Mitigation Measure AES-1: Nighttime Construction Lighting requires lighting used during nighttime construction, including any associated 24-hour well drilling, shall be shielded and pointed away from surrounding light-sensitive land uses.

The commenter is also referred to Section 3.11 of the Draft EIR which addresses noise impacts associated with constructing and operating the wells and requires implementation of Mitigation Measure NOISE-1: Construction Noise Reduction Measures (page 3-11.22) and Mitigation Measures NOISE-2: Operational Noise Reduction Measures (page 3.11-26).

Response to Bast-19

Based on the facilities proposed, it is assumed access to the eastern injection area would occur near Little Morro Creek Road and an access point through the Silver City Mobile Home Park would not be needed. Access routes and staging areas will be finalized by the construction contractor and the City prior to the start of construction.

Response to Bast-20

The Draft EIR includes the results of the groundwater modeling conducted for the proposed project, which demonstrates the feasibility of injecting recycled water and required retention times prior to extraction at City wells. Please refer to Draft EIR page 3.9-26 and the modeling report included in Appendix G to the Draft EIR (GSI, 2017). See also Response to Bast-3 above.

Response to Bast-21

The pilot study would be conducted as part of the CCR Title 22 permitting process for the proposed project.

Response to Bast-22

The proposed project does not add another cost intensive process because the BWRO is already built. The BWRO is separate from the City's desalination facility and is not operating under an emergency permit as stated in the comment. As stated in the Draft EIR on page 3.16-7:

> The recycled water proposed to be used for groundwater replenishment would be extracted via existing production wells and would be treated at the City's existing Brackish Water Reverse Osmosis (BWRO) treatment plant. The City may evaluate whether improvements to the BWRO treatment plant are necessary once the proposed project is operational. No improvements are currently planned or required to operate the proposed project.

Response to Bast-23

Please refer to **Master Response 1 – Alternatives** regarding the analysis of alternatives in the Draft EIR including the Hanson site.

Response to Bast-24

As explained on page 3.16-8 of the Draft EIR, water supply is expected to be adequate to meet demand during normal and dry years through 2035 within both the Morro Bay WPA and the City. Per the City's 2015 Urban Water Management Plan, in 2015, water demand for the City of Morro Bay was 1,074 AFY (UWMP Table 4-1), not 13 AFY as stated in the comment. In 2020, water demand in the City of Morro Bay would be approximately 1,300 AFY (Draft EIR page 3.16-2). Construction of all of the proposed facilities would require approximately 22 AF of water for dust control over the period of construction (4.2 AF for the lift station and associated pipelines, 2.6 AF for wells and the recycled water pipelines, and 15 AF for the WRF) (Draft EIR, page 3.16-8). As a result, the 22 AFY of water (not 26 AFY as indicated by the commenter) required to construct the project would be met by existing capacity. Water use required to operate the project would be minimal.

Response to Bast-25

Regarding the commenter's concern that construction of the project will deteriorate roads such that replacement or repair is necessary, the 10,500 trips amortized over 3-4 years would constitutes a minimal daily traffic load compared with current conditions. The City includes road repair and maintenance as part of normal operations and will replace and repair roads as necessary consistent with current situations.

Response to Bast-26

The commenter expresses an opinion regarding the proposed Hanson site alternative. Please refer to **Master Response 1 – Alternatives** regarding the analysis of alternatives in the Draft EIR including the Hanson site.

Eric Foor

537 Zanzibar Street
Morro Bay, Ca, 93442
805-772-7435
toeric4@gmail.com

May 16, 2018

Rob Livick, P.E.
Public Works Director
Morro Bay, Ca. 93442
City of Morro Bay DEIR-WRF Project Comment

Dear Mr. Livick,

I wish to express my opinion on the environmental impact of your proposed South Bay Boulevard Project (SBBP). There is not one aspect of this proposal that will have a positive impact the City of Morro Bay and the natural environment of of our town. Besides the enormous disruption to our community during the construction phase I wish to remind you of two of the long term negative impacts of your proposal. 1

First, There is the operating costs of pumping the liquid mass over a hill (TWICE…unless you can maintain a syphon effect). That will be an additional ongoing expense…**forever**. What will that cost be in todays dollars and as a per cent of our operating budget? Or, do you plan to cover those lovely hills with a solar farm? If that is the case how many acres do you plan to cover with solar cells?

Second, The increased capacity of the new sewer system will invite growth to a community that has already reached it's natural limit…and that limit is water supply. 2

Your office, under the guidance of the Mayor and the City Council has essentially conspired with the California Coastal Commission and Regional Water Quality Control Board to expand the human use of our local environment which can only degrade it. While this may be seen as a benefit to Tourism, the City Staff, Developers and other Commercial Interests the effects on the Residents of Morro Bay will be quite the opposite.

As a resident I will experience more traffic on our crowded streets. More parking headaches. There will be more irritated drivers and a need for more traffic control. Increased accidents at the intersections of our cross streets and Hi-way One **will** 3

cause more injuries and more deaths. As the population density increases there will be more hostile interactions between neighbors. **There will be increased crime** and a need for more police and firemen.

The SSB project will lay the foundation for untold growth as it can always be oversized. This surge of expansion will require that our city collect ever increasing amounts of revenue to pay for more street and sewer repair, a greater water supply, more firemen, more police, more garbage collection....and a larger government. Residents will be compelled to pay more and more taxes...which many of us cannot afford at the present level. **This will force some residents to leave this environment.** I would consider that an "environmental impact"...wouldn't you?

4

I have lived in this community for thirty years and have enjoyed the natural beauty and harmonic pace of a quaint coastal environment. Morro Bay and Cayucos have a small town charm that areas such as the Five Cities and much of Southern California have lost. This is principally due to our limited population and slow growth. Our water treatment problems can be solved in a simpler fashion if you as the Professional Engineer in charge were to recommend a new course to our City Council. **Why are you presenting any proposal at all, before you have the actual treatment figures that can only be measured after the Cayucos population has left our system? I know you have made estimates...but what if they are wrong? You are quite possibly making an imprudent and costly mistake.**

Here is an outline for a simpler and less costly solution to our problem. I think of it as **"A planned staged retreat"** I hope you will consider. it.

A. If he will agree, employ Barry Branin as an Independent Technical Advisor. The following plan was inspired by his ideas.

B. Institute a systematic program of repairing our underground sewer pipe delivery network. This will improve our current plant's treatment capabilities and provide evidence to the RWQCB that we are working on a solution.

5

C. **Reexamine the problem** after the broken pipes are fixed and the Cayucos load has left our system. Take new measurements. Determine how much more improvement is required. **If more treatment is necessary** proceed as follows.

D. Keep the existing sewer plant **(plant A)** in place and upgrade it to the full extent that we are allowed by the Coastal Commission. Increase it's cleaning schedule. Maximize it's treatment capabilities and improve oder abatement.

Install steel "compartments" and watertight hatches/covers to make it "Tsunami" resistant.

E. Redirect the plant's discharge from the ocean to a new underground pipe to deliver the "semi-treated" discharge **from Plant A** as far up the Morro Creek Valley as is necessary…**to Sewer Plant B**

F. Terminate the new discharge pipe at **a smaller secondary sewer plant (Plant B)** to "finish" the treatment process…far from the domain of the Coastal Commission and the complaints from citizens.

G. Inject the "finished" treated discharge from Plant B into the Morro Creek Aquifer per the SBBP proposal.

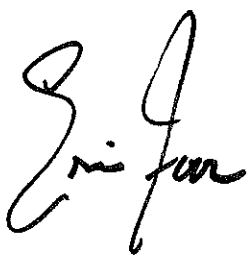
H. Sewer Plant B should be designed to allow for future expansion…but only in the event that rising sea water may decommission our existing Plant A.

I. Install a sump pump in the Morro Creek flood plane to pump away excessive high water under rare flood conditions. Direct the discharge of this pump out through our existing ocean outfall. This concept will protect every structure in the flood plane that is threatened by flood conditions from Morro Creek **including the existing sewer plant**, the Morro Bay High School, Hi-way One **and the Embarcadero business community.**

5 cont.

I don't know you personally but I suspect you are influenced by economic pressures. Historically, economic problems have been solved by expanding "growth". This is the fundamental predicament that Morro Bay now finds itself in. Our robust city government is grasping for more tax dollars…(75 million is not enough?) Their appetite demands more development…to pay more government fees…etc…etc. If our planet were infinite then "growth" would always be an acceptable option. But sooner or later we must face the fact that we cannot continue to solve our problems with that pattern. As an engineer you know there parameters to any problem. Please use your skills to present our Council with a solution that fits within our economic and population limits…such as the outlined plan above.

Sincerely yours,



Eric Foor

Comment Letter – Eric Foor

Response to Foor-1

The City thanks Mr. Foor for submitting comments. The comments raised related to the costs of implementing certain components of the proposed project, such as operating costs associated with pumping, are unrelated to the CEQA analysis required of an EIR. Per CEQA Guidelines Section 15064(e), "economic and social changes resulting from a project shall not be treated as significant effects." An economic/social effect of a physical change can be used to determine whether the physical change is a significant impact of the environment (i.e. if construction of a road increases noise impacts that then negatively disturbed nearby religious practices) per CEQA Guidelines Section 15131(b). The commenter has made no claim that the cost of pumping would impact another physical change in the environment. As a result, no further response is warranted.

Response to Foor-2

As explained in the Draft EIR on page 5-5, the CSD is also building a separate treatment plant. That would reduce the overall influent to the existing WWTP, which currently serves Cayucos and Morro Bay. As a result, the proposed WRF has a slightly reduced capacity to reflect the reduction in influent from the City's service area that would require treatment. The capacity of the proposed WRF is designed to meet planned future demand associated with the City's projected population of 12,000 by 2040. The City reiterates the fact the proposed project would not increase wastewater treatment capacity beyond that required for planned population growth to approximately 12,000 people. No additional capacity would benefit increased tourism or commercial development, as the commenter suggests.

Response to Foor-3

The commenter is referred to pages 2-25 through 2-29 which present detailed information about the number of temporary construction trips required during construction of the proposed project. Operation of the project would require far fewer trips, as detailed on page 2-31. As explained in Section 3.14, Transportation and Traffic, implementation of Mitigation Measure TRAF-1, which would require implementation of a Traffic Control Plan during construction, would reduce all traffic-related impacts to a less than significant level. Contrary to the commenter's unsubstantiated opinion, death and injuries on Highway 1 would not increase as a result of implementation of the project.

Regarding the assertion the proposed project would require increased fire and police services to combat crime, the commenter is referred to Section 3.13 Public Services, which states that the project would not induce population growth and would therefore result in a less than significant impact to these services.

Response to Foor-4

The commenter is referred to Response to Foor-2.

Response to Foor-5

The commenter provides multiple suggestions for a "planned staged retreat" that would replace the project identified and analyzed in the Draft EIR. The City took into consideration multiple regulatory constraints from the Regional Water Quality Control Board and California Coastal Commission when considering where to locate the treatment plant. As such, the project as proposed by the City represents its best effort at accommodating the future treatment needs of Morro Bay while taking into consideration regulatory constraints.

The commenter's proposed alternative includes repairing the existing sewer collection system. Those activities are not part of the proposed project; the City has a capital improvement program that includes maintenance and replace of the sewer collection system. The commenter's proposed alternative includes keeping the existing MBCSD WWTP. The CCC previously denied a Coastal Development Permit (CDP) to upgrade the WWTP, which is required. Please refer to the CCC's comment letter in this Final EIR, which expresses support for moving the existing WWTP out of the coastal flood hazard zone. The commenter's proposed alternative includes constructing a pipeline "up the Morro Creek Valley" to a secondary sewer plant and discharging the "'finished' treated discharge…into the Morro Creek Aquifer per the SBBP proposal." Those proposed facilities are similar to those included in the proposed project and as such would have similar environmental impacts as the proposed project. Please also refer to **Master Response 1 – Alternatives** for additional information.

From: "Mark Low" <mark@modernhunter.com>
To: "Jennifer Jacobus" <JJacobus@ESASSOC.COM>
Cc: "Rob Livick" <rlivick@morrobayca.gov>, "Joseph W. Pannone" <jpannone@awattorneys.com>
Subject: Moral Bay: USBF®, "Building a World of Difference®" & economical water reclamation facilities design and operation.

G'day Dr. Jacobus,

I really have but a single comment:
Why wasn't USBF® Bioreactor technology compared with MBR & SBR?
Please see "Morro Bay+ESA" pdf attached. Also attached is the usual...

1

Looking forward to an "unusual" result.

Yours truly

Mark Low
Concerned Citizen

From: "JJacobus" <JJacobus@ESASSOC.COM>
To: "Mark Low" <mark@modernhunter.com>
Cc: "Rob Livick" <rlivick@morrobayca.gov>, "Joseph W. Pannone" <jpannone@awattorneys.com>
Sent: Friday, April 20, 2018 12:17:06 PM
Subject: RE: USBF®, "Building a World of Difference®" & economical water reclamation facilities design and operation.

Mark,

Thank you for your recent emails regarding the Morro Bay WRF. Note that the attached Notice of Availability (NOA) of the Draft Environmental Impact Report (EIR) for the WRF is requesting that comments directly addressing the content of the Draft EIR be submitted to Rob Livick by 5:00 PM on May 18, 2018. Any comments that are received as requested by the NOA will be responded to in writing in the Final EIR.

Best Regards,

Jennifer

Jennifer Jacobus, Ph.D.

ESA | Environmental Science Associates

213.599-4300

jjacobus@esassoc.com

From: Mark Low [mailto:mark@modernhunter.com]
Sent: Monday, April 9, 2018 2:43 PM
To: Jennifer Jacobus <JJacobus@ESASSOC.COM>
Subject: USBF®, "Building a World of Difference®" & economical water reclamation facilities design and operation.

I wanted to be certain that you had this correspondence and this:

https://www.prageru.com/videos/what-creates-wealth

From: "Mark Low" <mark@modernhunter.com>
To: SathyamoorthyS@bv.com
Cc: "Rob Livick" <rlivick@morrobayca.gov>, "Mike Nunley" <mnunley@morrobayca.gov>, "Robert S. Kaessner" <kaessnerrs@bv.com>, "KuhlmannKL" <kuhlmannkl@bv.com>
Sent: Friday, December 8, 2017 2:01:43 PM
Subject: USBF®, "Building a World of Difference®" & economical water reclamation facilities design and operation.

EDUCATED CITIZENS CONSERVE

Black & Veatch Corporation
2999 Oak Road, Suite 490 Walnut Creek, CA 94597

Sandeep Sathyamoorty, Ph.D, P.E.
Principal Process and Innovation Leader

Greetings Dr. Sathyamoorty,

Kind sir, it is with a moral imperative and in the interests of the "Welfare" of all Citizens & their environment that is the premise of this correspondence. Specifically, anytime that USBF® is not evaluated, same as B&V evaluated MBR & SBR in 4.0 Liquid Treatment Technologies Evaluation of your Morro Bay Draft WRF Master Plan/B&V Project No.189276 here: http://morrobaywrf.com/site/wp-content/uploads/Morro-Bay-Draft-WRF-Master-Plan-Full-Document.pdf the Welfare of the Citizen/Ratepayer is severely compromised. The $38 million SBR WRF or more cost 'estimate' of the treatment portion in your report is unclear. Would you please help me to understand the actual estimated TOTAL cost of the 'stand-alone' SBR WRF sans conveyance system? (12.1 beginning on page 247)

USBF®, a very cost effective, odorless and robust biological treatment process design technology, was not evaluated for the Morro Bay/Cayucos facility's exceeding their NEPDES Limits, so it wasn't considered for the Reclamation portion of the project. Both parts can be resolved for a total cost of less than $20 Million USD (see 1MGD Generic Plant description attached) on the existing site.

If you have never heard of USBF®, then I can understand why this biological treatment process was not 'evaluated' with SBR as it should have been, in an effort to protect the Welfare of the Public. If this is your first exposure to USBF®, then progress is being made.

As the 3rd party comparisons (attached) show, SBR is not the most economical biological activated sludge treatment process known to man. For the benefit of every Citizen who will pay for the choice of biological treatment process made by Black & Veatch, and or any Consulting Engineer working for the Public, USBF® should not be excluded from the "contest/evaluation" of biological treatment technology designs and should be evaluated as was MBR & SBR in your report to Morro Bay. This is especially relevant for systems serving 1-2MGD and below, and Morro Bay fits this criteria. Actually, there is no known size limitation for USBF® because the design is modular. Communities in the 2MGD and down range cannot afford an all-electric SBR as well as new force mains to out of town treatment sites, without sever negative financial impact which lowers the standard of living, in that community when USBF® is not allowed to compete.

When considering the tools needed for "Building a World of Difference®", USBF®, should always have a place in the choice of a biological treatment process.

http://ecofluid.com/treatment-processes/upflow-sludge-blanket-filtration-usbf/

"Using the USBF® process with simultaneous chemical precipitation within the bioreactor followed by post-filtration and UV disinfection, plants producing reclaimed water quality (Class A or Title 22) effluent having BOD and TSS of less than 5 mg/l, Total Nitrogen of less than 10 mg/l, Total Phosphorus of less than 0.5 mg/l, Turbidity of less than 2 NTU and Fecal Coliform of less than 2.2 MPN/100 ml, are designed and built at very economical capital and operating costs."

A 1MGD USBF® Bioreactor measures 83' by 123' by 14' tall (see 1MGD layout attached) and the accompanying 'Reclamation Technology' components require an additional 6,000 sq. ft., thereby providing the common sense opportunity to utilize the current site's "drying beds footprint", (see page 225 of 384 B&V Project No.189276) in which to utilize the existing site's infrastructure, including but not limited to the very recently improved headworks, tankage and every other longstanding, in place and "paid for" improvements, thereby conserving time, energy and precious financial resources. Building better design technology for less money, using less land and from 30% to 50% less horsepower by use of a single tank "gravity flow" design, instead of the multi-tank, all electric operation of an SBR design that your study chose as best, is in the best interest of the Public.

Because there is so very much growing need juxtaposed with taxpayer supported "Government Loan/Grant" resources, the Citizens must get more for less money and USBF® makes that possible. Only by reductions in spending, for design and construction as well as the ongoing electric energy usage, will 'best value' be achieved. Using EVERGREEN TECHNOLOGY which harnesses gravity, in a single tank design is least cost, especially when compared to the need for 3 miles of brand new force main to a facility requiring odor control and a large footprint that cannot be accommodated at the current site.

Factoring in the never ending need for electric energy to drive a proposed new force main and the all-electric SBR design does not match the intent, letter or spirit of California Bill 32 https://www.arb.ca.gov/cc/ab32/ab32.htm While USBF® does comport with the intent, letter and spirit of California Bill 32, the design makes EPA's ENERGY STAR status possible as evidenced at this USBF® 1MGD http://ecofluid.com/case-studies/lake-alfred-wwtp/ facility. *The City of Lake Alfred has taken the U.S. Environmental Protection Agency's (EPA's) ENERGY STAR Challenge. In a positive step toward improving energy efficiency and fighting global warming, the City has been honored as one the first wastewater plant ENERGY STAR award recipients within the United States and the first ever recorded wastewater plant recipient in the State of Florida*.
http://mylakealfred.com/departments/public-works-department/wastewater-treatment-and-collection/

I totally agree with the sentiment within B&V's statement "For water, Information is Power"* and so I pray that you will be able to accept for review, the 3rd party comparisons of SBR, MBR & USBF® (attached) and offer your esteemed opinion as to the validity of the comparisons.

Would you please confirm that the installed horse power requirements, land use needed and ease as well as reduced costs of operation, cost of construction, etc. as represented in the 3rd party comparisons of USBF® with SBR & MBR, are accurate and true, to the best of your knowledge?

Common sense suggests that your report's comparison of MBR to SBR would have distilled a much different winner had those technology designs been compared with USBF® which is odorless, as well costs less to build and operate.

The October 5, 2017 "Open Letter" (attached) was written before I had knowledge and confirmation of your status and contractual limitations with Morro Bay, California. However, the content of the letter is always relevant from a current and or future consumer's point of view, for whom your company and you have been engaged or will be engaged to offer 'treatment process designs' comparison results such as contained in the B&V Project No.189276 and beyond.

As your, and WRF Design Lead Brad Hemken's, "STAMP(S)" are unavailable on the WRF Master Plan B&V PROJECT NO. 189276 and because B&V does operate nationally, I have cited Codes* for both California and the Nation below.

Un-educated Citizens accept what educated Citizens will not. My target is to raise awareness of the advantages in addition to the benefits of this energy and money saving technology to every Citizen, ratepayer and responsible party, from seekers of funds, to those who decide which project gets funded by state & especially federal government sources, as these funds belong to the Citizens. Taxation alone cannot balance a budget. The status quo is not an option and does not protect the Public.

The impact of USBF® cannot be gainsaid. "After all, Gravity is the *Ultimate Green Energy*."

Respectfully submitted with kind regards,

Mark Low
Concerned Citizen

*Title 16, California Code of Regulations 475. Code of Professional Conduct – Professional Engineering To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional engineer, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. **http://www.bpelsg.ca.gov/laws/475.pdf** **http://www.bpelsg.ca.gov/laws/conduct.shtml**

Preamble

Engineering is an important and learned profession. As members of this profession, engineers are expected to exhibit the highest standards of honesty and integrity. Engineering has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by engineers require honesty, impartiality, fairness, and equity, and must be dedicated to the protection of the public health, safety, and welfare. Engineers must perform under a standard of professional behavior that requires adherence to the highest principles of ethical conduct.

https://www.nspe.org/resources/ethics/code-ethics

https://en.m.wikipedia.org/wiki/Moral_imperative

https://www.bv.com/insights/strategic-directions-water-information-power#

We are all now connected by the Internet, like neurons in a giant brain. Stephen Hawking
Read more at: https://www.brainyquote.com/quotes/quotes/s/stephenhaw696272.html

EDUCATED CITIZENS CONSERVE

"gravity instead of electric pumps"

The price of gravity has never gone up.

After all, gravity "is" the ultimate green energy…

Why wasn't USBF® Bioreactor technology compared with MBR & SBR?

Ten years ago I joined the battle over water, wastewater specifically, because I learned about a better "pre-engineered" mousetrap and "thought" that San Luis Obispo County (SLOCO) could have (should have) used that technology in Los Osos instead of the Oxidation-Ditch which somehow got over-built by twice.

Here are my 2009 DEIR Comments to SLOCO as evidenced here; http://nowastewater.blogspot.com/2009/ these comments are relevant to your Morro Bay DEIR, Dr. Jacobus and I trust that your crack team can make the journey to review my very brief comments on cost and energy and use those comments to pack my concerns neatly into a chicken and egg "checked box."

An activated sludge design technology that uses "gravity instead of electric pumps" is a nuclear explosion event, and great news, for all folks concerned with protecting their environment while simultaneously protecting their pocketbook.

Educated Citizens are rightfully more concerned with their own future financial well-being, instead of the future financial welfare of an industry's business model.

I am fighting to save my country from the tyranny of debt. The needless increased costs for SBR & MBR and especially of the ultimate legacy cost, electricity, designs are an affront to the ratepayer and the environment, especially for "a project" that will automatically come into compliance without spending another penny. http://yourbaynews.com/wp-content/uploads/2018/04/Bay-News-04-26-18.pdf

See Page 26 http://yourbaynews.com/wp-content/uploads/2018/05/Bay-News-05-10-18.pdf

It is impossible to ignore the past willful ignorance that is currently in use by engineers, public and private for hire and by SLOCO in 2008/9 and currently in use by the same engineering company who is working in Morro Bay today, as well as Morro Bay's government professional engineer, to date. Amazing.

Included with this submission are several letters which are relevant to engineers who choose to seek to avoid the Environmental Impact(s) associated with every wastewater project, but especially Morro Bay, where NO PROJECT IS BEST, at this time given that:

Morro Bay has a Fix-It Ticket. FULL STOP

The Fix: Do absolutely nothing and wait for the flows and loads to drop, thereby allowing the current facility to meet current and 2022 CCRWQCB 30-30-30 NPDES permit discharge limits, after Cayucos' departure.

Why wasn't USBF® Bioreactor technology compared with MBR & SBR?

An argument can be made that today's consulting engineer's financial interests together government apathy form entropy upon the governed and their financial interests. Citizens must work; now fight, to restore orderliness.

I look forward to your treatment of my concerns regarding 'the MBR/SBR results' that the business model which avoids the use of gravity, in lieu of designs requiring perpetual electricity and miles of new conveyance requiring perpetual pumping and the forever commitment to energy costs in lieu of gravity.

So much study should lead to wisdom.

Kind regards,

Mark Low

May 17, 2018

The current MB WWTP can be upgraded to provide treatment standards of 10-10-10 which paves the way to economical water reclamation facilities and operation like this 1 MGD in Florida.

Single tank integrated bioreactor w/anoxic compartment, provides for these benefits:

Low cost of installation, operation

Minimal amount of moving parts, gravity flow

No odor, no noise

Modular, expandable, compact

High treatment efficiency, including Biological Nutrient Removal (BNR)

Upflow filter is an all natural "fluidized bed filtration", having "self-regulating hydraulic flexibility" and handles highly fluctuating flows. The operation of this plant is simple and self-regulating.

While the operation of the all electric Sequencing Batch Reactor, built in Los Osos, is neither simple or self-regulating. I'm glad this effort survived as it shows cost of installation and energy in 2009.

USBF PROCESS DESCRIPTION

INTRODUCTION

The USBF process is a modification of conventional activated sludge process that incorporates an anoxic selector zone and an upflow sludge blanket clarifier. The USBF process may be designed for

- carbonaceous (BOD) removal
- BOD removal and nitrification
- BOD removal, nitrification, and denitrification
- BOD removal, nitrification/denitrification and phosphorus removal

For carbonaceous removal, the anoxic zone serves as a "selector zone" that conditions the mixed liquor to improve settleability and to control filamentous organism growth.

For nitrification, denitrification and phosphorus removal designs, the anoxic zone provides the necessary conditions for dissimilarity nitrate reduction and phosphorus removal by "luxury uptake". In this process, ammonia nitrogen is oxidized to nitrite and then to nitrate by Nitrosomonas and Nitrobacter bacteria, respectively in the aeration zone. The nitrate is then recycled to the anoxic zone where the nitrate is reduced by dissimilarity nitrate reduction. In this reaction, the incoming BOD serves as the carbon source or electron donor for the reduction of nitrate to elemental nitrogen. The phosphorus removal mechanism in this process is the same as that employed in the Phostrip and modified Bardenpho processes. In the USBF process, fermentation of soluble BOD occurs in the anaerobic or anoxic zone. The fermentation products are selectively used or assimilated by a special group of microorganisms that are capable of storing phosphorus. During the aerobic stage of treatment, soluble phosphorus is taken up by the population of the phosphorus storing bacteria (Acinetabacter) that was developed in the anoxic zone. The assimilated phosphorus is then removed from the system as excess biomass or waste sludge. The amount and rate of phosphorus removal depends primarily on the BOD/P ratio of the influent wastewater.

PROCESS DESIGN

The Ecofluid Design Program for the USBF process is based on the Lawrence and McCarty kinetic models for BOD removal, nitrification and denitrification. The process model equations along with the kinetic coefficients and related critical design parameters are presented in the attached VBR guide (the nomenclature as shown in the VBR guide is somewhat different than the standard U.S. texts). The USBF process is capable of removal of BOD_5 to less than 5 mg/l, TSS removal to less than 10 mg/l without filtration, total nitrogen removal to less than 10.0 mg/l and total phosphorus removal to a range of 1.5 to 2.5 mg/l.

Higher levels of phosphorus removal down to 0.1 to 0.5 mg/l can be achieved by metal salt addition to the aeration zone immediately prior to the mixed liquor entering the clarifier. A number of metal salts may be used including Alum ($Al_2(SO_4)_3.14H_2O$), Sodium Aluminate

($Na_2O.Al_2O_3$), Ferric Chloride ($FeCl_3$), Ferrous Chloride ($FeCl_2$), Ferrous Sulfate ($FeSO_4$.& H_2O) or Ferric Sulfate ($Fe_2(SO_4)_3$).

USBF PROCESS DESCRIPTION

Since the bulk of phosphorus (over 80%) in the USBF process is accomplished by biological uptake, the small polish dosages of a metal salt coagulant do not significantly increase sludge production.

For example, removal of phosphorus by $FeSO_4$ is given as by the two following reactions:

Phosphorus Precipitation
$3FeSO_4 + 2PO_4^{-3}$ ---------> $Fe_3(PO_4)_2 + 3SO_4^{-2}$

Alkalinity Reduction and Hydroxide Precipitation
$Fe^{+++} + 3HCO^{-3}$ ----------> $Fe(OH)_3$

According to the above two reactions, removal of 2 mg/l of PO_4^{-3}, would theoretically produce 6 mg/l of additional sludge. In actual practice, a value of 5 mg/l of sludge per mg/l of PO_4^{-3} removed provides a conservative design value. For an influent wastewater having 240 mg/l of incoming BOD and a sludge yield of 0.6 lbs TSS/lb BOD removal, and the use of $FeSO_4$ to remove 2 mg/l of PO_4^{-3}, the total increase in sludge production would be about 7%.

The USBF process utilizes a unique patented upflow sludge blanket clarifier. The upflow blanket clarifier utilizes a trapezoidal shape where the mixed liquor enters the bottom of the clarifier through a specially designed baffle where hydraulically induced flocculation occurs. The trapezoidal clarifier shape provides for a steadily increasing surface area from the bottom to the top of the clarifier. This permits a gradually decreasing vertical velocity gradient within the clarifier. The "top surface area" clarifier overflow rate is 150 to 250 gpd/ft^2 (6 to 10 m^3/d/m^2) at average daily design flow. The clarifier is typically designed for a daily peak flow rate of 3 times the average flow ratio which translates to a peak "top surface" clarifier overflow rate of 450 to 750 gpd/ft^2 (18 to 31 m^3/d/m^2) which is very conservative. The clarifier also includes a unique baffle arrangement to allow sludge withdrawal at the bottom of the clarifier. The sludge withdrawal design also incorporates the internal recycle between the aerobic and anoxic zone. The normal design recycle/sludge withdrawal rate is 4 times the average daily flow. This high sludge withdrawal rate from the clarifier bottom creates a downward velocity gradient within the clarifier that significantly improves the hydraulic efficiency of the clarifier compared to conventional clarifier.

The internal recycle between the aeration zone and the anoxic zone provides BOD recycle that is required for endogenously supported nitrate reduction. This internal recycle of mixed liquor also provides for recycle of phosphorus removal organisms developed in the anoxic zone that are then carried into the aeration zone for phosphorus uptake. The recycle ratio is established based on the influent BOD/total phosphorus/ammonia nitrogen ratio. The recycle ratio of 4 provides for a 25% - 35% safety factor for domestic wastewater.

The major process design parameters for this process depend on (1) wastewater strength and biodegradability (2) wastewater temperature, influent and effluent BOD, N, and P concentrations. Typical HRT's for the aeration zone range from 6 to 30 hrs. The HRT's for the anoxic zone typically range from 1 to 2 hrs for a selector zone used for carbonaceous removal and 2-8 hrs for biological phosphorus removal and denitrification. The design SRT is controlled by the temperature dependent nitrification and BOD removal kinetics and the design effluent N-NH_4 requirements. The operating SRT is normally maintained at 50% to 100% greater than the design SRT at an operating temperature to provide a safety factor and to accommodate changes in influent wastewater characteristics. (Please note that SRT is both a design parameter and a process control parameter).

USBF PROCESS DESCRIPTION

OPERATING PARAMETERS

The dissolved oxygen (DO) concentration should be maintained at 2.0 to 4.0 mg/l in the aeration zone, and less than 0.5 mg/l in the anoxic zone. Under influent loading conditions less than the design values, the HRT in both the aeration zone and in the anoxic zone will be greater than the design value. Under these conditions, the mixed liquor volatile solids concentration in the system will normally be reduced to meet the process requirements. The DO may be maintained at optimum levels by reducing air supply. The increased HRT in the anoxic zone permits more time for exertion of DO demand and production of anoxic conditions needed for fermentation.

The operating SRT is controlled by controlling the sludge wasting rate. SRT is normally calculated based on aeration zone volume and MLVSS concentration, since BOD removal and nitrification kinetics control the aeration zone volume. Provision is made in the Ecofluid design for measurement of both the internal recycle and sludge wasting. The operating SRT of the USBF process may be increased significantly above the design requirements without sacrificing effluent quality since the "anoxic selector" zone conditions the mixed liquor solids and the upflow sludge blanket clarifier provides a "filtration/flocculation" mechanism to prevent the discharge of pin-point floc normally associated with high SRT systems.

ALKALINITY AND pH

If the influent wastewater is not properly buffered it is necessary to add alkalinity to the influent wastewater for the USBF process designed for nitrification and denitrification. The nitrification reaction consumes 7.1 mg/l of alkalinity as $CaCO_3$ for each mg/l of ammonia nitrogen oxidized. The denitrification reaction produces 3.57 mg/l of hydroxide alkalinity as $CaCO_3$ for each mg/l of nitrate-nitrogen reduced. For an influent wastewater having 40 mg/l of NH_4-N, the total alkalinity should be 150-200 mg/l to insure adequate buffering. The pH of the system should always be maintained between 7.5 to 8.5 S.U. by the addition of alkalinity when required.

The original text of the Description was prepared by Mr. John M. Smith of J.M. Smith & Associates of Cincinnati, Ohio. Mr. Smith has 17 years experience in wastewater treatment research and process design for USEPA's office of Research and Development plus 18 years as an independent consultant

USBF COMPARISON TO SBR

General Considerations

Both the Sequencing Batch Reactor (SBR) and the Upflow Sludge Blanket Filter (USBF) are modifications of the Activated Sludge Process. The SBR was developed in the U.S. in the late 1960's and became widely used during the 1980's and 1990's. The process concepts incorporated into the patented USBF process were developed both in Europe and the U.S. in the 1970's. Various forms of the USBF process concepts including "anoxic selector zones", and "upflow blanket clarifiers" have been used world wide for the last 25 years.

Both the SBR and USBF processes are fully capable of treating municipal wastewater to meet the U.S. and International Standards of secondary wastewater treatment, (30 mg/l BOD, 30 mg/l TSS); advanced secondary treatment, (10 mg/l BOD, 10 mg/l TSS and 1 mg/l NH_4-N) and tertiary treatment (10 mg/l BOD, 10 mg/l TSS and 10 mg/l total nitrogen) standards.

Both processes are designed using the same basic biological treatment kinetics for carbonaceous removal, nitrification and denitrification. JMS has developed and refined kinetic design models for both processes based on the approach of Lawrence and McCarty which is incorporated into U.S. Textbooks in Sanitary Engineering and in the USEPA Design Manuals for Wastewater Treatment and Nutrient Control. A complete description of the kinetic process design models and a detailed description of each process can be found elsewhere. This evaluation will present a comparison of the two processes including:

- Design loading considerations
- Performance and operating parameters
- Power requirements
- Modular design considerations and mechanical component design
- Cost factors

Each of these is discussed in the following sections.

Design Loading

The table below presents a comparison of the major loading parameters for both processes.

Parameters	USBF	SBR
F/M	0.01 to >1.0	0.01 to >1.0
MLVSS (mg/l)	4,000 - 6,000	2,000 - 4,000
Hydraulic loading (average to peak ratio)	1 to 6	1 to 4
SVI	80 - 120	250 - 350
SRT days	5 - 70	5 - 50

The USBF process has been used in Europe under low F/M ratios (0.01 to 0.05) or in the "superaeration mode" to achieve very low removal of BOD and refractory COD when necessary. In the US, the F/M

loadings are increased for municipal waste to the 0.1 to 0.3 range for BOD removal for municipal sewage and to over 1.0 for high rate treatment of high strength industrial waste.

Design loadings (F/M's) for the SBR system, are generally less due to the larger aeration requirements since air is only supplied during a portion of the total SBR cycle time thus increasing installed aeration HP. Because of the patented and unique Sludge Blanket Clarification Concept of the USBF and the incorporation of an "Anoxic Selector Zone", the operating Sludge Volume

Index (SVI ml/g) for this process is much lower than for the SBR. This is a critical factor in the overall performance of this process.

Both processes respond well to peak to average hydraulic loading. The USBF process addresses increased hydraulic loading by first, producing a faster settling mixed liquor due to the lower SVI**,** and secondly, by the unique sloping sidewall clarifier that allows the sludge blanket to rise which automatically increases the surface settling area, and by inter partical flocculation in the upflow clarifier. The SBR addresses increased hydraulic loading by adjustment of the settling cycle time.

PERFORMANCE AND OPERATING PARAMETERS

The table below presents the typical removal efficiency of the USBF and SBR system.

Parameters	USBF	SBR
BOD removal (mg/l)	<5	<5
Nitrification (mg/l)	<0.5	<1.0
Denitrification (mg/l)	<1.5	<1.5
TSS (mg/l)	<5.0	<10.0

Data available to support removal efficiencies, based on the state-of-the-art kinetic design concepts.

A major feature of the USBF process is the combined advantage of an anoxic zone prior to the aeration zone for "conditioning" the mixed liquor prior to the upflow solids contact flocculating clarifier. The anoxic zone reduces or eliminates filamentous sludge and provides a very low (80-120 ml/g) SVI. The anoxic zone operates in this fashion for BOD removal and BOD removal plus nitrification. For denitrification, the anoxic zone is increased in HRT, and utilizes the endogenous carbon in the wastewater as the electron donor for denitrification. In the SBR process, a separate carbon source is normally added for denitrification. The most common carbon source is methanol. Unless the methanol addition is closely controlled, over dosing can lead to the discharge of excessive BOD. The USBF process can reliably remove TSS to a slightly lower level (5 mg/l) than the SBR (10 mg/l), due to the better conditioned mixed liquor suspended solids.

USBF COMPARISON TO SBR

POWER REQUIREMENTS

From a process standpoint, both the USBF and SBR require the same amount of oxygen for BOD removal and nitrification in accordance with accepted kinetic theory. Both processes take advantage of the Nitrate Oxygen returned (2/3 of oxygen required for nitrification) during denitrification.

The installed HP for the USBF process is less than for the SBR process since the SBR process must provide the same amount of oxygen in a shorter period of time i.e. during the aerated fill cycle and the aerated react cycle. The installed HP for SBR's is typically 30 to 50% higher than for the USBF process, for the same influent and effluent design conditions. The aeration efficiency of fine or course bubble aeration is also greater for USBF than for the SBR since the average aeration depth is lower for the SBR due to decanting up to 30% of the aeration tank volume thereby lowering the depth of aeration by 30%. At 30% decant, the average aeration efficiency of an SBR system would be 85% of that achieved by a USBF system.

MODULAR DESIGN CONSIDERATIONS AND MECHANICAL COMPONENT DESIGN

The USBF design is a continuous flow system that incorporates the aeration zone, the clarifier and the anoxic zone in a single tank. The only mechanical equipment required is the blower for aeration and air lifting return sludge (in larger plants low HP axial pump is used for sludge return). Waste sludge can be taken off the air lifted sludge return line unless prohibited by head considerations.

The SBR system is normally a two-tank design and in addition to the aeration requirements requires decanting by pumping from each tank. SBR's are also normally equipped with separate sludge wasting pumps. In order to meet mechanical reliability requirements, duplicate decant and waste sludge pumps are required for each separate SBR tank. From a mechanical standpoint, the USBF system is much simpler and requires much less rotating equipment. This provides a significant advantage to the USBF in:

- original equipment cost
- maintenance cost
- operational simplicity

For example, air lift pumps rarely fail compared to mechanical pumping systems.

Although there are no size limitations on either the USBF or SBR systems, the USBF single tank design lends itself to higher capacity system design better than the SBR. Dual tank SBR systems have generally been limited to 0.5 to 1.0 mgpd (1,900 to 3,800 m^3/d) volume per tank due to the requirements for decant pumping. In standard SBR systems, the decant rate is 7 to 15 times the average design flow. Over 98% of SBR systems installed in the U.S. are under 1.0 mgpd (3,800 m^3/d). The USBF single tank systems have been installed with up to 4.0 mgpd (15,000 m^3/d) capacity.

USBF COMPARISON TO SBR

COST FACTORS

The capital cost of biological treatment processes are summarized below:

- The cost of constructed tankage to provide the required Hydraulic Residence Time (HRT) to meet the process kinetic requirements. (These requirements are the same for both processes).
- Cost of clarification tankage.
- The cost of the mechanical support equipment, including pumps, blowers, internal piping and decanting devices.
- Site, civil works and land area requirements.
- System control equipment.
- Electrical supply and equipment.

The USBF and the SBR processes require the same basic tankage for the biological processes since they are based on the same biological kinetics. The USBF is a single tank system and the SBR is a dual tank system. The mechanical requirements for the SBR system designs are much greater than for the USBF system because of the requirements for decant pumping and waste sludge pumping with duplicate units for each. Clarification tankage is incorporated into the single tank design for USBF and into the dual tank design for SBR's. The installed HP requirements for the SBR form of treatment is much greater (30 - 50%) than for the USBF as previously discussed.

The electrical requirements including total power and power distribution is a first power function of installed HP and is greater for the SBR form of treatment than for the USBF due to the greater number and spatial distribution of electrical motors in the SBR system.

Both the USBF and the SBR are compact treatment systems as compared to conventional activated sludge or the oxidation ditch form of treatment. The site and civil works for these forms of treatment are much less than for conventional secondary or advanced secondary treatment. In terms of land area required, the USBF system requires approximately 60-80% of the land area of the SBR system depending on system layout.

SUMMARY

The following describes our summary analysis of the SBR and USBF processes.

1. Both the USBF and SBR processes have been proven in the U. S. and throughout Europe to reliably meet all current standards for BOD removal, nitrification and denitrification standards down to an effluent BOD level of <5.0 mg/l, TSS of 5-10 mg/l, NH_4-N of 1.0 mg/l and a total nitrogen of less than 1.5 mg/l. (Extensive operating data are available to document the above).
2. The USBF process requires less installed HP than the SBR process.

3. The USBF process has less mechanical components than the SBR and is therefore a much simpler process.
4. The USBF process with anoxic zone treatment of mixed liquor produces an inherently more stable mixed liquor, lower operating SVI's and a slightly higher removal efficiency for TSS.
5. The USBF system is more flexible in retrofitting existing plants than the SBR because of the unique single tank upflow clarifier concept and design of the USBF.
6. The USBF has a smaller land area requirement ("footprint") than the SBR. Both systems are much more compact than conventional activated sludge.
7. The total electrical and mechanical requirements are much less (20-40%) for the USBF than for the SBR form of treatment.
8. Based on total process requirements including tankage (equal), mechanical support equipment, power requirements, electrical, controls, site work and land area required, it would appear that the USBF system would have a significant cost advantage over conventional activated sludge, the oxidation ditch form of activated sludge and SBR's for treatment system sizes ranging from 1.0 to 50 mgpd (3,800 to 190,000 m^3/d).

The original texts of the Comparison was prepared by Mr. John M. Smith of J.M. Smith & Associates of Cincinnati, Ohio. Mr. Smith has 17 years experience in wastewater treatment research and process design for USEPA's office of Research and Development and 18 years as an independent consultant.

USBF – SBR – MBR COMPARISON

THIRD PARTY EVALUATION

The following is an abbreviated version of the wastewater treatment processes evaluation by CPH Engineers Inc., Environmental Division, of Orlando, Florida.

USBF vs. SBR

- The Sequencing Batch Reactor (SBR) system has a larger aeration requirement than the Upflow Sludge Blanket Filtration (USBF) system. This is due to the fact that air is only supplied during a portion of the total SBR cycle time. The installed blower horsepower for the USBF process is therefore less than for the SBR process. (This can be as much as 50% less).
- The USBF process manages increased hydraulic loading better than the SBR process. This is due to a lower Sludge Volume Index (SVI) of the USBF, which results in a faster settling rate of the mixed liquor. Additionally, the USBF clarifier design has sloped sidewalls that automatically increase the surface settling area with the rising sludge blanket due to the flow increase. By comparison, in the SBR process the settling time cycle must be increased.
- The USBF process has an anoxic zone prior to the aeration zone. This serves two purposes. The first purpose is to "condition" the mixed liquor prior to the upflow solids contact flocculating clarifier, which helps to reduce or eliminate filamentous sludge and provide a low (80-120 ml/g) SVI. The second purpose is that it is used for biological reduction of nitrogen and phosphorous by respectively nitrification/denitrification and "luxury uptake" processes. This is accomplished by increasing the Hydraulic Residence Time (HRT) in the anoxic zone. By comparison, in the SBR process a separate carbon source is required for denitrification to reduce nitrogen and an anaerobic stir process is required to reduce phosphorous, which can be accomplished by an additional cycle or through the addition of another tank.
- The USBF design is a continuous flow system that incorporates the aeration zone, the clarifier and the anoxic zone in a single tank and the only mechanical equipment required is the blower, which is used for both aeration and air lifting the return activated sludge. The SBR process on the other hand, is normally a two-tank design and in addition to the aeration blowers, needs multiple pumps and motors to carry the different stages of the process to its completion.
- The USBF system has a smaller foot print and less overall height to the system. Typically, the USBF system can require up to 80% less land area compared to the SBR system.
- Overall, the USBF is a plug flow, self regulating process, easier to operate and maintain, due to the fact that there are no moving parts, other than the blowers, one on duty the other standby. Electrical consumption is about 60 % less than that of an SBR.
- The SBR must use chemicals and additional mechanical filtration in order to treat BOD, TSS, TN and P to the required effluent levels.
- The USBF process does not require the use of chemicals or for that matter any additional filtration. Filtration is accomplished by the "filtration blanket" within the clarifier.

USBF vs. MBR (Zenon)

- The USBF system has a smaller foot print than the Zenon MBR process and the capital investment is about 70% less than that of a Zenon MBR system.

- The Zenon process requires a biological treatment system and chemicals in order to remove carbonaceous and nitrogenous oxygen demands in addition to the membranes used for TSS removal.
- MBR system requires a computerized control system that is essential for the operation of the system. Class "A" experienced operators must operate and "fine tune" the MBR system twenty four hours per day seven days per week.
- The USBF process is a self regulated system and very little, if any operator attention is required.
- The membranes in an MBR process must be cleaned on a daily basis by the use of "back-pulsing". This is done to reduce the possibility of fouling and debris collection on the membranes. The USBF process does not require the additional controls or daily cleaning of the internal components.
- MBR system has a potential for fouling of the membranes by biological, chemical (sulfates, carbonates, etc.) or physical contamination (hair, plastics, paper, etc.) associated with the waste stream.
- MBR system requires a fine mechanical bar screen (~1 mm) upstream of the unit to minimize the potential for physical fouling of the membranes. The USBF uses a standard mechanical bar screen.
- The membranes in the MBR must be cleaned by the use of a chemical cleaning process on a monthly or quarterly basis. The cleaning is done with NaOCl and acidic solutions, both of which must be handled and used properly to prevent injury to the operators.
- The USBF process is simpler and requires less equipment, and electricity to operate. The USBF flows via hydraulic gradeline (gravity) and the aeration is provided by fewer blowers. The MBR system on the other hand requires permeate suction pumps and internal recycle pumps in addition to the blower requirements in order to operate.
- MBR system typically requires the addition of chlorine in order to control filamentous growth within the system, as opposed to control of the filamentous sludge by the process itself as is with the USBF process.
- The USBF process has an extended sludge age of 25 to 30 days with low microbial loading which produces less excess, aerobically stabilized sludge and improves sludge structure and mechanical dewatering characteristics.

In summary, we believe that the USBF is a superior process for this application due to the following:

- Overall simpler process to operate
- Requires less electrical power
- Does note require computerized controls for operation
- No chemicals required for operation
- Less mechanical equipment to maintain
- Produces less sludge
- Requires less land area

The evaluation was prepared Mr. David E. Mahler, PE, VP, and Mr. Scott Breitenstein, P.E. of the CPH Engineers Inc. Orlando, Florida office. Tel: 407 425-0452

EDUCATED CITIZENS CONSERVE

AN OPEN LETTER TO:

City of Morro Bay, California
Black & Veatch Project No.189276 & Beyond

Re: USBF®, SBR & economical water reclamation facilities design and operation.

Carollo Engineers Associate Vice President Eric Casares, P.E.
Mr. Jaime Irons Morro Bay Mayor/City Council
Mr. Rob Livick PWD Morro Bay
Mr. Joe Pannone Morro Bay City Attorney

Greetings,

Evergreen Technology that exploits nature is **"a sovereign remedy"** for the currently high costs of the consulting engineering, designing, building and operating any Public Works "BIOLOGICAL" portion of those Wastewater Treatment and Reclamation Facilities designs that Carollo Engineers and or Black & Veatch offers, and especially, as in the case of the Morro Bay, California "Fix-it Ticket", B&V Project No.189276 which calls for a permitted 30/30/30 effluent result.

The Activated Sludge Evergreen Technology "Upflow Sludge Blanket Filtration" (USBF®) is an important Environmental Process Revolution that "by design" delivers 10/10/10, without breaking a sweat, using as much as 50% less Horsepower and requires approximately 60% to 80% of the land area of the SBR system depending upon lay out. The high treatment efficiencies delivered when using USBF® pave the way to economical water reclamation facilities design and operation. Please see 'processes tab' located on ECOfluid System Inc.'s website for information about 'Features, Benefits & How it works' provided within the system design.

Evergreen Technology utilizing the "naturally occurring and free of charge" Filtration Blanket and Gravity was not evaluated in your B&V Project No.189276 "Facility Master Plan" dated 9, November 2016. http://morrobaywrf.com/site/wp-content/uploads/Morro-Bay-Draft-WRF-Master-Plan-Full-Document.pdf

I am particularly interested in the opinion of Carollo Engineers Associate Vice President Eric Casares, P.E. for the ecologic and economic benefit of the Citizens who will purchase and use Evergreen Technology USBF® instead of SBR, MBR & Ox-Ditch.

Acknowledgement, then acceptance of a longstanding and proven the Evergreen Technology Design USBF® will change the course of history. A change that will conserve ever more precious resources and provide for improved prosperity and energy conservation, for our posterity

Operation of a USBF® plant is simple and self-regulating.

Benefits:

high treatment efficiency, including Biological Nutrient Removal (BNR)
modular, expandable, compact
no odor, no noise
minimal amount of moving parts, gravity flow
low cost of installation, operation

fluidized bed filtration
self-regulating hydraulic flexibilty
handles highly fluctuating flows

http://ecofluid.com/treatment-processes/upflow-sludge-blanket-filtration-usbf/

The point of my interest here is predicated upon what posterity will receive from my generation which includes the manner in which government works in the Public Works Arena. The cost of doing business is significantly reduced when USBF® is made a part of the Process Design Engineer Consultant's tool box.

After all, gravity "is" the ultimate green energy…

Respectfully submitted,

MPL
Concerned Citizen
November 22, 2017

EDUCATED CITIZENS CONSERVE

AN OPEN LETTER TO:

City of Morro Bay, California
Black & Veatch Project No.189276 & Beyond

Re: USBF®, SBR & economical water reclamation facilities design and operation.

Mr. Sandeep Sathyamoorthy, P.E Process Design Lead
Mr. Brad Hemken, P.E. WRF Lead
Ms. Kristi Kuhlmann P.E. Engineering Manager
Mr. Matt Thomas P.E. Project Manager
Mr. Robert S. Kaessner P.E.(?)
Mr. Jaime Irons Morro Bay Mayor/City Council
Mr. Rob Livick PWD Morro Bay
Mr. Joe Pannone Morro Bay City Attorney

Greetings Gentlelady, Gentlemen,

Evergreen Technology that exploits nature is **"a sovereign remedy"** for the currently high costs of the consulting engineering, designing, building and operating any Public Works "BIOLOGICAL" portion of those Wastewater Treatment and Reclamation Facilities designs that Black & Veatch offers, and especially, as in the case of the Morro Bay, California "Fix-it Ticket", B&V Project No.189276 which calls for a permitted 30/30/30 effluent result.

The Activated Sludge Evergreen Technology "Upflow Sludge Blanket Filtration" (USBF®) is an important Environmental Process Revolution that "by design" delivers 10/10/10, without breaking a sweat, using as much as 50% less Horsepower and requires approximately 60% to 80% of the land area of the SBR system depending upon lay out. The high treatment efficiencies delivered when using USBF® pave the way to economical water reclamation facilities design and operation. Please see 'processes tab' located on ECOfluid System Inc.'s website for information about 'Features, Benefits & How it works' provided within the system design.

Evergreen Technology utilizing the "naturally occurring and free of charge" Filtration Blanket and Gravity was not evaluated in your B&V Project No.189276 "Facility Master Plan" dated 9, November 2016 and so I hereby, officially request that the attached 3rd party comparisons be formally acknowledged and accepted or rejected by Black & Veatch's fine team of Engineers, at the earliest possible moment.

I am particularly interested in the opinion of Mr. Sandeep Sathyamoorthy, P.E Process Design Lead, as it appears that his study/work is paramount to what processes will be evaluated, by Black & Veatch. It is brilliant that, one man and his team have the power to be able to harness nature, for the ecologic and economic benefit of the Citizens who will purchase and use Evergreen Technology USBF® instead of SBR, MBR & Ox-Ditch. Acknowledgement, then acceptance of a longstanding and proven the Evergreen Technology Design USBF® will change the course of history. A change that will conserve ever more precious resources and provide for improved prosperity and energy conservation, for our posterity. Mr. Sandeep Sathyamoorthy, P.E Process Design Lead, is a *very important person.*

Operation of a USBF® plant is simple and self-regulating.

Benefits:

high treatment efficiency, including Biological Nutrient Removal (BNR)
modular, expandable, compact
no odor, no noise
minimal amount of moving parts, gravity flow
low cost of installation, operation

fluidized bed filtration
self-regulating hydraulic flexibilty
handles highly fluctuating flows

The point of my interest here is predicated upon what posterity will receive from my generation which includes the manner in which government works in the Public Works Arena. The cost of doing business is significantly reduced when USBF® is made a part of the Process Design Engineer Consultant's tool box.

After all, gravity "is" the ultimate green energy…

Respectfully submitted,

MPL
Concerned Citizen
October 5, 2017

Comment Letter – Mark Low

Response to Low-1

The City thanks Mr. Low for submitting comments. Several treatment technologies were reviewed for the City's proposed WRF project in the draft Water Reclamation Facility Master Plan. For biological treatment technologies, the draft Facility Master Plan compared suspended growth systems, including various activated sludge processes, sequencing batch reactor, and oxidation ditch; hybrid systems, including membrane bioreactor and integrated fixed-film activated sludge; and fixed film systems, moving bed bioreactors and biological aerated filters. The technologies reviewed in the draft Facility Master Plan consist of commonly available systems, with a history of successful operations, and which can be provided by several manufacturers.

ECOfluid's proprietary Upflow Sludge Blanket Filtration (USBF®) technology combines a bioreactor, with aerobic and anoxic compartments, with an upflow filter. The USBF® can be considered an activated sludge process with an integrated clarification/filtration process. The use of that technology would not result in additional impacts beyond those identified for the treatment alternative evaluated in the Draft EIR.

Mahan

May 17, 2018

Dear Mr. Livick,

Please explain what the City proposes to do if the pipes spring a leak and raw sewage spills into the estuary. With the current location of South Bay, the estuary is at an extreme risk of being seriously impacted if there was a leaking catastrophe. This is a major concern and needs to be addressed. 1

Secondly, how has the City determined to handle the physical mess of things respectful of tearing up the streets and the City through the construction of this behemoth sewer plant? 2

How are the businesses going to be impacted from all of this?

Thank you,

Kerrigan Mahan
PO Box 753
Morro Bay, CA
93443

Comment Letter – Kerrigan Mahan

Response to Mahan-1

The City thanks Kerrigan Mahan for submitting comments. Regarding the potential for sewage spills into the estuary, please refer to **Master Response 3 – Accidental Spills and Impacts to Morro Bay Estuary**.

Response to Mahan-2

The construction activities involved with the proposed project are detailed in Section 2.5.3 of the Draft EIR. Construction-related environmental impacts are discussed throughout the Draft EIR. Refer to Section 3.1.3 for the visual impacts that would occur during construction and operation of the proposed pipelines and WRF. For all proposed pipelines, the area of disturbed during construction would be returned to pre-project conditions once construction is complete; so construction-related impacts would be temporary. As indicated on page 3.16-10, all construction debris would be properly disposed onsite or hauled offsite to an acceptable disposal location.

In order to ensure businesses and residents located near the proposed project are minimally impacted, including those along the proposed pipeline alignments, a traffic control plan (Mitigation Measure TRAF-1) would be implemented. Pages 3.14-17 and 18 details the traffic control plan which would ensure that access to individual property near the proposed project is maintained. Similarly, Mitigation Measure NOI-1 would implement construction noise-reduction measures to minimize impacts to surrounding businesses and residents. Refer to pages 3.11-22 and 23.

O'Dell

From: Jeff Odell <jandjodell@gmail.com>
Sent: Thursday, May 17, 2018 10:12 AM
To: Rob Livick <rlivick@morrobayca.gov>
Cc: CAL <Citizensforaffordableliving@gmail.com>
Subject: Written comments on Draft EIR, MBWRF, 5/17/2018

Sent from my iPhone

A. The WWTP Draft EIR fails to address alternative sites that would have less environmental and social impact than the proposed site. The discussion in WWTP Draft EIR Chapter 6 simply states, "*In April 2016, after direction to investigate other potential sites, the list of potential sites was revised to include Rancho Colina, Righetti, Tri-W, Chevron/Toro Creek, and Madonna (another site in Morro Valley). After the 2016 comparative study was completed, the Tri-W site, which became known as the South Bay Boulevard site, was found to be the final site preference, and preliminary planning efforts began at that location based on City Council direction at that time*."

The Draft EIR does not include a complete independent evaluation comparing relative environmental impacts that can be expected from the list of 2016 potential sites, depriving the public of critical information regarding potential impacts on long term economic and social impacts to the City. The omission of a full and complete alternative sites analysis prevents the citizens of Morro Bay from understanding the full environmental and social impact from the selection of the most expensive potential site (both to build and to operate) on the 2016 list of potential sites. The choice of the preferred site at South Bay Boulevard cannot be simply a choice of political expediency. It must be independently evaluated against the other sites with clear objectivity. 1

CEQA Article 5 provides that economic and social changes may be used to determine that there is a significant effect on the environment. The proposed site on South Bay Boulevard is the most expensive site, both to build and to operate, creating environmental and social impacts through increased use of nonrenewable resources where other sites are available that will not create the same level of environmental impact.

> "§15064
> (e) Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, <u>economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment.</u> <u>If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant</u> (*emphasis added*). For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.
> (f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency."

2

- The proposed site will require the pumping of effluent over the hill to the WWTP, and then pumping treated effluent back over the hill. Pumping costs and related consumption of nonrenewable resources can be expected to be much higher than would be the case with alternative sites. CEQA §15064.e. requires evaluation of adverse effects as a factor in determining whether the physical change is significant. 3
- The City, through the efforts of the Water Reclamation Facility Citizen Advisory Committee (WRFCAC), considered a number of alternative sites, and the relative impacts generated by each site. Each of the sites considered by the committee would result in less environmental impact through lower demand on non-renewable resources and lower operating costs. Recommendations were made to the City Council by WRFCAC. The Draft EIR fails to consider environmental impacts between the alternative sites and the WWTP project. The Draft EIR needs to consider the relative level of all environmental impacts between the alternative sites and the WWTP so an educated decision can be made regarding a site that will generate the lowest level of environmental and social impacts. There is substantial evidence in the City (lead agency) records to require a comparative environmental analysis of alternative sites in the Draft EIR as required by CEQA §15064.f. 4

B. The City of Morro Bay adopted the Climate Action Plan on January 21, 2014

The City of Morro Bay Climate Action Plan (CAP) is a long-range plan to reduce greenhouse gas (GHG) emissions from City government operations and community activities within Morro Bay and prepare for the anticipated effects of climate change. The CAP will also help achieve multiple community goals such as lowering energy costs, reducing air pollution, supporting local economic development, and improving public health and quality of life. 5

The City is committed to reducing its GHG emissions by 15 percent below 2005 levels by 2020, consistent with AB 32. As shown in Table ES-3, based on the 15 percent reduction target Morro Bay would need to reduce its community-wide GHG emissions to 47,325 MT CO2e by 2020. To meet this target, Morro Bay will need to reduce its GHG emissions eight percent below the adjusted forecast level (equivalent to 3,933 MT CO2e) by 2020 through implementation of local measures and actions.

- The Draft EIR fails to consider the environmental and social impacts resulting from lack of compliance with the adopted CAP.
- The CAP was adopted with the express purpose of lowering the use of non-renewable resources. The City of Morro Bay, through the commitment to lowering energy costs, reducing air pollution, and improving public health and quality of life, cannot ignore the import of compliance with the CAP. The Draft EIR fails to consider environmental and social impacts resulting from WWTP increased energy costs, increased air pollution, and related impacts on health and quality of life where alternative sites would have less environmental and social impacts. 6
- Alternative sites, carefully considered and evaluated, were recommended to the City Council as preferable to the South Bay Boulevard site, will result in closer compliance to the City Council adopted CAP. The Draft EIR fails to consider the level of environmental and social impacts when compared against alternative sites. 7
- Lack of compliance with the adopted City CAP will result in potential environmental and social impacts that have not been considered in the Draft EIR. 8
- The Draft EIR fails to consider the long term environmental impacts resulting from the consumption of higher levels of non-renewable resources where alternative sites have been considered that will not have as significant an impact on the environment. Evaluation of long term environmental impacts resulting from the consumption of higher levels of non-renewable resources is required to be considered for compliance with the CAP and CEQA §15064.e. 9

The Draft EIR fails to consider the potential environmental and social impacts resulting from lack of compliance with the CAP, a City Council adopted plan that was the subject of extensive review and consideration, and adopted for the benefit of the entire City, nor does the Draft EIR consider the import of the CAP in relation to CEQA §15064.e . 10

Comment Letter – Jeff O'Dell

Response to O'Dell-1

The City thanks Mr. O'Dell for submitting comments. The commenter's request for an independent evaluation comparing impacts from the list of potential WRF sites is addressed in **Master Response 1 – Alternatives**.

Response to O'Dell-2

An economic/social effect of a physical change can be used to determine whether the physical change is a significant impact of the environment (*i.e.*, if construction of a road increases noise impacts that then negatively disturbed nearby religious practices) per CEQA Guidelines Section 15131(b). The commenter asserts the South Bay Boulevard Site's expense creates environmental and social impacts through increased use of renewable resources, where other sites would not create that same level of impact. As discussed on page ES-13, the proposed project's energy requirements are within PG&E's existing and planned electricity capacity and supplies would be sufficient to support the project's demand. As a result, the project would not constitute an irreversible and irretrievable commitment of nonrenewable resources per CEQA Guidelines Section 15126(c) to energy or transportation fuels during construction or operation.

Response to O'Dell-3

The environmental impacts related to the use of energy to pump raw/treated wastewater both to/from the WRF are discussed starting on page 3.7-33. All construction-related and operation-related energy impacts were found to be less than significant with no mitigation measures required. The analysis accounts for the incremental increase in energy use associated with the proposed WRF relative to the existing baseline energy use associated with operation of the existing WWTP. Energy use would be within existing energy providers' capacity and would be consistent with the City's Climate Action Plan and the County's Energy Wise Plan. As a result, neither construction nor operation of the proposed project would lead to wasteful, inefficient, or unnecessary consumption of energy, or the wasteful use of energy resources. The commenter has presented no information indicating that an alternative would have fewer impacts than the less then significant determination reached in the Draft EIR.

Response to O'Dell-4

Please see Response to O'Dell-2 and Response to O'Dell-3 for discussion of social/economic impacts and nonrenewable impacts. Please also see the **Master Response 1 – Alternatives**. As lead agency under CEQA, the City has ultimate discretion over the number of alternatives included in an EIR, known as the "rule of reason" (CEQA Guidelines 15126.6(f)). As no significant environmental effects associated with nonrenewable resources would result from implementation of the project, the City does not have to include alternatives to reduce those impacts, since they are not determined to be significant.

Response to O'Dell-5

The commenter's summary of the Climate Action Plan (CAP) and the City's commitment for reducing its community-wide GHG emissions by 15 percent below 2005 levels by 2020 is noted for the record.

Response to O'Dell-6

The Draft EIR identifies the project's consistency with the CAP on page 3.7-33 to 3.7-36. Although the proposed project would triple the energy demand when compared to current energy use at the existing WWTP, this long-term demand would not be considered wasteful as the proposed project would help the City meet a requirement to produce tertiary disinfected wastewater in accordance with the 22 CCR requirements. In addition, as stated on page 3.7-55 of the Draft EIR, consistent with the policies and measures in the City's Climate Action Plan and the County's EWP, an 800 kW solar farm would be installed at the WRF which would offset some of the proposed project's energy usage. Assuming 5 hours of full sunlight per day for electricity generation, the solar farm would generate approximately 1.2 to 1.3 MWh annually, which would meet approximately 35 to 40 percent of the proposed project's energy needs from the grid. The Draft EIR concludes that impacts would be less than significant.

The commenter has presented no information indicating an alternative site would have fewer impacts than the less then significant determination reached in the draft EIR. Assuming an alternative site would include the same tertiary and advanced treatment processes and some pumping of effluent, impacts would likely be similar to the proposed project. CEQA requires an assessment of alternatives for significant impacts. The Draft EIR concludes impacts to energy, GHG emissions, air emissions, and non-renewable resources are less than significant and as such alternatives are not required based on impacts to those resources. Please refer to **Master Response 1 – Alternatives** for additional information.

Response to O'Dell-7

Please see Response to O'Dell-2 and Response to O'Dell-3 for discussion of social/economic impacts and nonrenewable impacts. Please also see the **Master Response 1 – Alternatives**. As lead agency under CEQA, the City has ultimate discretion over the number of alternatives included in an EIR, known as the "rule of reason" (CEQA Guidelines 15126.6(f)). As no significant environmental effects associated with nonrenewable resources would result from implementation of the project, the City does not have to include alternatives to reduce those impacts, since they are not determined to be significant.

Response to O'Dell-8

Please see Response to O'Dell-6.

Response to O'Dell-9

Please see Response to O'Dell-2 and Response to O'Dell-3.

Response to O’Dell-10

Please see Response to O’Dell-2, Response to O’Dell-3, and Response to O’Dell-6.

Stevens

Rob Livick
P.E., Public Works Director

City of Morro Bay
955 Shasta Avenue
Morro Bay, Ca 93442

Re: Draft EIR

Dear Mr. Livick

With all due respect, in regards to the D.E.I.R., please document what is the specific foundational study, specific to that site, that the City of Morro Bay relies on to ensure that the injection wells site area can sufficiently handle the dump and what is the impact with the high nitrates in the area, and how does that impact the successive monthly and subsequent overall, both, cost and efficiency? 1

Please document the specific study and document specific test results to that site, and also please document additionally relative to high nitrates as noted, including both cost and efficiency breakdowns, as requested, relative to both cost and efficiency.

Respectfully

Steve Stevens
P. O. Box 411
Morro Bay, Ca 93443

Comment Letter – Steve Stevens

Response to Stevens-1

The City thanks Mr. Stevens for submitting comments. As stated in the Draft EIR on page 3.9-24, groundwater modeling was conducted to evaluate the response of the aquifer to the injection and extraction of treated recycled water (GSI, 2017). The modeling report is included as Appendix G to the Draft EIR. Prior to the modeling, aquifer testing was conducted on the existing city wells to better quantity the parameters of the aquifer to be used for injection, including the horizontal and vertical hydraulic conductivity. That information was reported in the groundwater modeling report and used to design the model. The groundwater modeling was used to evaluate the feasibility of injecting 825 AFY of treated recycled water to the aquifer (Draft EIR, page 3.9-24).

Regarding nitrates, the Draft EIR acknowledges that nitrates are a predominant concern for water quality in the City's Morro Valley wells (page 3.9-6). The Draft EIR notes on page 3.9-17 that during project operation, the California Code of Regulations Title 22 would require the City to monitor groundwater quality on a quarterly basis, sampling for constituents including total nitrogen, nitrate and nitrite among others. The City's BWRO plant is designed to remove nitrate, as well as TDS, from groundwater pumped out of the Morro Valley groundwater basin (Draft EIR, page 3.9-6).

Additionally, Title 22 requires that recycled water for groundwater replenishment using injection wells contain total nitrogen concentrations of less than 10 mg/L. Total nitrogen consists of ammonia, nitrite, nitrate, and organic nitrogen. Therefore, nitrate concentration in the recycled water will also be less than 10 mg/L, generally much lower than the nitrate concentrations in the Morro Valley groundwater basin which will help to reduce nitrate concentrations in the groundwater over time.

Beckman

May 18, 2018

Comments for the Draft Environmental Impact Report for the

Morro Bay Water Treatment and Water Reclamation Project.

Submitted by Bart Beckman, resident of Morro Bay BOB

1. ALTERNATIVES

The "Alternative" discussion is unbelievably weak: The Proposed Project, the "Do Nothing" option, and the Alternative – route the pipeline down the Embarcadero.

a. The "Do Nothing" Option is heavily skewed toward accepting of questionable "facts".

Did Morro Bay question the Cayucos EIR which stated that with Cayucos NOT part of the existing (Do Nothing option), the Plant would be in compliance? Clearly Cayucos has put a stake in the ground to not pay for any demolition and argued in an Accepted EIR that the Plant will be in compliance after Cayucos is no longer a party. 1

If Morro Bay did nothing, I would opine that they are in agreement that the plant WILL be in compliance contrary to the language in the DEIR.

And given this, there should be a cost to reimburse Cayucos for the use of the property from the time of Cayucos departure until the operation of the new facility.

Also, given that the plant need not be moved, Morro Bay needs to pay for the entire demolition and to buy out Cayucos for their share of the property.

b. Water Reclamation Alternatives
   i. Staff indicated at the Community Forum that a NEW Desal Plant could be built for approximately $25 million. This would provide an endless supply of water using known technology. 2
   ii. The newly released data on the Pismo option would also be in the order of $25 million.
   iii. Siting at the Chevron site would allow possible use of Whalerock Reservoir – Cayucos has obtained R/W with the potential of using Whalerock with the necessary permits. – This site is OUT OF THE COASTAL ZONE.

iv. The responses as to whether or not the quantity of tertiary water can be injected seem VERY guarded – implying staff is NOT fully convinced this will work.

v. For all of these options, Morro Bay could reduce purchased water – even with the selected option, it was stated that we could replace 80% of our current water – if this is true, why is there not a cost SAVINGS value which could offset the required funding?

2 cont.

c. Embarcadero pipeline alternative. This is a laughable alternative that to my knowledge was NEVER publicly discussed. You might just as well offer an alternative that routes around the Rock, but I digress. This being the ONLY Alternative discussed makes a mockery out of the concept and yes, I understand there are about 8 studies referenced which discussed the 17 Alternatives.

Arguments were made at WRFCAC that the Quintana option is unworkable – this was NOT disputed. So why isn't there an option to go across Hwy 1 and then behind the residential areas as suggested by a WRFCAC member – this would keep the site location at South Bay.

3

A Council member publicly stated that he/she would NOT allow for a major business disruption on Quintana, so how can this be the preferred routing?

The other option which keeps in tact the Council logic for siting is the Chevron site which clearly has the least Central Coast environmental impact as it would be on a site outside of the Coastal Zone area and would be on property already being used for a Water Treatment Facility, to say nothing of the option of working with Cayucos for a joint Water Reclamation option using Whalerock.

A significant reason this Toro Creek site was dropped was because our consultants advised us it was not for sale. Apparently, things changed.

d. Alternative to fix the most significant sewer leaks to reduce the plant sizing requirement. As the Carollo PM stated we have increases in flow requirements during the 3 major holiday weekends AND in heavy rainfall. We should ALL understand that the only reason the rainfall impacts the CLOSED sewer line system is that there are leaks – and what leaks in, must also leak out sewage.

4

Are we to believe that the RWQCB is concerned about our outfall (which IS in compliance), but doesn't care about sewage leaking into our groundwater and possibly the estuary and/or ocean? Please have the RWQCB comment on this issue in their review of the DEIR.

The perturbation of the holiday flow pales by comparison to the rainfall issue. So an

Alternative would be to fix the major leaks now. I agree that we probably cannot in a reasonable timeframe totally fix this issue but fixing the most significant leaks could reduce the sizing requirement. This could be done in parallel. And the savings in sizing might pay for the sewage leak fixes or certainly offset part of the cost.

2. Administration Building

Given that the DEIR states the plant will be demolished AND the new project will NOT include a new Maintenance Facility Building, where will this facility be and why is that cost not included? The implication is that the old Maintenance Building will be demolished. A cost needs to be included for the planned alternative.

5

3. Use of old site

While there are several alternatives to this use, all but one would cost money. Those options would include, but not be limited to commercial use such as a hotel, park, ball fields, or marsh.

Since there are no costs included, one must conclude that the hotel option is the selected "alternative". This should be openly stated and vetted with the Coastal Commission. The City Manager in supporting the need to move the Facility inland clearly implied the CCC would not be very accepting of a hotel on that property.

6

Thus, I would suggest that the "alternative" should be one of the non-commercial options and an estimated cost should be included. Also, since Cayucos would receive no benefit from these non-Commercial options, a cost to buy out Cayucos needs to be included.

In either case, the EIR should state that either the site is intended to be used for "recreational/environmental" purposes or for commercial purposes. And then let the chips fall where they may, but an understanding of the cost would be included.

4. Manpower savings

The new technology plants are substantially more automated meaning that labor costs should be reduced. I understand this will be in the analysis to select the preferred Design/Build contract, but it should be in the DEIR. Knowing if a Project will increase or decrease employment is key to all DEIRs that I am aware of. This has an impact on Community services.

7

Comment Letter – Bart Beckman

Response to Beckman-1

The City thanks Mr. Beckman for submitting comments. The analysis of a No Project Alternative is required by CEQA as described on page 6-11 of the Draft EIR. The commenter is referred to **Master Response 1 – Alternatives**. The Draft EIR identifies seven distinct alternatives siting studies conducted by the City including the final study completed in 2017. The alternative development process including the alternative of remaining at the existing location is discussed in **Master Response 1 – Alternatives**. The comments regarding cost sharing with CSD do not relate to the environmental impacts of the proposed project. The Draft EIR evaluated the impacts of constructing the new facility as well as demolishing the old facility.

Response to Beckman-2

The commenter brings up several water reclamation alternatives, such as a desalination plant, a Pismo option, and use of the Whalerock Reservoir at the Chevron site. A desalination plant that supplies only potable water would not be an appropriate alternative for a wastewater treatment plant project, such as the proposed project, which provides wastewater treatment that allows for the production of recycled water to augment potable water supply. The Chevron site was considered during the City's site screening and selection process described in the Draft EIR starting on page 6-4. The comment does not provide information about the "Pismo option" so this is noted for the record. The commenter is referred to the **Master Response 1 – Alternatives** for more information.

The commenter also mentions a potential to reduce purchased water, and questions the amount of tertiary water proposed for injection. Under the proposed project, the injection of the advanced treated recycled water into the Morro Valley groundwater basin would be regulated under the CCR Title 22, Division 4, Chapter 3 Water Recycling Criteria (Draft EIR page 3.9-15 and 3.9-22). The City estimates the proposed project could produce as much as 825 AFY of recycled water from the proposed WRF for indirect potable reuse in the future (Draft EIR, page 5-6). The proposed project would extract volumes of water that would be equal to or more than the volume of injected water. As stated in the Draft EIR on page 5-6, by utilizing indirect potable reuse to increase existing groundwater supplies, the City would be able to produce more potable water from its own controlled water source to be used within the City and decrease its dependency on the water supplied by the SWP. That may result in cost savings in the future.

Response to Beckman-3

The commenter expresses opinion about alternatives analyzed. The Draft EIR evaluates a pipeline alternative; however, it would not avoid the significant impacts of the proposed project pipeline alignment. The alternative development process is discussed in **Master Response 1 – Alternatives,** which also includes an overview of alternatives considered, including the Chevron site and Toro Creek site.

The comment asks why an alternative pipeline alignment that travels across Highway 1 and then behind residential areas was not analyzed in the Draft EIR. The comment questions whether pipeline construction would result in major business disruption on Quintana Road. Environmental impacts of installing pipeline within roadways constitutes a temporary impact and would not permanently impact the business community. As required by Mitigation Measure TRAF-1, a Traffic Control Plan would be implemented that requires access to be maintained to individual properties during construction. In addition, the proposed pipeline would be installed at approximately 150 feet per day, as described on page 2-28 of the Draft EIR. As such, the disruption to any one business location would be limited to approximately one week or less. The alignment proposed in the comment is similar to those included in the proposed project and as such would have similar environmental impacts as the proposed project.

Response to Beckman-4

The commenter's proposed alternative includes repairing the existing sewer system to reduce leaks and account for increased flow during holiday weekends and rain events. Those activities are not part of the proposed project; as a result, the Draft EIR does not evaluate the effectiveness of the collection system. All collection systems have some level of infiltration during storms that increases the flows to the treatment plants. The proposed project has been designed to accommodate projected flows including peak flows resulting during rain events. The City has a capital improvement program that includes maintenance and replacement of the sewer collection system. The RWQCB did not submit a comment on the Draft EIR; however, the State Water Resources Control Board did submit a letter. Please also refer to **Master Response 1 – Alternatives** for additional information.

Response to Beckman-5

As explained on page 2-13, the proposed project includes construction of operations and maintenance facilities. As shown on Figure 2-4, the preferred WRF site would include separate buildings for operation (Building 1) and maintenance (Building 9).

Response to Beckman-6

The end use of the site where the existing WWTP will be demolished has not yet been determined, and is not part of the project analyzed in this Draft EIR. Once demolition, which is analyzed in the Draft EIR, occurs, options for the site will be evaluated and separate environmental review conducted as required by CEQA. The City is currently preparing the General Plan/LCP Update, which will include the future land use designation for the existing WWTP site. The City will also coordinate with the California Coastal Commission during the process of completing a Coastal Development Permit application to ensure the site is used appropriately. Once the General Plan/LCP Update is complete, the City will prepare an associated CEQA document to evaluate the environmental impacts.

Response to Beckman-7

Regarding employment, the City anticipates four employees would be onsite to operate the proposed WRF (Draft EIR page 2-31). In addition, the Draft EIR includes a discussion of employment as it relates to public services, which is an area required to be analyzed in the CEQA Guidelines Appendix G. Specifically on page 3.13-5, the Draft EIR finds "employment opportunities associated with the construction and operation are assumed to be filled by the local workforce, and would not result in increased housing demand." Additionally, on page 3.13-6, the Draft EIR finds "the proposed project is a wastewater treatment project and does not propose any new housing units or a substantial increase in new employment opportunities within the City; nor does the potential water that might be supplied by the WRF increase opportunities for additional residents or businesses in the City or County."

Donnelly

RECEIVED
MAY 18 2018
City of Morro Bay
Public Works Department

May 18, 2018

To Rob Livick, PE, PLS, Director of Public Works for the City of Morro Bay, California

From Paul Donnelly, PE, PLS, member of the Water Reclamation Facility Citizens Advisory Committee

To preface my comments and questions below regarding the March 2018 Draft Environmental Impact Report (DEIR) for the Water Reclamation Facility (WRF), these comments are mine and mine alone and do not represent the committee as a whole or any subcommittee.

The Notice of Preparation (NOP) of August 2016 implied that there would be 2 phases for the facility, phase one for wastewater treatment and later phase two for water reclamation (pages 5 & 6). Now according to the DEIR, the entire facility will all be constructed in a single phase. For the record, please explain why this is and if reclamation and water reuse is feasible and now indeed, certain. Which state agencies need to give their blessing on actually making this a reality for the city? Could there be protests? The NOP stated that phase two of the proposed project would be implemented once the City has determined the ultimate beneficial end uses for recycled water. Has the City made this determination? If so, when did this occur? If eligibility for a loan to assist in financing the project is the primary reason for a complete single phase project then another analysis should be provided comparing the costs if the project was done in phases as the NOP implied. It might be less burdensome to the ratepayers over time if phase two was deferred. 1 2

On page 6 of the NOP it states that the proposed project will require some minor modifications to the existing sewer collection system however, the DEIR says otherwise (page ES-5). A large portion of the Morro Heights neighborhood in the southeast part of the city could easily drain by gravity directly to the lift station on Quintana Road at South Bay Boulevard with a minor reconfiguration of the existing collection system. This innovated concept could lessen the quantity of flow to pump from the proposed lift station back at the existing wastewater treatment plant (WWTP) on Atascadero Road. Raw wastewater conveyance pipe(s) could possibly be reduced in size as well. Over time, this could save significant energy consumption. 3

On page 7 of the NOP it states that return flow from the WRF will be "gravity driven" when in fact it will be pumped back over. This is a significant impact and cannot be ignored! An analysis should be provided for using a siphon instead to minimize pumping and energy usage for the return lines. Please give it some consideration and don't just dismiss this concept. It might be possible with welded steel pipe. It could be considered innovated and as a beneficial mitigation measure. Why does the DEIR say that the project facilities <u>may</u> include, but not limited to, recycled water conveyance pipeline, a pump station, injection wells and monitoring wells (page ES-5)? Could the project fully reclaim the water without these? Are they not necessary to fulfill the objective? 4

The Conceptual Layout shown in Figure 2-4 on page 2-7 is significantly different than what is shown in Figure 7-5 on page 7-14 of the Facility Master Plan (FMP) that was prepared for this project. The new version shown in the DEIR does not show the extent of rough grading as is shown in the FMP. The area appears to be less than originally anticipated so will the area the city needs to purchase also be less? The boundary for the facility need not be anything more than what is required for this project and on behalf of the public, the city needs to stand firm on this. Place a fence about 20 feet beyond the area of disturbance and make that the boundary line. That 20 feet could be used for drainage purposes along with landscaping for screening purposes. If the city purchases more than required, I fear that the excess area will just become a junk yard for the city's unused stuff. 5

At the new plant, consider consolidating things such as building right over the equalization basin deck or put some of the parking on top of the decks? Saving space translates to saving costs and could be considered as a mitigation. 6

Contrary to the what is being suggested in the notes on the Conceptual Layout shown in Figure 2-4 on page 2-7 of the DEIR, the drainage should be intercepted and directed (or pumped, as the case may be) into the waste stream above the headworks of the plant, if possible, rather than to be passed on to existing swales. This could also be essential in containing a spill anywhere on the site if that were to ever occur. 7

An ideal location for the lift station would be just next to the existing headworks at the WWTP. Page Under Section 10.3.1 WWTP Structure and Site Inventory and Disposition on page 10-3 of the FMP stated that *"All existing structures within the fence line of the WWTP are identified on Figure 10-2 and will be demolished and removed as a part of this work except the following:*

- *Air Release Structure - This is the outfall structure which will be left in place for future use with the new WRF. It will also be available for use by CSD.*
- *Headworks/Influent Lift Station - It is possible that part of this building will be retained and reused with the new Morro Bay WRF."*

8

Rather than pump the slurry of all that arrives at this location from the entire collection system of the city's sewer up and over to the new WRF at South Bay Boulevard, it would be beneficial to have screened some material out of the waste stream, such as the existing headworks is doing, and then pump only a liquid with some suspended solids over to the new WRF. It would reduce the energy usage at the proposed lift station and save the expense of constructing new headworks at the South Bay Boulevard plant site. Can the existing headworks and the proposed lift station be made to operate in a submerged environment if that were ever to occur?

On page 2-30, 6th bullet, it says the entire site will be surfaced with a thin layer of gravel upon completion of the demolition work at the existing wastewater treatment plant site on Atascadero Road. Talking with Kevin Kahn at the Coastal staff in Santa Cruz, this would not be acceptable. 9

There needs to be a restoration plan and do something like was done along Coleman Drive in the dune restoration area. Plant dune grass and maybe provide some pathways for the public. Perhaps it could be graded such that it acts as a drainage basin and possibly alleviate minor flooding in the area. Mitigations like these are helpful for project approval according to Kevin. 9 cont.

Referring to Figure 2-8 on page 2-19, consider an alignment for the raw water pipeline by going south down to the trailer park storage area instead of out into Atascadero Road. The traffic impacts would be reduced and the pavement would not have to be replaced. From the trailer park storage area, head east to the bank of Morro Creek at the bike path bridge to intersect with the proposed route shown in Figure 2-8. It is a shorter distance as well. 10

For the westerly pipeline route following within the bike path right of way south of the Morro Creek bridge, it measures less than 20 feet between fences in places. The fence on the west side of the bike path borders the power plant property and the fences on the east side of the bike path borders, for the most part, the State Highway Right of Way for State Route 1.

An existing waterline occupies the westerly pipeline route following within the bike path right of way south of the Morro Creek bridge and favors the power plant side of the path. The proposed raw water force main needs to be 10 feet away from the existing waterline which means the alignment for just a single 16 inch pipe might have to wander out of the existing bike path right of way along the way to maintain this clearance. Any additional parallel pipe will encroach further. Will any of the fences need to be removed and replaced as a result? Does the city need to acquire easements temporarily for construction purposes and will it be necessary to obtain permanent easements? Does the city need permission from Caltrans to remove any of the state's fence? Did the DEIR look at areas outside of the fences just in case they may be disturbed by the pipeline installation?. 11

How will the pipe get delivered to the westerly pipeline route south of the Morro Creek bridge? Where will the excavated trenched material be placed as it is being excavated and where will the displaced excess excavated material be taken? It isn't just up to the contractor as there is federal involvement throughout the project. How deep and how wide will the trench be and is shoring necessary? It would most helpful to see a typical cross section of the construction zone showing the trench width and depth, pipe placement before installation and afterwards, clearance to other underground utilities, bedding, temporary stockpiling, fence line(s) and whatever else is helpful. 12

Much of the bike path surface is asphalt concrete averaging 10 feet in width from the bridge over Morro Creek heading south. The southerly portion of the bike path surface is concrete as much as 12 feet wide in places. Will these surfaces be replaced in kind if portions are removed to install the pipe(s) or if damaged by the equipment? 13

How long would the bike path be closed to the public and will there be a detour provided?

There are also power poles favoring the state highway side of the bike path. Is there a potential impact by trenching for the pipes next to power poles carrying high voltage?

There is a large gas line that crosses the bike path which goes to the power plant. Is this considered a potential hazard even if it might be abandoned?

Utility relocation needs a to be part of the project description. Relocating the city's water treatment plant (WTP) which houses the brackish water reverse osmosis units and the old desal plant, is also a component of the project is it not? It will be necessary to utilize the city's WTP for making any extracted reclaimed water from the Morro Valley wells usable for domestic purposes. Like the existing WWTP it will have to relocate upland and retreat from the same hazards (flooding, tsunamis, sea level rise, etc.). 14

Has there been any potholing of existing underground utilities to see if there are any major conflicts? Removal or abandonment of any underground utility including any of the city's water or sewer lines are to be part of the project description and evaluated for potential impacts.

Will concrete trucks need to pour concrete for potential trust blocks at critical places along the pipeline alignments. Can they get to the route on the easterly side of the state highway? 15

How much open trench will be allowed at any given time? How can the plates span such a wide opening? Will passing traffic cause trench cave ins when allowed to pass by? 16

Quintana Road is old State Route 56 from Morro Bay Boulevard down to South Bay Boulevard. The old concrete highway is still there. It is a historic cultural resource since it dates back more than 50 years and there needs to be some discussion regarding any impacts this project may have to its importance. 17

Chapter 7 of the DEIR, CEQA Plus Considerations; National Environmental Policy Act (NEPA): Since the DEIR has identified Class 1 environmental impacts, what might the city expect coming from the Environmental Protection Agency (EPA) as they prepare the NEPA document. Is it possible that the EPA will require an Environmental Impact Statement (EIS)? Will the EPA be lead on consultation with other agencies such as with the US Fish & Wildlife Service, National Marine Fisheries, the Advisory Council on Historic Preservation to name a few? 18

Please, summarize all that is needed to be done before the city can comfortably issue its notice to proceed to any of the contractors anywhere on the project. 19

Please list all mitigations measures and required regulatory permits that need to taken care of ahead of construction..

At one point during the last 5 years of planning for this project, there was some hopefulness that it could be a regional facility taking not just Morro Bay's sewage, but taking the sewage from the community of Cayucos and also taking sewage from the Rancho Colina park. Because of the discretionary decisions made by the Morro Bay officials, Cayucos has been forced into constructing A WWTP of their own and the deal at Rancho Colina went sour. This impact is a result of the city's project which has no inclusion for Cayucos or Rancho Colina in the proposed design. This is significant! 20

Is this DEIR satisfactory enough to obtain a land use permit from the county or will they require something more? 21

Now that the design-build proposals are available, are the preliminary design plans in sync with what the DEIR had envisioned? Are those plans adding features that are not being addressed in the DEIR? 22

Comment Letter – Paul Donnelly

Response to Donnelly-1

The City thanks Mr. Donnelly for his comments regarding the revision in the project description since issuance of the NOP. The commenter correctly has identified the proposed project is no longer expected to be implemented in two phases and the product recycled water would be used for indirect potable reuse through groundwater recharge, as described in Chapter 2 of the Draft EIR. After evaluation of costs for implementing in multiple phases, the City determined implementation of the proposed project in one phase would be an option that more quickly and effectively achieves City goals to produce recycled water, maximizes opportunities to secure financing, and likely reduces costs overall. In response to Mr. Donnelly's concern about the state agencies, the State Water Resources Control Board and Regional Water Control Board approve groundwater recharge reuse projects (GRRPs), such as the proposed project (see Draft EIR, Table 2-10). Please refer to the Draft EIR, pages 2-32 and 3.9-15 to 3.9-18, for more information about GRRPs and their regulation and permitting.

Response to Donnelly-2

As indicated on page 2-1 of the Draft EIR, the potential beneficial end use for the advanced treated recycled water from the proposed WRF would be indirect potable reuse. In the Draft EIR, Section 6.2.4 Recycled Water Reuse explains the other beneficial uses considered and how the determination was made.

Regarding the question about loan eligibility influencing the decision to modify the proposed project to one phase and the request for a cost analysis comparing a project implemented in one phase versus multiple phases, such a cost analysis is unrelated to the CEQA analysis required of an EIR. Per CEQA Guidelines Section 15064(e), "economic and social changes resulting from a project shall not be treated as significant effects." An economic/social effect of a physical change can be used to determine whether the physical change is a significant impact of the environment (i.e. if construction of a road increases noise impacts that then negatively disturbed nearby religious practices) per CEQA Guidelines Section 15131(b). Mr. Donnelly's request for a cost analysis between a project implemented in one phase versus two phases has been noted, and no further response is warranted.

Response to Donnelly-3

The City notes Mr. Donnelly's suggestion to reconfigure the existing collection system to reduce energy consumption at the proposed lift station. By placing the lift station at or near the existing WWTP, there would be no need to modify the existing sewer collection system to drain to the lift station on Quintana Road. The City has assessed multiple flow diversion strategies to reduce the size of the proposed lift station, and the proposed project is designed to leverage gravity flow to the extent feasible, in the interest of an energy saving design.

Based on site topology and the existing gravity sewer system, a small portion of neighborhoods adjoining Quintana Road could theoretically be diverted by gravity to lift station 3 (LS3). A preliminary analysis of this option showed that a deep gravity main flowing east and down to Quintana Road to LS3 would be required for such a diversion. The extensive cost of this new gravity main, along with any other impacts such as potential upgrades at LS3 to handle additional flows would greatly exceed energy consumption savings at the proposed lift station. The amount of flow diverted is small enough that it would also not merit decreasing the size of the raw wastewater force main(s).

Refer to Section 3.7 Greenhouse Gas Emissions and Energy for the energy analysis of the proposed project.

Response to Donnelly-4

The City notes Mr. Donnelly's suggestion to use a siphon to minimize pumping and energy use. Energy use was taken into account for the analysis of the proposed project; as described in the Draft EIR, Chapter 3.7, the proposed project would not result in a significant impact due to energy consumption.

The description of the proposed project uses the word "may" as stated in the comment because the proposed project has not yet been approved by the City Council, and cannot be, if at all, until the Final EIR is certified.

Response to Donnelly-5

As noted in the comment, the proposed site layout included in the Draft EIR is different from the draft FMP because the City Council removed the Corporation Yard from the proposed project. (see Draft EIR, page 6-8 for more information.) As indicated on page 2-12, a fence would be constructed around the preferred WRF site. In addition, as shown in Figure 2-4, a buffer would be placed to separate the operational portion of the proposed WRF from neighboring land uses by more than 50 feet. The following text has been added to page 2-12 of the Draft EIR in response to the comment:

> **Security**
>
> The 10- to 15-acre WRF site would be secured by a fence. An electrical gate would be located near the front of the property and be controlled by a key from the O&M buildings and would be monitored by a video surveillance camera. Furthermore, a buffer area of more than 50 feet would be located between the operational portion of the WRF and its neighboring land uses.

Refer to the response for County-8 and County-29 for further details about the significance of the fencing and buffer areas. It should be noted the City is purchasing 27.6 acres of the 396-acre parcel. The proposed WRF would be developed within the 27.6-acre area, with the undeveloped acreage to be available for an agricultural or open space easement, as stated on page 3.2-7 of the

Draft EIR. The remainder of 396-acre parcel would be subject to the provisions of the County or City General Plan. Please refer to **Master Response 2 – WRF Site and Annexation**.

Response to Donnelly-6

The City notes the comment from Mr. Donnelly regarding adding parking above the equalization decks to consolidate space. The current project design is preliminary and will be refined during the design/build process. Adding features above the current project components would result in taller structures that would increase visibility of the proposed WRF facilities and may not be compatible with the proposed architectural treatments described in the Draft EIR on page 2-14. In addition, such proposed designs would have effects on energy, time, and costs that would need to be considered. As the proposed project goes through the design-build process, the City intends to minimize the footprint to the extent feasible to minimize environmental impacts.

Response to Donnelly-7

The City notes Mr. Donnelly's concern regarding the drainage to existing swales in the proposed WRF to avoid spills. Onsite drainage will be captured and detained onsite. Should an accidental sewage spill occur onsite, it will drain to the stormwater detention basin and can be pumped to the headworks for treatment. Drainage from the surrounding area will be directed around the site to continue towards existing swales. Collection and treatment of stormwater drainage from the surrounding area was not considered for this project as it would substantially increase the required size of equalization and treatment facilities. The comment is further addressed in **Master Response 3 – Accidental Spills and Impacts to Morro Bay Estuary**.

Response to Donnelly-8

The City notes Mr. Donnelly's suggestion to use the existing headworks and move the proposed lift station next to the existing WWTP. As described on pages 6-8 and 6-9 of the Draft EIR, eight lift station locations were analyzed as potential project components. Those were narrowed down to the two proposed sites evaluated in the Draft EIR due to various criteria including costs, location, planning, and public support. As stated in the Draft EIR on page 3.9-41, the proposed lift station would be floodproofed, watertight, and the wet well lid, control panels, and critical components will be two feet above base flood elevation. While it would be possible to design the improvements such to maintain the existing WWTP headworks screens and install the pump station downstream to pump the screened influent to the WRF, this concept was not pursued for operational challenges and cost considerations. and two feet above base flood elevation.

Response to Donnelly-9

The future use and development of the WWTP site is not part of the proposed project, but something that is more appropriately considered in the context of the City's General Plan/LCP Update, which is currently being prepared, and will include the future land use designation for the existing WWTP site. The City will also coordinate with the California Coastal Commission during the process of completing the Coastal Development Permit application to ensure the site is used appropriately. The comment has been noted.

Response to Donnelly-10

The City notes Mr. Donnelly's suggestion for a different raw water pipeline alignment route through the trailer park storage area adjacent to the existing WWTP. The City has investigated multiple pipeline routes, including an option that is like the one described by Mr. Donnelly. That alternative is currently being assessed based on criteria that include but are not limited to utility impacts/conflicts, right of way procurement, and environmental/cultural constraints.

Response to Donnelly-11

The City notes Mr. Donnelly's concerns regarding the construction methods and details for building the raw water pipeline along the bike path south of Morro Creek bridge. Final construction details will be determined as part of the design/build process prior to the initiation of construction. The pipeline design will comply with all state regulations regarding separation between sewer or recycled water pipelines and other utilities such as potable water pipeline. Regarding easements, once the preferred pipeline alignment is defined, the City will determine required temporary and permanent construction easements.

Response to Donnelly-12

The trenching activities and measurements for the proposed conveyance pipelines are described on page 2-28 of the Draft EIR. All excavated materials and solid waste would be disposed onsite or hauled offsite to a local landfill as detailed on page 3.6-10 to 3.6-11. However, it should be noted all construction details will be finalized during the design/build process.

Response to Donnelly-13

The City notes Mr. Donnelly's concern about the impacts to bicyclists and post-construction appearance of the proposed pipelines along the bike path. An approximate schedule for the construction of the proposed pipelines is 12 months, but the details of this schedule will be finalized during the design/build phase of the project. Mitigation Measure TRAF-1 would require the preparation and implementation of a traffic control plan which includes a detour plan for bicyclists during project construction. Refer to page 3.14-17 to 18 for more details. Lastly, as indicated on page 3.1-19, the proposed conveyance pipeline project area would be restored to pre-construction conditions.

Response to Donnelly-14

Impacts to, and avoidance of, buried and nearby utilities would be considered during the final design/build process. In addition, the proposed project does not require relocation of the existing WWTP. As described on page 2-29 and 2-32 of the Draft EIR, existing City wells would be used to extract all recycled water injected into the groundwater basin. Water would be conveyed to the existing Brackish Water Reverse Osmosis (BWRO) treatment facility and treated for potable use.

Response to Donnelly-15

Multiple techniques are available for thrust restraint. As discussed above, final construction details will be determined as part of the design/build process prior to the initiation of construction. Access along the alignment for large construction equipment and machinery such as concrete trucks will be provided.

Response to Donnelly-16

Details about the trenching technique, width, and steel plates coverings during the construction of the proposed conveyance pipelines are described on page 2-28 of the Draft EIR. On average, 150 linear feet of pipeline would be installed per day, dictating the amount of trench open at any given time. In addition, Mitigation Measure TRAF-1 would implement a traffic control plan that includes signage to inform the motorists, cyclists, pedestrians of any construction that may disrupt travel. Refer to pages 3.14-17 and 3.14-18 of the Draft EIR for more details.

Response to Donnelly-17

The list of identified cultural resources are listed on pages 3.5-8 to 10. According to the cultural surveys and record searches conducted around the project area, the Old State Route 56 is not a listed historical resource. Refer to Section 3.5.3 to review the analysis of the project impacts on the known cultural resources in the project area.

Response to Donnelly-18

The City has been consulting with the U.S. Environmental Protection Agency (USEPA) regarding federal funding opportunities and associated requirements for environmental documentation to satisfy NEPA. The USEPA will evaluate the Final EIR, which is intended to be a CEQA-Plus document that streamlines potential NEPA review by federal agencies such as USEPA, in order to determine if additional environmental analysis is required once the Final EIR is completed. Refer to Section 1.4 and Chapter 7 of the Draft EIR for information about CEQA Plus. As appropriate, the USEPA would consult with other federal agencies such as USFWS to satisfy NEPA compliance requirements.

Response to Donnelly-19

Please refer to Table 2-10 on page 2-33 of the Draft EIR for a list of the preliminary discretionary permits that will be required for the construction and operation of the proposed project. Proposed mitigation measures are summarized in the Executive Summary of the Draft EIR starting on page ES-16.

Response to Donnelly-20

Section 1.2 of the Draft EIR details the City's past relationship with Cayucos Sanitary District (CSD) and CSD's decision to pursue its own wastewater facility.

Response to Donnelly-21

The list of potential approvals required for implementation of the proposed project includes a Coastal Development Permit (CDP) from the County and City (see Table 2-10 in the Draft EIR), or potentially from the CCC, if it determines a consolidated permitting approach is appropriate. The County will review the Final EIR for the proposed project and determine whether additional environmental analysis is required once the CDP permit application is submitted.

Response to Donnelly-22

The design/build proposals mentioned in the comment do not include a final design to be selected by the City. Once a consultant is selected, the design/build process will proceed, allowing for development of final design details including layout and facility features. The City and design team will, to some degree, refer to the general information provided in the draft Facility Master Plan.

Hawley

-----Original Message-----
From: Cynthia Hawley <cynthiahawley@att.net>
Sent: Friday, May 18, 2018 3:41 PM

To: Rob Livick <rlivick@morrobayca.gov>
Subject: Comments on Draft EIR

Mr. Livick,

Attached are my comments on the Draft WRF EIR.

Thank you,

Cynthia Hawley

Comments on the Draft Environmental Impact Report for the Proposed Wastewater Treatment Water Reclamation Facility
Cynthia Hawley, Attorney

The EIR fails to analyze and determine possible growth-inducing impacts.

There are three obvious growth-inducing impacts that the project may have on the environment.

First, on pages ES-1 and 2-1 the EIR states that "The proposed project would provide wastewater treatment services for the City and potentially additional surrounding communities or customers." This clearly indicates the potential for inducing growth within "surrounding communities or customers" but there is no analysis of the impacts of this growth inducing potential. 1

Second, the project will include a roadway for vehicle access into what is now open space agricultural land. There is no analysis of whether this access would have the potential to encourage additional development in the area and if so, what that potential might be. 2

Third, the Report to City Council on Potential WRF sites mentions the possibility of annexation and the City's Letter of Interest to the EPA regarding a WIFIA loan also states that the City is considering annexation of the site. The 2013 Morro Bay City Council Study Session on Morro Bay's New Water Reclamation Facility lists annexation as an element of environmental review. The 2015 Request for Proposals for WRF program manager incudes annexation as one of the major phases of the project. Unless annexation has been ruled out by a decision of the City Council, it is an obvious cause of possible growth-inducing impacts that must be analyzed in this EIR. 3

Twice in the Draft EIR the unsupported claim is made that the WRF "would not be oversized to accommodate additional unplanned growth." (p. 3.3-15, p. 5-2) 4

<u>Please cite where information on the diameter of the intake and effluent pipelines can be found. Also, please indicate whether the infrastructure is planned to accommodate additional reverse osmosis units.</u>

The EIR fails to analyze the impacts open ocean discharge of reverse osmosis wastewater may have on marine habitats and species. 5

As you know, waste discharged from a reverse osmosis plant does not contain just brine as indicated in the EIR. The EIR should list and analyze the chemicals, heavy metals and other elements that may be part of the effluent discharged into the ocean. There is no analysis or even mention of possible impacts to marine species and habitats from discharges of RO waste discharges. This oversight needs to be corrected.

The EIR process is to run "concurrently rather than consecutively" with the permitting process and this EIR is premature and disconnected from the public permit review process.

California's laws are found in the state Constitution, statutes, regulations, and case rulings. Section 21003 of the California Environmental Quality Act (CEQA statute) states as follows regarding the timing for preparation of an Environmental Impact Report:

> "The Legislature further finds and declares that it is the policy of the state that:
>
> (a) Local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all those procedures, to the maximum feasible extent, run concurrently, rather than consecutively."

This policy of the California Legislature is also included in the California Code of Regulations (CCR), CEQA Guidelines, which state, starting at section 15080, that "To the extent possible, the EIR process should be combined with the existing planning, review, and project approval process used by each public agency."

In the California Resource Agency's discussion of section 15080, the Agency provides the reason for this law – that "…completion of the EIR process before starting review of the permit application … doubles the time necessary to obtain a permit" and that this section is necessary to discourage that practice.
http://resources.ca.gov/ceqa/guidelines/art7.html

In a descent in the California Supreme Court case of *Bozung v. Local Agency Formation Commission*, Justice Clark stated that "The majority invoke the policy, enunciated in the guidelines, of encouraging preparation of an EIR 'as early in the planning process as possible.' (Cal.Admin.Code, tit. 14, s 15013.) But early preparation is not an end in itself, particularly when the insufficiency of data or plans precludes drawing any meaningful conclusions in the report. The 'planning process' should be viewed as the process of land use determination, when the reporting serves a mature and useful purpose." *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 295-296.

In this case the City has actually planned to increase and possibly double the time and cost of obtaining coastal development permits by producing the EIR in isolation of, and prior to the public permitting processes.

What is the City's rationale in completing the DRAFT EIR before applying for development permits from the City's planning department, the County, and the Coastal Commission?

6

The alternative analysis does not provide analyses of other sites.

In the Report on Public Works Cost Review Workshop, respected public works and wastewater professionals stated that:

> "Reliance on State Water is a paramount problem facing the City. If the City wants to achieve water independence cost effectively, and in a timely manner, the most effective approach is to build a new compact plant at or near the current WWTP location. Developing a recycled water project will be cheaper and potentially more achievable than at the South Bay Boulevard site or any other relatively distant site. To do this, the City will need to work closely with the Coastal Commission and RWQCB, and gain buy-in from key community groups."

This group of professionals pointed out that achieving this goal would require working closely with these two state agencies, thus indicating that this would be possible.

This group also states that:

> "The biggest contributor to cost at the South Bay Boulevard (SBB) site is the site itself. Pipeline and earthwork costs there are very high. The most effective way to reduce construction cost is to go back to near or on the existing WWTP site."

With these findings in mind, alternative sites should be analyzed in the "Alternative" section. If you determine not to examine alternative sites, please explain the rationale.

7

Comment Letter – Cynthia Hawley

Response to Hawley-1

The City thanks Ms. Hawley for submitting comments. The commenter states the Draft EIR fails to analyzed growth-inducing impacts. The Draft EIR includes a chapter on growth-inducing impacts; the commenter is referred to Chapter 5 "Growth Inducement."

The commenter further refers to statements in the introductions of the executive summary and project description of the Draft EIR that say the proposed project would provide wastewater treatment to "potentially additional surrounding communities or customers." Although not referenced by the commenter, that same statement is included in the purpose of the Draft EIR (page 1-1). The commenter is concerned that potential use of wastewater would induce growth and that potential was not analyzed. In fact, the introduction of the Growth Inducement sections of the Draft EIR (page 5-2) also includes a similar statement and further clarifies, while that is a potential use of the proposed WRF, it is not "anticipated." So the Draft EIR did consider that issue and did so to ensure the Draft EIR did not leave out review and analysis of all reasonably possible, although not necessarily certain, impacts from the proposed project. In addition, if the City did ever decide to have potential become a reality, then that would and could only be done within the limitations of growth management restrictions, both within the City and other jurisdictions as appropriate.

Response to Hawley-2

This Draft EIR only analyzes impacts associated with construction and operation of the proposed project, which includes an access road to the proposed WRF. The City would purchase up to 27.6 acres for development of the proposed 10- to 15-acre WRF, with remaining acres available to be placed into an agricultural or open space easement. No additional development is anticipated as part of the proposed project on this 27.6-acre site. Please refer to **Master Response 2 – WRF Site and Annexation** for additional information.

Response to Hawley-3

The annexation of the proposed WRF site is mentioned in the list of potential approvals required for implementation of the proposed project, in Table 2-10 of the Draft EIR. The commenter is referred to the Local Agency Formation Commission San Luis Obispo (LAFCO) comment letter and responses provided above (see Responses to LAFCO-1 through LAFCO-9). Therein, clarification is made to better characterize the annexation that will occur as a result of the project. Regarding the associated growth inducement potential, the proposed annexation would include only the 27.6-acre parcel, which would include the 10 to 15-acre WRF site, with remaining acres available to be placed into an agricultural or open space easement. As such, the annexation itself would not result in population growth or affect the City's provision of public services. The annexed property would include public use facilities that directly provide a public service. See also **Master Response 2 – WRF Site and Annexation**.

Response to Hawley-4

The Draft EIR states on page 2-15 the force main and waste discharge pipelines would be 16-inch diameter pipeline. The Draft EIR states on page 2-22 the recycled water pipelines would be 12 inches in diameter. The Draft EIR states on page 2-6 that the proposed WRF treatment process would include reverse osmosis (RO). All proposed project components will be sized per the stated design criteria. The capacity of the proposed WRF is designed to meet planned future demand associated with the City's projected population of 12,000 by 2040.

Response to Hawley-5

As stated on page 7-4 of the Draft EIR, the water quality of proposed discharges due to the proposed project would be improved to tertiary-treated recycled water. The contribution of the RO brine stream would increase TDS, but not enough to exceed ambient ocean water salinity. As noted on page 3.9-14 of the Draft EIR, the California Ocean Plan establishes water quality objectives for ocean discharges to ensure the protection of the marine environment. The NPDES permit for the new WRF would require the City to comply with water quality objectives for receiving waters based on the California Ocean Plan; the water quality objectives would protect beneficial uses including marine habitat. Monitoring requirements in the Ocean Plan will require the City to perform monitoring to demonstrate compliance with the receiving water limitation, and to evaluate the potential effects of the discharge within the water column, bottom sediments, and the benthic communities. The NPDES permit will require data collection and monitoring to compare baseline biological conditions at the discharge location as well as at a reference location outside the influence of the discharge prior to commencement of discharge and after discharge commences. Monitoring would be required until the RWQCB determines a monitoring program is adequate to ensure compliance with the receiving water limitation. The Monitoring and Reporting Plan would require review and approval by the RWQCB as part of the NPDES permit process. The NPDES permit would impose conditions to ensure that there would be no adverse impacts to habitat in the vicinity of the ocean outfall diffuser port and the mixing zone as a result of the proposed project.

Response to Hawley-6

CEQA environmental review by the lead agency is the first step in the CEQA process. Typically, permitting agencies will use the CEQA document, once certified by the lead agency, for any permits needed by those permitting agencies. As stated on page 2-32, the Draft EIR "is intended to provide those agencies with information to support their decision-making process." A list of agencies and approvals is included in Table 2-10 in the Draft EIR.

Response to Hawley-7

Please see **Master Response 1 – Alternatives** for a discussion of the requirements of alternatives analysis, and a discussion of the project's analysis of alternative sites.

Heller

5/18/18

Mr. Rob Livick, P.E.

Public Works Director

City of Morro Bay

955 Shasta Ave, Morro Bay, Ca 93442

rlivick@morrobayca.gov

Re: WRF DEIR-3/30/18- review comments for the record.

How many cities (in California or elsewhere) move their existing sewer plants three miles inland to a higher elevation, tearing up the environment and wasting nonrenewable energy souces along the way?

ALTERNATIVES NOT PURSUED:

The DEIR notes that the most logical alternatives are in the Morro Valley, and as close to the existing plant as possible. Nevertheless---the City has selected a location outside the City limits in the Chorro Valley that will require nearly 6 miles of underground piping, enormous amounts electrical power (for 24/7 operations) from nonrenewable sources, and numerous other Class I and II impacts. One of the Class I impacts not discussed in the DEIR—is the potential of sewer spills from the plant if built in the proposed location. A significant spill could end up flowing to the estuary—with enormous short and long term environmental consequences. The DEIR needs to include this potentially catastrophic environmental event. 1

Additionally, and In spite of what the DEIR describes in terms of mitigating measures across the various environmental topics, it is hard to imagine a location that would have more negative impacts on the environment. *There are three other alternatives that the City has not fully pursued.*

Citizen's Alternative #1:

The City has elected to reject the most obvious alternative, which is to sit down and work with the CCC to develop a CDP application that addresses and mitigates their concerns re: SLR, tsunamis, land use, views, etc. Even though the CCC has publicly stated they will not allow a new or upgraded plant at the existing location, *the City has failed to formally submit a new CDP application proposing this alternative.* 2

The former application for upgrading the plant in place which was denied by the CCC in 2013 (at the request of the City) should not be considered an equivalent, as current sewer

treatment technologies allow for a much smaller footprint (10,000 sq. ft.) with probably no Class I impacts. If the City can mitigate CCC's concerns (which the majority of other coastal cities have done), why must the plant be moved? After all—the proposed new lift station locations will need to address CCC's concerns and will be at or near the existing plant, and other critical public infrastructure facilities (water treatment plant, desalination plant, etc.) will remain there as well.

Until the City genuinely pursues Citizen's Alternative #1", which would eliminate 95% of all Class I and II project impacts, ***the project described in this DEIR should be denied.***

2 cont.

Citizens Alternative #2:

If the CCC and the City are unsuccessful in developing a CDP to upgrade or replace the plant in place, this second alternative should be considered.

Maintain the existing facility in its current location, and purchase 5 acres of grazing land (eminent domain if necessary) east of highway 1 and south of highway 41, outside of the CCC's jurisdiction and as close to the existing plant as possible. Install supplementary sewer treatment and recycled water equipment at this location as needed to realize all project goals. Install piping which will be connected from the supplementary equipment to the existing plant, which will be maintained in place.

The proposed project location should be denied and the City of MB needs to find and select a location at or near the existing plant which will eliminate 95% of environmental impacts associated with the project as defined in the this DEIR.

3

Citizen's Alternative #3:

If the City is unable to execute Alternatives 1 and 2 noted above, then the existing plant should be "maintained in place", and a new settlement agreement should be negotiated with the CCRWQCB. Why must the plant be moved? *Because the City has failed to pursue Citizen's Alternatives #1 or #2 and has made commitments to public agencies without the support of its residents.* ***This project should be denied.***

4

How many cities (in California or elsewhere) move their existing sewer plants three miles inland to a higher elevation, tearing up the environment and wasting nonrenewable energy souces along the way?

Jeff Heller
Morro Bay resident

Comment Letter – Jeff Heller

Response to Heller-1

The City thanks Mr. Heller for submitting comments. The commenter's concern regarding potential spills into the estuary is addressed in **Master Response 3- Accidental Spills and Impacts to Morro Bay Estuary**. Master Response 3 details the measures in place to monitor, prevent, or contain any accidental spill that may occur as a result of the proposed project.

Response to Heller-2

The CCC's comment letter to the Draft EIR states the CCC has previously and publically stated its support for the overall project and its objectives, and the CCC will continue working with the City throughout the proposed WRF planning and permitting process. The CCC also stated in that letter the key reasons for denying the January 2013 CDP were the current WWTP's coastal hazard issues, including those related to ocean and riverine flooding and tsunami. The CCC also provided direction to the City to pursue a more inland facility out of the way of the currently existing sites coastal hazards issues, particularly given the exacerbation of those issues with future sea-level rise. A key goal of the CCC in its adopted 2015 Sea Level Rise Policy Guidance is to avoid the need for shoreline armoring via relocating critical public infrastructure keeping consistent with core Coastal Act objectives of relocating critical public infrastructure away from immediate shoreline and beach. Please also refer to **Master Response 1 – Alternatives** for additional information.

Response to Heller-3

The comment suggests a project alternative that would maintain the current WWTP and purchase five acres of grazing land east of Highway 1 and south of Highway 41 to build a supplementary sewer treatment and recycled water facility. The comment states a pipeline would be required to connect the current WWTP to that alternative supplementary treatment facility. The City took into consideration multiple regulatory constraints from the Regional Water Quality Control Board and California Coastal Commission when considering where to locate the treatment plant. As such, the project as proposed by the City represents its best effort at accommodating the future treatment needs of Morro Bay while taking into consideration regulatory constraints.

The commenter's proposed alternative includes keeping the existing WWTP. The CCC previously denied a Coastal Development Permit (CDP) to upgrade the WWTP. Please refer to the CCC's comment letter in this Final EIR, which expresses support for moving the existing WWTP out of the coastal flood hazard zone. The commenter's proposed alternative includes constructing a pipeline to the supplementary treatment facility that would be located within 5 acres of grazing land. Those proposed facilities are similar to those included in the proposed project and, as such, would have similar environmental impacts as the proposed project. Please also refer to **Master Response 1 – Alternatives** for additional information.

Response to Heller-4

The commenter is referred to Section 1.2 of the Draft EIR which discusses background of the project, including the RWQCB's requirements to upgrade the treatment facility to full-secondary treatment and the need to move components of the project inland and away from coastal hazards. Please also refer to **Master Response 1 – Alternatives** for additional information. CEQA does not require any and all project alternatives be considered, and alternatives analysis is only to examine ways to lessen or avoid impact to significant areas of impact in the project. Additionally, the CCC has publically made clear any CDP that maintains a wastewater treatment facility at the current site will not be allowed. As such Alternatives 1 and 2 provided by the commenter cannot be considered.

WWTP-WRF EXTRAPOLATION OF REPORT FOR EIR

(page 75)

All comments should be directed to:
Rob Livick, P.E.
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442
rlivick@morrobayca.gov

During the 45-day public review period, Comments on this Draft EIR must be received by 5:00 p.m. on the last day of the 45-day review period unless the City of Morro Bay grants an extension.

(page 1-3)

The existing WWTP is located in the Coastal Zone; as such, in order to upgrade the existing WWTP at its existing location, a Coastal Development Permit (CDP) is required from the California Coastal Commission (CCC). However, in January 2013, the CCC denied the City and CSD's project application for the CDP to demolish the existing WWTP and construct a new treatment facility on the same site. The basis for that denial included the CCC's assessment the new facilities would be inconsistent with the City's Local Coastal Plan (LCP) zoning provisions, failed to avoid coastal hazards, failed to include a sizeable reclaimed water component, and that the project location was within an LCP-designated sensitive view area.

1

(page 1-3)

Through that public outreach program, criteria were determined for the siting process, and various studies were conducted to examine the suitability of each site. Some of the
criteria included, but were not limited to, compliance with NPDES Permit requirements, distance to the City sewer collection system, avoidance of coastal hazards, minimal visual impacts, and sustainable use of public resources. In order to ensure public involvement during this process, a Citizens Advisory Committee (WRFCAC) was created in July 2014 to help oversee and evaluate the siting process.

(page 1-4)

After the 2016 comparative study was completed, the Tri-W site, which became known as the South Bay Boulevard site, was found to be the final site preference, and preliminary planning efforts began at that location based on City Council direction at that time.

(page 1-5)

The proposed project must be in compliance with Section 7 of the federal Endangered Species Act (FESA), undergo a Clean Air Act conformity analysis (if in a nonattainment area or an attainment area subject to a maintenance plan), and be in compliance with Section 106 of the National Historic Preservation Act. The CEQA document must also disclose all project-specific information listed in the outline provided by the SWRCB and demonstrate compliance with federal laws and regulations, including the Clean Water Act, Farmland Protection Policy Act, Migratory Bird Treaty Act, Flood Plain Management Act, Wild and Scenic Rivers Act, and Coastal Zone Management Act. This Draft EIR has been prepared to comply with CEQA-Plus requirements and can be used to support the required federal consultations as described below. In addition, Chapter 7 of this Draft EIR addresses all federal laws and regulations required by *SRF Guidelines*.

(section 1.5.1 CEQA)

"An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible."

(section 1.5.2 Notice of Preparation)

On August 8, 2016, an NOP for the proposed project was submitted to the California OPR, and distributed to Responsible and Trustee agencies and other interested parties for a 30-day review period that ended September 7, 2016.

(page 74)

Each potentially significant impact includes a numbered impact statement with and significance determination for the environmental impact as follows:

1 cont.

· Class I. Significant and Unavoidable: An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved per §15093 of the State *CEQA Guidelines*.

· Class II. Significant but Mitigable: An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings to be made under §15091 of the State *CEQA Guidelines*.

· Class III. Not Significant: An impact that may be adverse, but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.

· Class IV. Beneficial: An effect that would reduce existing environmental problems or

hazards.
(page 74)

AREAS OF GREATEST CONCERN "*KNOWN AREAS OF CONTROVERSARY AND ISSUES OF CONCERN*"

Commenting parties have requested the EIR evaluate impacts related to traffic at major freeway ramps and on surface roadways during the pipeline and lift station construction. Additional comments were received on impacts related to a sewage spill risk downstream of the facility, odor, and the compatibility of industrial facilities on agricultural land. The greatest area of known controversy from an environmental perspective are perceived land use compatibility issues with the WRF, including visual, noise, and odor concerns.

(page 77)

2.2 Project Location

The proposed project is located within the City and in unincorporated area of the County of San Luis Obispo adjacent to the City boundaries (sees **Figure 2-1**). The preferred WRF site is currently located in an unincorporated portion of the County adjacent to the City, while the remaining proposed infrastructure is located in the City itself. The WRF would be constructed on an approximately 10- to 15-acre area within a 396-acre parcel that is located along Highway 1, north of the northern terminus of South Bay Boulevard. The proposed Operations and Maintenance buildings would also be located within the WRF site.

(page 80)

2.3 Project Objectives

The Morro Bay City Council refined and adopted the project objectives for the proposed project on October 24, 2017. The primary goals of the proposed project have not changed. The following refined objectives reflect the input of the community and stakeholders since issuance of the NOP in 2016, demonstrating the purpose and value of the CEQA scoping process:

· All aspects of the WRF project shall be completed ensuring economic value with a special emphasis on minimizing rate payer and City expense

· Communicate WRF project progress including general project status, milestones, and budget/cost information to our community members regularly

· Produce tertiary disinfected wastewater in accordance with 22 California Code of Regulations
(CCR) 60001, *et seq.* requirements for unrestricted urban irrigation

· Design to produce reclaimed wastewater to augment the City's water supply, by either direct or indirect means, as described in a master water reclamation plan and to maximize funding opportunities

· Include features in the WRF project to maximize the City's opportunities to secure funding and maximize efficiencies, including energy generation and recovery.

· Design to minimize the impacts from contaminants of emerging concern in the future

1 cont.

· Ensure compatibility with neighboring land uses

(page 82)

Section 2.4.1 WRF

"The WRF would treat a maximum peak daily flow of 2.75 million gallons per day (MGD) and maximum average annual daily flow rate of 0.97 MGD."

"The facility design includes primary treatment; biological and tertiary treatment via or membrane bioreactor (MBR) or process that produces a similar level of water quality; advanced water treatment including membrane filtration (if needed), reverse osmosis, ultraviolet (UV) radiation disinfection, and reverse osmosis; and solids dewatering with off-site solids disposal or on-site reuse. "

"Regardless of the secondary and treatment process selected, advanced water treatment consistent with groundwater recharge requirements will be provided. All treatment processes would be covered or housed in one of the proposed WRF buildings."

(page 91)

CONVEYANCE PIPELINES

1 cont.

The proposed route of the raw wastewater and waste discharge conveyance pipelines is shown in **Figure 2-8**. The two options for the recycled water conveyance pipeline alignments are described further below and shown in **Figure 2-9**. Raw wastewater and brine/wet weather discharge pipelines would run along the proposed alignment that starts from the proposed lift station and travels east along Atascadero Road. The pipeline alignment then travels south along J Street and east around the perimeter of Lila Keiser Park, before following an existing parkway/bike path across Morro Creek. It continues southeast along the Main Street right-of-way until it joins and follows Quintana Road. It should be noted that the alignment route runs through some City streets that already support numerous existing utilities. Continuing in a southeast direction on Quintana Road, the pipeline passes through street crossings of Kennedy Way, Morro Bay Boulevard then Kings Avenue, Bella Vista Drive, and La Loma Avenue. The proposed alignment crosses under Highway 1 west of the South Bay Boulevard interchange and continues along Teresa Road to South Bay Boulevard, where it heads north towards the proposed WRF site. Both the 16-inch force main and 16-inch waste discharge pipeline would require casing for the Highway 1 crossing.

(page 97)

Section 2.4.2 (***REASON FOR OFF-SHORE PLATFORM)***

"Treated wet weather flows and/or brine from the WRF would be discharged through the existing ocean outfall, similar to existing conditions. The size and capacity of the outfall is sufficient to accommodate the proposed project. Thus, a pipeline would be built to convey treated wet weather flows and/or brine from the WRF site back to the ocean outfall in the vicinity of the existing WWTP; a new connection to the ocean outfall would be required."

"The pipeline would be designed to handle full capacity flow from the WRF, although discharges through the pipeline and outfall are intended to be minimized as advanced-treated recycled water is diverted elsewhere for beneficial reuse." ***(REASON FOR BARGE REMOVALS)*** (page 98)

2.4.4 Decommissioning of Current WWTP

1 cont.

The existing WWTP would continue in operation until the new WRF is in full operation and the system is no longer delivering flow to the existing WWTP. The timing of decommissioning would also depend on when CSD's new wastewater facility is online and operational, since that agency also uses the current WWTP to treat wastewater. The decommissioning of the current WWTP would include the shutdown, demolition, and complete removal of all WWTP facilities and infrastructure such as the piping located four to five feet below grade. **Table 2-3** lists all of the structures to be demolished and removed from the existing WWTP site. All materials would either be discarded and hauled to a nearby landfill or salvaged.

(page 98)

CONSTRUCTION SCHEDULE

54 MONTHS IF NO DELAYS

Email: chiefpropilarch@yahoo.com

Bryan H Liebig, M.A, AIA
BHL ARCHITECTURE
P.O. BOX 19040
Sacramento, CA. 95819
Tel: (916) 432-9525

Mr. Lee Kleim

18-May-18

2260 Nutmeg Ave.
Morro Bay, CA. 93443-0262

P.O. Box 262
Morro Bay, CA. 93443-0262

Tel: (805) 225-1234

REF: Righetti Property WWTP
New Plant Location
Atascadero Road, Hwy. 41
Morrow Bay, CA. 93443
Adjacent to La Purisima Ave.
✓ Tri-W Site (South Bay Boulevard site)

Mr. Lee Kleim:

In the review of many items concerning this possible WWTP –WRF-sites, several conclusions have been developed. Please reference the attached material to support some of the ***observations.***

The following are some of my OBSERVATIONS:

1. Section 1.5.1 CEQA states: "…to be reviewed in the light of what is reasonably feasible."
    a. I find the evaluation of the siting and the complexity of the outline to be a "possible" overkill.
        i. There may be too many hands in this card game.

2. Page 74 breaks down the classifications, (I, II, III, IV)
    a. My observation is that the community has built in too many complications and not enough "simplicity."
        i. They may have too many concerns and too many people having wants.
        ii. The need is to get "re-cycled" and "re-useable" water.
        iii. It appears there is too much digging and haul-off of materials.
        iv. The abundance of detail will complicate even beginning the management of the project.

2

3

3. Many companies say, and train, "Think outside the box."
    a. I find that too many people in this matter – (and this report) - are trying to climb out of the box, by constructing another wall.
    b. Water will be returned to the ocean. It will be cleaned and treated, but returned to the ocean.
    c. You are by the ocean…and the complex is located there…so why move inland?
    d. The plan is to locate one plant across the highway "one."
        i. It would still be in a bad location in case of the tsunami.
        ii. The amount of piping to take water back to the injection well (unless it is used for storage capacity) - is not cost effective.
            1. The piping is going South, then across the highway and then returning North to the well injection site.

4
4. The time for construction is 54 months.
    a. 30 months initially.
        i. This timing does not allow for bidding, estimating, contract review, site setup and investigations by sub-contractors, or the allowance for materials and products to arrive on site.
        ii. The manufacturing's of valves are a specialty item and have a lead time.
        iii. Control units must be configured and if you have different sites they employ the logistics of wiring, WiFi, satellite connections or local utilities to interface with.
        iv. The various components need to be tied together with the equal language.
        v. A test and qualification period needs to be set up.

5
5. Estimating:
    a. Because of the numerous variations and complexities in the study it will be a long lead time to have a "Project Coordinator," or team, to put in place. This should have been started.
    b. The Team should be overseeing and advising the City Council on the Contractors, time-line and costs.
    c. You have outside consultants; but I don't see anyone, or team with the above control, or contract, with the City and City Council.

6
6. **<u>CONSIDERATIONS:</u>**

    a. Gain a consultant for a "Jack-up" rig.
    b. Utilize the "Jack-up" rig for WRF and WWTP processes.
    c. Utilize barges for removal of wastes
        i. Wastes can be transported to a drying field and later re-used for soil treatments, amendments, or other properties.
    d. Have return lines to the shore; to the closest location for water.
    e. Minimize the impact of costs.

7

Email: chiefpropilarch@yahoo.com

f. Remove the existing WWTP (slowly and phased.)
g. Prepare for 2 (two) million gallons a day of processing.
h. Estimating a land based facility will be costly and time consuming.
i. A "Jack-up" rig and WRF may be possible with less time.

7 cont.

Respectfully;

Bryan H. Liebig.

Comment Letter – Lee Kleim and Bryan H. Lieibg

Response to Kleim/Lieibg-1

The commenter copied language directly from the Draft EIR, mainly from Chapters 1 and 2, which provide background information and the proposed project description. Some of the commenter's later comments appear to refer back to some of the extracted Draft EIR text. No further response is warranted, but please refer to subsequent responses to this letter.

Response to Kleim/Lieibg-2

The comment is noted. Per CEQA Guidelines Section 15151, which is quoted in the Draft EIR Section 1.5.1 and also noted by the commenter, "[a]n evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible."

Response to Kleim/Lieibg-3

The comment notes language used on page ES-6 of the Draft EIR, which reiterates the significance determinations used in CEQA. The comment is noted for the record.

The commenter also states opinion and observation and does not state any specific comments regarding the adequacy of the analysis contained in the Draft EIR. Those comments expressing opinion do not address a "significant environmental issue" regarding the Draft EIR and, therefore, do not require further response per CEQA Guidelines subdivision 15088(c).

Response to Kleim/Lieibg-4

The commenter expresses opinions about design parameters of the proposed project analyzed in the Draft EIR. The commenter is referred to Section 1.2 of the Draft EIR, which discusses background of the proposed project and the need to move components of the proposed project inland and away from coastal hazards.

Regarding the comment about tsunamis, the Draft EIR on page 3.9-9 states "the preferred WRF site is located further upland and outside of a tsunami hazard zone." As further analyzed starting on page 3.9-42, the City states impacts related to the proposed project from tsunamis would be less than significant.

Response to Kleim/Lieibg-5

As stated in the Draft EIR on page 2-23, the construction of the proposed project would take 36 months, not 54 months like the commenter suggests. The construction start date is when construction would begin; all other pre-construction activities would occur after the Final EIR is, if at all, certified, and prior to the start of construction, estimated to be in June 2019.

Response to Kleim/Lieibg-6

If and when the Final EIR is certified, the City would initiate the design/build process with the firm selected to design and build the proposed WRF.

Response to Kleim/Lieibg-7

The commenter's request for alternative methods and technology for proposed project construction equipment and proposed project components is unclear. Regarding alternatives to the proposed project, the commenter is referred to **Master Response 1 – Alternatives**. The commenter also states opinion and observation and does not state any specific comments regarding the adequacy of the analysis contained in the Draft EIR. Those comments expressing opinion do not address a "significant environmental issue" regarding the Draft EIR and, therefore, do not require further response per CEQA Guidelines 15088(c).

Levulett

Rob Livick, P..E.
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442
rlivick@morrobayca.gov

May 18, 2018

Dear Rob:

Thank you for the opportunity to review the Morro Bay Water Reclamation Facility Draft Environmental Impact Report (EIR, March 2018). The document is thorough, well organized, and reflects a tremendous amount of work on behalf of the City and their consultants.

The EIR reflects the City's commitment to community concerns regarding project siting, technology, construction impacts, and the subsequent operation and maintenance of the new facility and its features.

I support the proposed projects stated goal to:

"...provide opportunities for the City to produce and beneficially reuse advanced recycled water and to meet or exceed all wastewater treatment requirements of the California State Water Resources Control Board (SWRCB). The beneficial end use for the advanced treated recycles water is indirect potable reuse (IPR) through groundwater replenishment (ES-1)."

I support of the City's stated Project Objectives (page 2-4). I also encourage continued exploration of alternative funding sources and design modifications as a means to address the City's first objective:

"...All aspects of the WRF project project shall be completed ensuring economic value with a special emphasis on minimizing rate payer and City expense."

1

Comments

This review includes a few technical comments (e.g. choose between right-of-way or ROW, etc) and address areas in the report that may benefit from further clarification.

Page E-S-1, para 1, lines 6 and 7: "...proposed project would provide wastewater treatment services for the City and potentially additional surrounding communities or customers." I know that recycled water for local agricultural purposes was discussed, but I don't remember a discussion of providing recycled water to other communities. And, such distribution is not listed in the City's identified project goals.

Page E-S-1, para 2, lines 2: I recommend that you use the same language in regard to the intended purpose of the EIR. See page 1-6, which includes public involvement, not just public agencies. Decide on one description for the purpose of the EIR and use throughout.

Page E-S-3, para 1, line 12: change to: "...for renewal *of the* NPDES permit..."

2

General Comment Project Background Executive Summary, Introduction and Background and Alternatives Analysis

The project background sections, in the Executive Summary, Chapter 1 (Introduction and Background), and Chapter 6, (Alternatives Analysis) are short in detail. They do not adequately portray the tremendous amount of work that went into the development of the project. The City should provide a detailed accounting of who did what, when, and where. This information could be summarized in a table format, with critical decision points highlighted. The City should make greater use of previous siting reports, technical studies, summary reports and presentations, largely accomplished by John F. Rickenbach and Mike Nunley. As a decision making document, these sections should be written for the "cold reader." 3

I also encourage the City to develop a table that documents its public outreach program. It is enough to sufficient to state that you conducted public outreach. The EIR is a poor reflection of how the project was developed and City efforts to engage the public. Again, the City could make better use of the various reports, technical studies, and presentations prepared by John F. Rickenbach and Mike Nunley.

Page ES-4, para 3,: I recommend you insert a statement, and elsewhere in the EIR, regarding CSD future commitment to demolition of the existing treatment facility.

Project Alternatives

The No Project Alternative, para 4: Would it be beneficial to cite recent written guidance prepared by the California Coastal Commission regarding coastal development, as well as recent communication and engagement between the City and Coastal staff (verbal and written)? 4

Alternative 2: Pipeline Alignment Alternative: When and how was this alternative developed? Was it discussed at City Council meetings or a public workshop? Were studies conducted to verify impacts, although impacts to the community are obvious. 5

Alternative 3: Were studies completed to verify impacts and to address the sizing issue? 6

Page ES-11, para 3, line 10: It is not clear how Alternative 2 would be a reduction in the number of cultural sites since there are two potential sites along the pipeline, similar to the number of sites affected by the conveyance alternatives currently under consideration for the proposed project. 7

Significant Unavoidable Environmental Effects and Irreversible Environmental Changes

The Draft EIR describes potential impacts of the proposed project and recommends mitigation measures to reduce impacts. The proposed project: 8

"...particularly construction of conveyance pipelines and IPR injection and monitoring wells, would result in significant and unavoidable impacts to historic and archaeological resources and human remains that would not be reduced to less than significant levels even with mitigation. The alternatives analysis considers a Pipeline Alignment Alternative that may reduce the number of cultural resources affected but would not completely avoid such resources, and as such would also result in significant and unavoidable impacts."

No doubt there is the potential for disturbance to archaeological resources and human remains within the proposed project alternatives for conveyance, the IPR injection wells, and the monitoring wells. That assessment, however is not based on current subsurface investigations to determine if known and nearby sites are indeed located within the Area of Direct Impact (ADI). The assessment is based on surface surveys, previous studies, and modeling for the potential for buried resources. A good portion of the more sensitive areas are obscured by roads, residential and commercial development. With a few exceptions, previous subsurface investigations are limited in scope, and the precise site boundaries are not know.

The City is correct in taking a cautionary stance regarding impacts, however, further field work may reveal an absence of cultural resources. In addition, subsequent design modifications and construction activities may lead to minimal impacts, which is major objective of the City. And, as revealed in later sections of the EIR, the City has made great effort to minimize potential impacts to cultural resources as reflected in their extensive mitigation measures and procedure that will be followed prior to construction and during construction. It is apparent that every effort will be made to plan for and fully evaluate any potential cultural resources located within the ADI.

8 cont.

Mitigation Measures

Biological Resources:

9

Bio-1, first bullet: spell out CRLF and MSS.

10

Bio-3: Morro Shoulderband Snail: Has a time line been developed for surveys, preparation of the biological assessment and acquisition of the biological opinion. Can those activities be successfully completed prior to construction?

Geology, Soils, and Seismicity

11

Additional studies are proposed to address potential seismic induced ground shaking, liquefaction, and landslides that could damage structures and endanger employees. Design criteria, as identified in a future geotechnical investigation, would reduce risk of loss, injury or death. Mitigation measures specify that those geotechnical investigations shall be incorporated into the design of the facility prior to construction.

12

Do the current Design/Build proposals for the WRF take into consideration potential costs associated standard structural reinforcement that may be necessary? Does the City anticipate any substantial costs increases due to structural modifications?

Air Quality

13

3.3-5: "A substantial number of people will not be affected by objectionable odor." Will residents of the nearby Bayside Care Center be affected by odor emanating from the facility?

Chapter 2

14

Page 2-15, Conveyance Pipelines, para 2: This section is difficult to follow. Discussion of the raw wastewater and brine/wet weather discharge pipelines switch back in forth; referring to a proposed alignment, a pipeline alignment, an alignment, the pipeline, then back to a proposed alignment. They are two separate pipelines that transport material in opposite direction; one transports raw sewage from

the lift station to the new treatment facility, and the other transports brine waste to the ocean outfall. They share a common alignment. See 3.1-3 where you use the term "common alignment," which is preferred. The reference to J Street is not used in other sections of the draft EIR.

Page 2-21, Recycled Water Distribution System and Injection Wells, para 2, lines 3-5: This paragraph discusses the two proposed injection well locations (IPR-East and IPR-West). It is is my understanding that injection wells would be sited on both private and public property or rights-of-way. As written it suggests that the injection wells would be sited on "...vacant lands owned by the City or within rights-of-way..." 15

Page 2-22, Decommissioning of Current WWTP: As noted previously, there should be a short discussion regarding coordination with Cayucos. 16

Page 2-23, Table 2-4 does not include decommissioning of the existing plant as a project component, however, on page 2-24, Table 2-5 equipment needs are identified as part of the decommissioning of the existing plant. Do you want to add Decommission of Current WWTP under Project Component, include activities, duration and construction equipment? 17

Page 2-25, para 3, line 4: Indicates that construction would occur over a 24 month period; Table 2-4 states that this is a 30 month operation. Table-6, add comma to Soil Removal-2,665. 18

Page 2-28, Conveyance Pipelines and Force Main, para 4, lines 3 and 4: Are you referring to the bike path bridge over Morro Creek? I don't believe the existing bridge could carry load for any of the proposed pipelines. Would a new bridge be required? 19

Page 2-30, Decommissioning of Existing WWTP, para 1, line 5: Add a statement that decommission of the existing facility would occur based upon a mutual agreement between the City and the CSD. 20

Page 2-31, O&M Buildings, para 1: Use this description. Previous section did not identify all components, such as the laboratory. 21

Page 3.1-1, Local Setting, para 1: Redundant.

Page 3.1-3, Pipelines: This description of pipelines appears to switch back and forth when discussing the three different pipelines and their proposed alignments (raw waste, brine, and recycled water). Specifically, are the statements found in lines 4-8 correct? 22

Page 3.1-4, Injection Wells: This section does not include the City owned property and right-of-way as noted in previous sections. 23

Page 3.2-5, State Scenic Highway Program, lines 11, "State Rout 41 is a Designated State Scenic Highway, but not officially designated." Can you clarify? 24

Biological Resources

General Comment: This chapter is very informative and mitigation measures a thorough. The document, however, appears to flip back and forth in regard to the potential for California-red legged frog, steelhead, and tidewater goby. Please compare the text throughout and the information provided in the Table 3.4-1. The author also assumes that directional boring will eliminate major impacts at the 25

creek crossing, particularly at Morro Creek. Size of equipment and materials are substantial. The project will need to take into consideration the area needed for construction set-up, equipment operation and storage.

Cultural Resources

General Comment: This chapter is informative and the mitigation measures are thorough and well thought out. Several cultural resources have been identified within the proposed alignments for the conveyance of wastewater, brine and recycled water. Can the proposed wastewater and brine alignments be reconfigured to eliminate the running the pipelines along Morro Creek and through Lila Keiser Park? This may reduce impacts to known cultural resources and areas of high sensitivity for buried archaeological sites. In its place the wastewater and brine would parallel Highway 1 and utilize Atascadero Road. 26

Additional hydro-geologic studies are required prior to selection of the injection well field (IRR East or IPR West). This will determine the recycle water pipeline alignment (east or west of the highway). Additional studies are needed to determine if cultural resources are located within the ADI for the chosen recycle pipeline. In addition, the City has identified large parcels of land that could be used for two or three well locations that have a relatively small impact area (200 sq ft). Examination of the entirety of the potential well field would take a substantial amount of time and money. Once an IPR well field is chosen, the design team, and the project archaeologist and biologist should work together to hone down suitable locations for the injections sites. Those specific areas would require close examination for archaeological and biological resources and site specific mitigation measures can be developed as necessary. 27

Page 3.5-7, para 3, line 1: What is brush lupia? What you mean by greasewood, since this generally refers to a plant associated with desert habitat. Para 6, line 1, spell out WPA. 28

Identification of Cultural Resources in the Project Site

Page 3.5-8, para 2: This section does not indicate whether all of the sites identified within or adjacent the proposed area result from surface survey, records search only or both. Para 3, Please include a citation in the text of the draft EIR, as well as in the references cited on 3.5-1 and 3.5-34 as to who prepared the historic resources survey for the existing facility. Para 4, Is LACM the correct abbreviation for the Natural History Museum of Los Angeles County? Cite McLeod 2018 in paragraph 4. 29

Buried Archaeological Site Assessment 30

Page 3.5-10, para 2: This paragraph is confusing and the authors should revise.

Regulatory Framework

Page 3.5-11, para 1-3: Were provisions developed to consult with the Advisory Council on Historic Preservation (ACHP) under the requirement of CEQA Plus? Has a time line been developed to complete the necessary for consultation with the SHPO, the ACHP, and representatives from Native American community? 31

Page 3.5-16, Archaeology Policies: 4.02 line 2, clean up spacing, line 5 delete period, add comma (?); 4.0 line 2, delete period, add comma (?); 4.07 should read all available measures... 32

Page 3.5-20, Construction, para 1: Do you want to add that CA-SLO-165 was determined eligible for listing on the National Register of Historic Places on (give date)? 33

Page 3.5-22: Do you want to break out what sites or number of sites are associated with each proposed conveyance pipeline and each well field? 34

Page 3.5-34, 3.15-10, References: Change Caste to Castle. 35

Page 3.5-25, CUL-3: Are there provisions in place for the archaeologist to work with the City and the design team responsible for the conveyance systems, and the injection and monitoring well locations. 36

Geology, Soils, and Seismicity

See previous comments regarding additional studies that will be conducted during the design phase and how those studies might affect project cost. Have those potential structural requirements been taken into consideration as part of the Design Build proposals? 37

Hazardous Materials at the Existing WWTP

Page 3.8-1, para 2: Asbestos and lead based paint studies should be re-visited prior to demolition since it is likely that more than 10 years will have transpired from time of the initial studies. 38

Hydrology and Water and Water Quality

This chapter is thorough and well-written. It addresses many of the questions that have been raised by members of the community regarding the feasibility of IPR and impacts to local groundwater and salt water intrusion. 39

Page 3.9-24, para 4, line 3: quantify not quantity
Page 3.9, para 4, line 9: eliminate "t".

Growth Inducement

This chapter is thorough and well-written. It addresses many of the questions that have been raised by members of the community regarding population and the potential for growth inducement, number of residential and commercial services, peak periods, and existing and future wastewater capacity. 40

Alternatives Analysis

See comments on Executive Summary and Chapter 1. The authors could make better use of previous work prepared by John F. Rickenbach and Mike Nunley. Summary tables would help guide the reader. 41

Page 6-11, para 1, Alternative 1: According to all of the public meetings I have attended and review of reports, upgrade of the existing plant to treat to current secondary standards would not be a minor undertaking and would be subject to coastal permit requirements.

Page 6-12-13, para 1: Again, we do not have sufficient information to determine whether or not cultural resources are located within the impact area for the proposed pipeline alignment.

Page 6-14-6-15: Similar to previous comments, were studies ever completed to determine the potential impacts?

42

General comment: The City does not provide a good explanation for dropping Giannini. To say it has too many issues does not really identify what those issues are. In regard to Righetti the project was dropped due to fear of litigation. If a project alternative is dropped due to risk of litigation, it is unlikely any public agency would go forward with any project. I am not sure that fear of litigation is sufficient reason to drop an alternative from further consideration. The City may want to address public concern regarding the siting of the project,

43

Valerie A. Levulett
Morro Bay, CA

Comment Letter – Valerie Levulett

Response to Levulett-1

The City thanks Ms. Levulett for her comments and support of certain goals and objectives of the proposed project.

Response to Levulett-2

The statement on page ES-1, paragraph 1, lines 6 and 7 of the Draft EIR pertain to the potential, though not anticipated opportunity, to provide wastewater treatment services for other communities or customers rather than provision of recycled water for a water supply. While the EIR's project objectives do not specifically state connections to surrounding communities or other customers, the City may potentially use future partners in its wastewater treatment operations within the limitations of growth management restrictions, both within the City and other jurisdictions as appropriate. See also Response to Hawley-1, above.

Regarding the commenter's concern over language cited in CEQA Guidelines subdivision 15121(a), the City does intend for this Final EIR to be a document used both by public agency decision makers and the public generally. As a result, the Draft EIR text on page ES-1 is modified as follows:

> As described in Section 15121(a) of the CEQA Guidelines, this Draft EIR is intended to serve as an informational document for pertinent public agency decision makers and the public.

In response to the commenter's note about a typo in the Draft EIR, the text on page ES-3 is modified as follows:

> The existing WWTP has operated under that modified permit since its last upgrade in 1984. On July 7, 2003, the City submitted an application for renewal of the NPDES permit to USEPA and Central Coast Regional Water Quality Control Board (RWQCB) which expired in March 2014.

Response to Levulett-3

The City appreciates Ms. Levulett's suggestion to include more detail about the history of the proposed project and the amount of work conducted by agencies and stakeholders to develop the proposed project. At this time, the level of detail is appropriate, for CEQA purposes, to understand the basis for and background of the project as proposed and more detail is not necessary to understand the possible environmental impacts of the proposed project. CEQA does not require extensive historical background information for a proposed project. CEQA Guidelines section 15124 includes the requirements for an EIR's project description, which should "not supply extensive detail beyond that needed for evaluation and review of the environmental impacts." In addition, CEQA requires a description of the baseline environmental setting to be used for evaluating impacts (CEQA Guidelines Section 15125(a)). Additional historical detail

about the proposed project may be appropriately included in the presentations to decision-makers, as needed to better understand the context of the proposed project, before any final decisions are made regarding the proposed project.

Regarding the suggestion to clearly state CSD's future commitment to demolish the existing WWTP, the Draft EIR includes language stating the existing WWTP is owned and operated jointly by the City and CSD (Draft EIR page 1-1) and demolition of the existing treatment facility will need to occur, but not until both the City's WRF and the CSD's new treatment facility are operational and online (Draft EIR page 2-22). Such decision and implementation of the demolition would be dealt with by both public bodies at the appropriate time and in the manner required by the current agreement between them.

Response to Levulett-4

The CCC's comment letter to the Draft EIR states the CCC has previously and publically stated its support for the overall proposed project and its objectives, and the CCC will continue working with the City throughout the proposed WRF planning and permitting process. The CCC also stated in that letter the key reasons for denying the January 2013 CDP were the current WWTP's coastal hazard issues, including those related to ocean and riverine flooding and tsunami. The CCC also provided direction to the City to pursue a more inland facility out of the way of the currently existing sites coastal hazards issues, particularly given the exacerbation of those issues with future sea-level rise. A key goal of the CCC in its adopted 2015 Sea Level Rise Policy Guidance is to avoid the need for shoreline armoring via relocating critical public infrastructure keeping consistent with core Coastal Act objectives of relocating critical public infrastructure away from immediate shoreline and beach. Please also refer to **Master Response 1 – Alternatives** for additional information.

Response to Levulett-5

The pipeline alternative is described in Chapter 6 as Alternative 2. The City has investigated multiple pipeline routes using assessment criteria that include, but are not limited to, utility impacts/conflicts, right of way procurement, and environmental/cultural constraints. The alternative route was included to lessen impacts related to cultural resources. As noted in the comment, the Draft EIR concludes that alternative alignment would have increased traffic impacts along the waterfront. No traffic studies were conducted with respect to the waterfront, but the disruption along the waterfront is likely, due to the need for lane closures during construction.

Response to Levulett-6

As stated in the Draft EIR on page 6-14, during preparation of the draft Facility Master Plan and Master Water Reclamation Plan (MWRP), alternative treatment technologies and associated site plan configurations were considered. Alternative 3 is based on the work done to evaluate alternative WRF designs for the draft Facility Master Plan.

Response to Levulett-7

While Alternative 2 would potentially involve impacts to two additional known cultural resources sites, it would avoid certain cultural resource sites along the proposed project's pipeline alignment. However, even with the reduction in number of cultural sites impacted, significant and unavoidable impacts would still remain due to impacts to the two additional known sites.

Response to Levulett-8

Since previous studies and surveys have indicated a high potential to uncover cultural resources, the Draft EIR as currently written is appropriately conservative in its analysis and mitigation measures required during construction activities. If the Final EIR is certified, then the City would have chosen to adopt those conservative measures to protect any cultural resources discovered to the utmost degree. The commenter is correct the City has made every effort to plan for, evaluate, and mitigate any impacts to cultural resources located within the area of direct impact (ADI).

Response to Levulett-9

In response to the comment, the Draft EIR has been modified to more clearly identify terms included in Mitigation Measure BIO-1 on pages ES-27 and 3.4-41.

> 1. The program shall include information on San Luis Obispo owl's clover and the life history of steelhead, California red-legged frog (CRLF), Morro shoulderband snail (MSS), and other raptors; nesting birds; as well as other wildlife and plant species that may be encountered during construction activities.

Response to Levulett-10

Any surveys associated with Mitigation Measure BIO-1 would be conducted prior to construction. All permits associated with biological resources are required to be secured prior to construction, per federal and state laws. Any delays in permit acquisition would affect the start of construction.

Response to Levulett-11

The commenter's summary of geologic impacts and mitigation measures is noted for the record.

Response to Levulett-12

The comment regarding cost associated with standard structural reinforcement of the proposed WRF is unrelated to the environmental review associated with CEQA, and an EIR is not the appropriate forum to respond to this question in detail. The City has considered costs associated with structural enhancements consistent with design requirements. The need to implement mitigation commitment from the Draft EIR was factored into the request for proposals for the design/build contract.

Response to Levulett-13

Residents of the Bayside Care Center would not be affected by odor emanating from the proposed WRF facility. As stated in the Draft EIR on page 3.3-24, "actual odors produced from a facility the size of the WRF tend to dissipate within a few hundred yards of the equipment. As such, at a distance of approximately 1,200 feet from the edge of the Bayside Case Center to the proposed WRF headworks, it would be reasonable to expect odorous emissions to dissipate and not cause nuisance, particularly when intervening topography would also act as a barrier to odor."

Response to Levulett-14

The commenter's confusion with the description of conveyance pipelines is noted. In response, the Draft EIR text has been modified on page 2-15 as follows:

Conveyance Pipelines

The offsite conveyance pipelines are comprised of a new force main to convey raw wastewater from the existing collection system and proposed lift station to the WRF site, a recycled water pipeline to convey treated water from the WRF to injection wells, and a waste discharge pipeline to convey brine or treated wet weather flows (compliant with California Ocean Plan discharge requirements) to the ocean outfall.

The proposed route of the raw wastewater pipeline from the proposed lift station to the WRF and brine/wet weather discharge pipelines from the WRF back to the ocean outfall ~~waste discharge conveyance pipelines~~ is shown in **Figure 2-8**. It should be noted those two pipelines would share a common alignment depicted on Figure 2-8 and described below. ~~The two options for the recycled water conveyance pipeline alignments are described further below and shown in **Figure 2-9**.~~ Raw wastewater and brine/wet weather discharge pipelines would run along the proposed alignment that starts from the proposed lift station and travels east along Atascadero Road. The pipeline alignment then travels south along J Street and east around the perimeter of Lila Keiser Park, before following an existing parkway/bike path across Morro Creek. It continues southeast along the Main Street right-of-way until it joins and follows Quintana Road. It should be noted that the alignment route runs through some City streets that already support numerous existing utilities. Continuing in a southeast direction on Quintana Road, the pipeline passes through street crossings of Kennedy Way, Morro Bay Boulevard then Kings Avenue, Bella Vista Drive, and La Loma Avenue. The proposed alignment crosses under Highway 1 west of the South Bay Boulevard interchange and continues along Teresa Road to South Bay Boulevard, where it heads north towards the proposed WRF site. Both the 16-inch force main and 16-inch brine/wet weather discharge ~~waste~~ discharge pipeline would require casing for the Highway 1 crossing.

Treated wet weather flows and/or brine from the WRF would be discharged through the existing ocean outfall in the vicinity of the WWTP, similar to existing conditions. The size and capacity of the outfall is sufficient to accommodate the proposed project. Thus, a pipeline would be built to convey treated wet weather flows and/or brine from the WRF

site back to the ocean outfall in the vicinity of the existing WWTP; a new connection to the ocean outfall would be required. Flow through the pipeline would be pumped from the WRF site to the high point along the Quintana Road alignment, then likely be gravity driven to the outfall based on topography. The pipeline would be designed to handle full capacity flow from the WRF, although discharges through the pipeline and outfall are intended to be minimized as advanced-treated recycled water is diverted elsewhere for beneficial reuse.

The two options for the recycled water conveyance pipeline alignments are shown in **Figure 2-9**. Both alignments would begin at the proposed WRF and travel northwest towards new injection well areas in the vicinity of the existing WWTP. The IPR West alignment would be located to the west of Highway 1 and would generally follow the same alignment for the raw wastewater and brine/wet weather discharge conveyance pipelines described above. The IPR East alignment would be located east of Highway 1 as shown on Figure 2-9. More information on the recycled water distribution system is found in Section 2.4.3 below.

Response to Levulett-15

The precise location for proposed injection wells has not been determined, but every effort will be made to locate those on public land owned by the City or within existing public right-of-way.

Response to Levulett-16

The commenter is referred to Response to Levulett-3 for a discussion of the relationship to CSD.

Response to Levulett-17

The City acknowledges decommissioning of the existing WWTP is not included in Table 2-4, even though decommissioning is included in the project description and analyzed throughout the Draft EIR. In response, the Draft EIR text has been modified on page 2-23 as follows:

TABLE 2-4
ESTIMATED CONSTRUCTION DETAILS

Project Component	Activities	Duration	Construction Equipment
WRF	Vegetation removal, grubbing, excavation, stockpiling, truck loading/transport, backfilling, paving	30 Months	Backhoes, excavators, cranes, dump trucks, front end loader, water trucks, paver, rollers, flatbed delivery trucks, concrete trucks, pickup trucks, compressors, and jackhammers
Conveyance Pipelines	Pavement removal, pavement replacement, excavation, trenching	12 Months	Backhoes, excavators, crane, dump trucks, front end loader, water trucks, paver, roller, flatbed delivery trucks, concrete trucks, trenchless construction equipment (horizontal directional drilling rig, pilot tube guided boring machine, auger bore and jack equipment, etc.), pickup truck, compressors, jackhammer
Lift Station	Grading, excavation,	10 Months	Pile driving and/or ground improvement grouting equipment, auger truck, backhoe, boom lift truck, excavator, plate compactor, scaffolding dump

Project Component	Activities	Duration	Construction Equipment
			trucks, front end loader, pickup truck, water trucks, paver, rollers, flatbed delivery trucks, and concrete trucks
Injection Wells	Drill rig for well completion and equipping of wells	2 Months	Dump trucks, flatbed delivery trucks, pickup truck
Decommissioning of Existing WWTP	Permit issuance, demolition, removal of material, excavation, backfilling, compaction, grading	3 months	Backhoes, compactor, excavator, jackhammers, loaders, pickup trucks, rollers, water truck

Response to Levulett-18

Page 2-25 states construction workers would be at the preferred WRF site for 24 months. There are other activities associated with the 30-month construction duration noted in Table 2-4 (such as vegetation removal) that would not require construction workers. Each duration cited by the commenter is correct and no modifications are required to the Draft EIR.

Regarding the typographic comment on Table 2-6, a comma is added under the first line as indicated below.

Soil Removal 2,665

Response to Levulett-19

The paragraph in question is not referring to any one particular location, but leaves open the possibility of pipeline suspension or directional drilling as a method of construction for proposed pipelines. If pipeline suspension is not possible due to load constraints, then directional drilling or some other trenchless method of construction would be implemented.

Response to Levulett-20

The commenter is referred to Response to Levulett-3 for a discussion of the relationship to CSD.

Response to Levulett-21

Regarding the description of the O&M Building, the comment is noted for the record.

Regarding the comment about Regional/Local setting in Section 3.1, the settings may be redundant depending on the resource and location. This noted description is appropriate for aesthetics.

Response to Levulett-22

The commenter's confusion with the description of conveyance pipelines is noted. In response, the Draft EIR text has been modified on page 3.1-3 as follows:

> The collection system would include a lift station discussed above and multiple pipelines running along a common alignment between the lift station and the proposed WRF site.

> The alignment shown in Figure 2-2 (see Chapter 2) would include: (1) a force main (raw wastewater) pipeline; (2) a ~~waste~~ brine/wet weather discharge pipeline; and (3) two options for a recycled water pipeline (IPR West and IPR East). Specifically, the proposed pipeline alignment for the raw wastewater (force main)/brine discharge pipeline and the IPR West recycled water pipeline would travel westward from the proposed WRF along Highway 1 then through residential areas along Quintana Road to the proposed lift station. The pipelines would primarily be constructed within public ROWs. The IPR East recycled water pipeline alignment would travel east of Highway 1 through open space as shown on Figure 2-2.

Response to Levulett-23

This description of the injection wells is focused on noting the aesthetic resources in the area and, therefore, may not match the land use descriptions included in the Project Description.

Response to Levulett-24

The Draft EIR inadvertently included the wrong designation for State Route 41 in the Regulatory Framework section. The City would like to note, however, the correct "eligible" designation is included in the Setting and Impacts and Mitigation Measures sections of Chapter 3.2 of the Draft EIR. In response to the comment, the text of the Draft EIR on page 3.2-5 is modified as follows:

> Further, State Route 41 is an ~~Designated~~ Eligible State Scenic Highway, but not officially designated.

Response to Levulett-25

The commenter's note about the informative and thorough content of Section 3.4-24, Biological Resources, is noted for the record. The commenter states the Draft EIR discussion of the California red-legged frog, steelhead, and tidewater goby is not clear. The Draft EIR concludes the proposed project would not have significant and unavoidable impacts to the California red-legged frog, steelhead, or tidewater goby.

The commenter states construction equipment associated with directional boring will take sizeable equipment that could substantially impact biological resources. The City acknowledges in the analysis starting on page 4.3-38 construction-related activity (including equipment staging) could contribute to impacts to biological resources. Mitigation Measure BIO-2 includes avoidance and protection measures to be implemented during all construction, operation, and decommissioning activities. With implementation of this measure and other mitigation measures, the Draft EIR found impacts to special-status species would be less than significant.

Response to Levulett-26

As described in the Draft EIR in Chapter 6 Alternatives Analysis, the City considered Alternative 2, which would move a segment of the raw wastewater pipeline to a different alignment along Embarcadero Road to the west of the existing WWTP and proposed lift station, traveling south

and then east along Pacific Street, and meeting with the currently proposed raw wastewater pipeline at Butte Street. That segment under Alternative 2 would result in construction near two different and known cultural resources sites, may result in geotechnical challenges along the waterfront, and would result in a significant increase of construction impacts related to traffic, air quality and noise. Further, that segment of pipeline under Alternative 2 would require acquisition of additional rights-of-way through residential property. Comparison of Alternative 2 impacts to the proposed project impacts indicate Alternative 2 would meet the proposed project's objectives, and would result in a reduction in impacts on number of cultural resources sites, although impacts to cultural resources would still remain significant and unavoidable similar to the proposed project. In addition, Alternative 2 would increase the costs to the City related to construction and would result in more severe impacts on air quality, noise, and traffic.

The City notes the suggested pipeline alignment along Highway 1 and Atascadero Road. The City has investigated multiple pipeline routes, including an option that is like the one described by Ms. Levulett. That alternative is currently being assessed based on criteria that include, but are not limited to, utility impacts/conflicts, right of way procurement, and environmental/cultural constraints.

The Draft EIR identified the proposed project as the environmentally superior alternative based on a variety of factors. As an informational document, the Draft EIR allows the lead agency to make an informed decision whether to approve or disapprove a project or alternative (CEQA Guidelines subdivision 15121). As the Lead Agency, the City will decide whether to proceed with the proposed project or whether to accept or reject any of the identified alternatives.

Response to Levulett-27

Mitigation Measure CUL-2: Pre-Construction Phase I Cultural Resources Survey requires survey of all area that have not been previously surveyed within the last 5 years. That would include the final Area of Direct Impact (ADI) for the recycled water pipeline aliment and well locations that have not been surveyed in the past 5 years. Mitigation Measure CUL-3: Avoidance and Preservation in Place of Archaeological Resources requires the City to avoid and preserve in place any resources that are identified as potentially qualifying as historical resources or unique archaeological resources under CEQA as the preferred manner of mitigating impacts to archaeological resources. Given that wells have a small impact area (200 square feet) and they can be moved more easily than a pipeline, it is anticipated that impacts to archaeological resources could be avoided in the well fields.

Response to Levulett-28

Brush lupia refers to a historic plant found in the area. Greasewood is native to locations other than desert habitat.

Response to Levulett-29

The cultural resources sites identified are a result of a combination of surface survey and records search. In response to this comment, the text on page 3.5-8 of the Draft EIR has been revised as follows:

> A total of 19 cultural resources have been identified within a 0.25-mile radius of the proposed and preferred project sites as a result of records searches at the CHRIS-CCIC and pedestrian surveys (**Table 3.5-2**).

Regarding the 2009 historic survey report, the report is titled *Morro Bay Wastewater Treatment Plant Upgrade Project, San Luis Obispo County, California, Archaeological Survey and Historic Resources Evaluation Report* prepared by ESA (Brad Brewster) in 2009. This report was completed for a previous EIR. In response to this comment, the text on page 3.5-1 of the Draft EIR has been modified as follows:

> *Morro Bay Wastewater Treatment Plant Upgrade Project, San Luis Obispo County, California: Archaeological Survey and Historic Resources Evaluation Report* (Brewster, 2009)

Also in response to this comment, the text on page 3.5-8 of the Draft EIR has been revised as follows:

> A historic resources survey of the WWTP was conducted on January 30, 2009 (Brewster, 2009).

LACM is the abbreviation for the Natural History Museum of Los Angeles County commonly used by professional paleontologists.

> A paleontological resources records search was requested from the Natural History Museum of Los Angeles County (LACM) in an effort to identify paleontological resources and/or fossil-bearing geologic formation, which may underlie the proposed and preferred project sites.

Also in response to this comment, the text on page 3.5-34 of the Draft EIR has been revised as follows:

> Brewster, Brad, *Morro Bay Wastewater Treatment Plant Upgrade Project, San Luis Obispo County, California: Archaeological Survey and Historic Resources Evaluation Report*, prepared for the City of Morro Bay, prepared by Environmental Science Associates, February 2009.

McLeod 2018 is cited on page 3.5-10 under Paleontological Resources Records Search and not inserted into the text requested by the commenter.

Response to Levulett-30

The paragraph referred to by the commenter means the proposed project components located to the north on Figure 2-2 are identified as having a High to Highest potential for buried resources, while the project features at the southern end of Figure 2-2 have less potential.

Response to Levulett-31

Regarding the question whether consultation was conducted with the Advisory Council on Historic Preservation (ACHP) under the requirement of CEQA Plus, consultation with ACHP would be conducted by the lead federal agency, who is responsible for completing all consultation required by Section 106 of the National Historic Preservation Act.

All required Section 106 consultation with SHPO, ACHP, and Native American representatives is the responsibility of the lead federal agency and must be conducted prior to federal funding, permitting, or approval of the project and prior to construction. Any delays in consultation would affect the start of construction.

Response to Levulett-32

The commenter is requesting minor typographic modifications to the 1982 City of Morro Bay Land Use Plan included on page 3.5-16 of the Draft EIR. The text is able to be understood despite the typos, but the City appreciates being made aware of these. No Draft EIR revisions are provided.

Response to Levulett-33

The commenter referred to the discussion on page 3.5-20, which itself is referring to impacts to "historical and archaeological resources" as defined in CEQA Guidelines section 10564.5. Table 3.5-3 indicates that CA-SLO-165 was determined eligible for the NRHP, and is listed in the CRHR (resources determined eligible for the NRHP through the Section 106 process are automatically listed in the CRHR). Under CEQA, eligibility for the NRHP is not one of the definitions of "historical resource." According to CEQA Guidelines subdivision 15064.5(a), historical resources are those that area listed in or determined eligible for listing in the CRHR, those that are listed in a local register of historical resources or identified as significant in a historical resources survey, and those that are determined to be eligible by the lead agency as supported by substantial evidence (i.e., meet the criteria for listing in the CRHR). Thus, only the CRHR status of CA-SLO-165 is relevant to the discussion of impacts to historical resources and the City as decided to leave the text as-is. No Draft EIR revisions are provided.

Response to Levulett-34

The analysis as presented is sufficient for CEQA and no further revisions to the Draft EIR are provided.

Response to Levulett-35

The commenter is correct; a reference was misspelled. In response to the comment, the Draft EIR text is modified on pages 3.5-34 and 3.15-10.

> ~~Caste~~ Castle, Roger, and Gary Ream. 2006. Images of America, Morro Bay.

Response to Levulett-36

The mitigation measure is written to allow for some flexibility with respect to an archaeologist's role during project design and construction. The City will work with qualified archaeologists as appropriate in the process.

Response to Levulett-37

Please refer to Response to Levulett-12.

Response to Levulett-38

Although lead-based paint and asbestos surveys were conducted in 2010, approximately eight years ago, the City asserts those findings still apply and do not need to be redone because all potential asbestos contamination would have been previously found.

Response to Levulett-39

The comment the Hydrology and Water Quality section is thorough and well written is noted for the record. In response to the comment, the City has made the following requested typographic changes on page 3.9-24 of the Draft EIR:

> Prior to the modeling, aquifer testing was conducted on the existing city wells to better ~~quantity~~ quantify the parameters of the aquifer to be used for injection, including the horizontal and vertical hydraulic conductivity, as discussed above in the Environmental Setting.

Response to Levulett-40

The comment about the thorough and well written Growth Inducement chapter is noted for the record.

Response to Levulett-41

The commenter is referred to Response to Levulett-3 regarding previous work conducted for the project.

The Draft EIR acknowledges, on page 6-12, a CDP would be required in order to implement the No Project Alternative, which would very likely be reviewed by the CCC. That is the fundamental reason why the No Project Alternative is not feasible.

Response to Levulett-42

The City has chosen to presume presence of cultural resources given the high likelihood of occurrence in some areas of the preferred project site, rather than to do extensive Phase 1 testing prior to construction. Surveys were conducted to determine potential impacts. The City has included implementation of mitigation measures that will reduce impacts to cultural resource to the greatest extent possible, however significant and unavoidable impacts still remain.

Response to Levulett-43

The commenter states the Draft EIR did not provide a good explanation for dropping the Giannini alternative and fear of litigation is not a sufficient reason to drop an alternative (Righetti alternative). Please refer to **Master Response 1 – Alternatives**.

Andrea K. Lueker
Los Osos, CA 93042
805.550.3909

May 18, 2018

Good Day Mr. Livick,

I am a 32 year resident of Los Osos and, along with many of my neighbors, am concerned about the proposed placement of Morro Bay's Sewer Plant. First and foremost, it is extremely unfortunate the City of Morro Bay finds themselves in a situation where they believe they need to add an additional plant to the already multiple sewer plants that have proliferated along the Central Coast. While the purpose of this correspondence is to provide input regarding the effects to Los Osos and our surrounding environment directly associated with the location of the proposed plant, it is also important to point out specific history that was seemingly overlooked in the Draft Environmental Impact Report's opening sections.

In January 2013, immediately after appointment, the newly elected Morro Bay City council majority (Christine Johnson, Noah Smuckler and Jamie Irons) passed a City Council Resolution in a Special City Council meeting (3-2 vote) to allow the mayor to appear before the California Coastal Commission and request a denial of the coastal development permit for the rebuild of the Morro Bay sewer plant at its current location The Coastal staff was not supportive of the rebuild project but the individuals that actually make the decision – the Coastal Commissioners were never afforded the opportunity to discuss the project and approve/deny the permit due to the unprecedented request from three members of the Morro Bay City Council to deny their own project. At that time the estimated project cost was $37 million, today I understand the proposed project is estimated at over $150 million. Following their action at the Coastal Commission meeting coupled with a lack of communication to the Cayucos Sanitary District (part owner of the existing plant and property on which it currently sits), the Cayucos Sanitary District was alienated to the point where they decided to move forward on their own, purchase property and will be building their own plant (soon to break ground).

In terms of impacts to Los Osos, our small community has made significant progress in the last few years in dealing with wastewater and to see a neighboring community propose an industrial project on agricultural land in an area that could impact Los Osos is extremely concerning. The proposed site for the new sewer project is basically at the intersection of South Bay Blvd. and Highway 1. If built, the sewage will be piped uphill almost 3 miles from a large lift station that will remain at or near the site of the current plant. Most importantly, parts of that pipeline with raw sewage and the proposed sewer plant are less than a mile to Chorro Creek and less than two miles to the estuary.

1

The siting of the proposed plant, within the Morro Bay watershed, on agricultural land that is outside the City limits of Morro Bay, presents a clear and significant impact to Chorro Flats, Chorro Creek, the estuary and residents of Los Osos. The proposed location should be of concern based on the potentially significant environmental impacts including input of pollutants to the creeks and estuary both from normal operations and accidental discharges – otherwise known as spills. It appears that the DEIR doesn't take into account the fact that currently the community of Los Osos has no impact from the Morro Bay Sewer Plant as sited, but with the proposed location, Los Osos is in direct line for impacts. The DEIR fails to address this in any sort of adequate manner.

2

Sincerely,

Comment Letter – Andrea Lueker

Response to Lueker-1

The City thanks Ms. Lueker for submitting comments. The commenter is referred to Section 1.2 of the Draft EIR which discusses background of the proposed project, including the RWQCB's requirements to upgrade the treatment facility to full-secondary treatment, the California Coastal Commission's denial of the CDP for upgrading the WWTP at the existing location, the need to move components of the proposed project inland and away from coastal hazards, and the City's past relationship with Cayucos Sanitary District (CSD) and CSD's decision to pursue its own wastewater facility. The location of the proposed WRF, and its proximity to Chorro Creek and Morro Bay Estuary as noted in the comment, is shown in the Draft EIR in Figure 3.9-1.

Response to Lueker-2

The City notes the commenter's concern for potential proposed project impacts such as discharge to Chorro Flats, Chorro Creek, and the Morro Bay estuary. Please refer to **Master Response 3-Accidental Spills and Impacts to Morro Bay Estuary**. In particular, Master Response 3 details different ways in which a spill might occur and all the measures that would be taken to monitor, prevent, or contain any potential spills.

Ochs

May 18, 2018

Mr. Rob Livick
Director of Public Works

Re: EIR

Mr. Livick:

The No. 1 issue for the residents of Morro Bay is affordability. There has been no Economic Impact Report or any kind of Affordability Study. The current project is simply too expensive for residents. 1

The No. 2 issue is Alternative Technologies. (The Coastal Commission says that alternative technologies should have been and should be studied, rather than just alternative sites). 2

Pam Ochs

Comment Letter – Pam Ochs

Response to Ochs-1

The City thanks Ms. Ochs for submitting comments. The first Project Objective of the Draft EIR states the proposed project will be implemented "ensuring economic value with a special emphasis on minimizing rate payer and City expense." In July 2017, the City Council requested a final site comparison to confirm, from a cost and regulatory perspective, the South Bay Boulevard site would be the preferred site to meet City's goals. As stated in the Draft EIR on page 6-7, the 2017 Updated Site Comparison Report included the South Bay Boulevard site, Giannini site, Righetti site, and a site west of Highway 1, such as the existing WWTP site. At the City Council meeting on September 27, 2017, the Council decided to move forward with the South Bay Boulevard site as the preferred site due to the following conclusions:

> *there was Council consensus that the Coastal Commission would not permit a project west of Highway 1, the Giannini site had too many issues and no cost advantages, and due to the risk of litigation, the Righetti site was not feasible. There was stated support to proceed with planning and permitting at South Bay Blvd. as the preferred site.* (Minutes – Morro Bay City Council Regular Meeting – September 26, 2017).

Response to Ochs-2

Several treatment technologies were reviewed for the City's proposed WRF project in the draft Facility Master Plan. For biological treatment technologies, that draft plan compared suspended growth systems, including various activated sludge processes, sequencing batch reactor, and oxidation ditch; hybrid systems, including membrane bioreactor and integrated fixed-film activated sludge; and fixed film systems, moving bed bioreactors and biological aerated filters. The technologies reviewed in the draft Facility Master Plan consist of commonly available systems, with history of successful operations, and which can be provided by several manufacturers. Please refer to Chapter 6 within that plan for a discussion of alternative technologies.

The Draft EIR includes an assessment of alternative treatment technologies in Alternative 3. The CCC's comment letter to the Draft EIR states the CCC has previously and publically stated its support for the overall proposed project and its objectives, and the CCC will continue working with the City throughout the proposed WRF planning and permitting process.

Bruton Sadowski
Letter 1

Attention:
Mr. Rob Livick, PE/PLS
Public Works Director
City of Morro Bay

May 18, 2018

SUBJECT: Comments and questions on the WRF Draft EIR

The city's DEIR for the proposed WRF project failed to adequately address several issues and concerns that are currently being required by law in the state of California. AB 2616 California Coastal Commission, Environmental Justice , signed into law in 2016 , directs the CCC to consider environmental justice when acting on a coastal development permit.

AB 2616 states;
"This bill would require one of the members of the commission appointed by the Governor to reside in, and work directly with, communities in the state that are disproportionately burdened by, and vulnerable to, high levels of pollution and issues of environmental justice, as defined."

Also there is this statement;
"This bill would authorize the issuing agency, or the commission on appeal, to consider environmental justice, as defined, or the equitable distribution of environmental benefits in communities throughout the state, when acting on a coastal development permit."

It appears that the city is circumventing this law by separating the WRF project from the associated supporting sewer collection infrastructure. By moving the project outside the coastal zone, and having SLO county as the lead permitting agency it no longer falls into the CCC jurisdiction. It has been stated in public meetings by city staff that the permitting responsibilities of the proposed Lift Station and associated Force Main and outfall infrastructure will be done by the city of Morro Bay. In a public meeting the city's public works director stated that in his opinion the city would not need a Coastal Development Permit (CDP) for the construction of the Lift Station and Force Main.
These actions weaken the ability for the citizens of Morro Bay to be able to appeal to the CCC with their environmental justice concerns.

1

Furthermore, California AB 398, California's Global Warming Solutions Act, states:
"The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The act requires the state board to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act authorizes the state board to include the use of market-based compliance mechanisms."

2

The city's DEIR fails to mitigate the sewer gases generated by the proposed Lift Station and WRF facility. As a 30 year resident in north Morro Bay, i have been subjected to the continuing exposure of H2S gasses generated by the conveyance of sewage from the neighboring town of Cayucos. All of Cayucos's sewage is conveyed along North Main Street and during daily peak flows have caused H2S gases to vent from the manholes. I know of at least 2 neighbors who have moved due to health concerns. With Cayucos building their own sewer plant, I am relieved that this issue will soon be resolved. However, with the construction of a new Lift Station at or near the existing MB/CSD WWTP
the issue of H2S gas will be greater due to the larger volume of sewage that will be pumped as compared to what the town of Cayucos generated.

There is no way to mitigate the effects of sewer gas generated from a Lift Station and accompanied Force Main.

2

The Air Quality Control Board is given the task of addressing these matters.
This DEIR falls short of mitigating the GHG concerns generated by sewer gas in collection systems and energy usage concerns of the proposed construction and operation of the Lift Station and SSB WRF.

3

Sincerely,

Marla jo Bruton Sadowski
North Morro Bay Stakeholder

Comment Letter – Marla Jo Bruton Sadowski Letter 1

Response to Bruton Sadowski-1

The City thanks Ms. Bruton Sadowski for submitting comments. Section 3.12 of the Draft EIR discusses the environmental justice impacts of the proposed project. As indicated on page 2-33, the proposed project would require a Coastal Development Permit (CDP) from both the City and the County because the proposed project includes new facilities within both jurisdictions. Contrary to the statement made in the comment, the entire project would be located within the Coastal Zone, including the proposed WRF, as shown in Figure 1-1 of the Draft EIR. As suggested in the California Coastal Commission's letter included in this Final EIR, the City may choose to prepare a consolidated CDP through the CCC, instead of two separate CDPs. That is included in the list of potential project approvals required in Table 2-10 of the Draft EIR.

Response to Bruton Sadowski-2

The City notes the commenter's concerns regarding the need to mitigate for air quality impacts from sewer gases generated by the proposed lift station. Please refer to Response to Sadowski-1 and Response to Sadowski-2 above regarding GHG emissions and hydrogen sulfide gas (sewage gas) generated from the proposed lift station and force main.

Response to Bruton Sadowski-3

The City notes the commenter's concerns regarding the need to mitigate for greenhouse gas impacts from sewer gases generated by the proposed lift station and WRF. Please refer to Response to Sadowski-1 and Response to Sadowski-2 above regarding GHG emissions and hydrogen sulfide gas (sewage gas) generated from the proposed lift station and force main.

Regarding energy use, the Draft EIR includes an analysis of proposed project's energy use and associated GHG emissions in Chapter 3.7 Greenhouse Gas Emissions and Energy.

Attention:
Mr. Rob Livick, P,E./PLS
Morro Bay Public Works Director

May 18, 2018

Bruton Sadowski
Letter 2

Subject: Comments and questions on the Morro Bay Draft EIR

I.)

There is no mention of a plan B in this environmental document.
I want to object to there not being a Plan B to consider.

I believe that the no project alternative is best.

It should be noted that on Dec. 7, 2017 a Plan B proposal for RFQ and RFP was sent to Public Works Director Rob Livick. That proposal was ignored and buried from consideration. The proposal would save the ratepayers $60 million dollars.

To my limited understanding from a search done on public Records on this topic, it should be noted the city's response did not come from the Public Works director rather it came from a single Morro Bay councilman in which the councilman's eventual correspondences ended with the councilman speaking for the city and denying consideration of the vendors submission for various reasons.

Question: Why did the city staff omit The Plan B Alternative when investigating the proposed sites west of Hwy 1 ?

References available upon request:
a) city communications with a vendor who supplied staff a SOQ and another communication indicating that the vendor had not received a return reply from staff.
b) communications from a Morro Bay council member to the same vendor dismissing the SOQ

1

II.)

There are two conflicting pieces of information regarding the Native American Cultural Resources in the area of the current WWTP and the Hanson's site which is adjacent the current WWTP.

In Michael Nunnely and Associates power point presentation of his firms evaluation of the Hanson site as an alternative WRF site, he pointed out that although the Hanson site would be the number one preferred site due to costs associated with building a WRF, it was his firms recommendation against looking at that site. One of his environmental concerns dealt with his report that their were significant Native American cultural resources at the Hanson site.
To the contrary , a letter in the DEIR from Salian Tribal Administrator states that there are no know cultural resources near the current WWTP site. She further indicates that the site has been previously disturbed. In addition The Salinans prefer the routing of the WRF pipes be routed in the area of the current WWTP rather than the Lila Kaiser area to avoid impacts to cultural resources.

2

In addition the Northern Chumash Tribal Council (NCTC) Administrator Fred Collins takes the strong position that all Native American sensitivities be left undisturbed. He is invoking a 100 foot distance be kept from any findings of Native American remains. I respect the NCTC stance on this. As far as the SBB Site is concerned and the associated piping routes I believe it is best not to take the chance of encountering Native Americn sensitivities due to the 100 foot requirement. It seems to indicate to me that there will be major change orders in the project along the way. 2 cont.

Questions;

Which is correct with regard to Native American sensitivities as it applies to the Hanson site feasibility study report by Nunelly and Associates: the Nunnely and Associates report on the Hanson site feasibility study; or the Native American Tribal representatives with regard to the likelihood of Native American sensitivity?

What mitigation measures will be taken in the event of an encounter with archeological sensitive findings ? 3

What cost estimates and budgetary measures has the city estimated with respect to archeological mitigation measures encountered during the construction of the Lift Station, sewer force main, effluent discharge piping and WRF ? 4

Which is correct with regard to Native American sensitivities as it applies to the Hanson site feasibility study report by Nunelly and Associates? 5

The Native American Tribal Administrators or Nunnelly and Associates with regard to the best alternative of a site for the WRF that has the least Native American sensitivities?

If you choose not to answer this question due to the fact that the Hanson feasibility study report is not included in this document, I would point out that my original position is that there be no project until there are Plan B options. 6

Isn't it more prudent to take a serious look at the possibility of Native American sensitivities with project sites in a more detailed study of the facts other than just saying there will be no Native American sensitivities or there are major Native American sensitivities?

In my opinion this DEIR falls short with regard to Native American sensitives reporting. It needs to be redone.

Sincerely,

Marla jo Bruton Sadowski

Marla jo Bruton Sadowski
North Morro Bay stakeholder

Comment Letter – Marla Jo Bruton Sadowski Letter 2

Response to Bruton Sadowski-1

The City, as lead agency under CEQA, has described and evaluated the proposed project in the Draft EIR. The commenter's request for a "Plan B" is not specifically required under the CEQA environmental review process; however, per Section 15126.6 of the CEQA Guidelines, an EIR is required to include an alternatives analysis, which can be found in Chapter 6 of the Draft EIR. It is not clear what "Plan B" proposal the commenter is referring to, but presumably some sort of alternative proposal to build the project outside of the City's approved design/build process. Note the design/build process is the statutorily allowed method by which potential designers and contractors are able to submit proposals to design and build the proposed project. That process encouraged creative and cost-effective solutions in those responses. However, proposals or other information sent that was not submitted through that design/build process, while possibly useful for eliciting discussions, cannot be legally considered by the City. Those who submitted such proposals chose not follow the statutorily required procedures, which are designed to provide a fair and level playing field.

The commenter expresses support for the No Project Alternative, which is noted for the record.

Response to Bruton Sadowski-2

Regarding the comment about the discrepancy about whether there are significant Native American cultural resources near the Hanson RV/Storage site, there are no known Native American archaeological resources within the 12-acre area of focus on the Hanson RV/Storage site; however, there are resources nearby and the area was identified as having a higher sensitivity for buried archaeological resources by Far Western, the City's cultural resources consultant.

Regarding the comment about the routing of pipelines around Lila Keiser Park to avoid impacts to cultural resources, as explained in Draft EIR in Chapter 6 Alternatives Analysis, the City considered Alternative 2, which would move a segment of the raw wastewater pipeline to a different alignment along Embarcadero Road to the west of the existing WWTP and proposed lift station, traveling south and then east along Pacific Street, and meeting with the currently proposed raw wastewater pipeline at Butte Street. That segment under Alternative 2 would result in construction near two different and known cultural resources sites, may result in geotechnical challenges along the waterfront, and would result in a significant increase of construction impacts related to traffic, air quality and noise. Comparison of Alternative 2 impacts to the proposed project impacts indicate Alternative 2 would meet the proposed project's objectives, and would result in a reduction in impacts on number of cultural resources sites, although impacts to cultural resources would still remain significant and unavoidable similar to the proposed project. In addition, Alternative 2 would increase the costs to the City related to construction and possible private property acquisition and would result in more severe impacts on air quality, noise, and traffic.

The Draft EIR identified the proposed project as the environmentally superior alternative based on a variety of factors. As an informational document, the Draft EIR allows the lead agency to make an informed decision whether to approve or disapprove a project or alternative (CEQA Guidelines

section 15121). As the Lead Agency, the City will decide whether to proceed with the proposed project or whether to accept or reject any of the identified alternatives.

Response to Bruton Sadowski-3

Mitigation Measure CUL-9: Inadvertent Discovery (see page 3.5-29 to 3.5-30 of the Draft EIR) outlines what would happen in the event of discovery of an archaeological resource, and includes cease work measures, implementing the protocols and procedures outlined in the CRMMP (see Mitigation Measure CUL-5: Development of a Cultural Resources Monitoring and Mitigation Program (CRMMP)), evaluation of the resource by the Qualified Archaeologist, development of an Archaeological Resources Data Recovery and Treatment Plan for the resource in accordance with the CRMMP, and following the procedures outlined in Mitigation Measure CUL-4: Development of an Archaeological Resources Data Recovery and Treatment Plan. Mitigation Measure CUL-9 also states that "when assessing significance and developing treatment for resources that are Native American in origin, the Qualified Archaeologist and the City shall consult with the appropriate Native American representatives."

Response to Bruton Sadowski-4

Costs of implementing mitigation measures related to archaeological resources are unknown at this time. California Public Resources Code section 21083.2 provides guidance on the amount to be paid by a project applicant or proponent for mitigation measures for unique archaeological resources:

> (c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.
>
> (e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:
>
> > (1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project

According to CEQA Guidelines subdivision 15064.5(c)(2), if an archaeological site meets the definition of historical resource set forth in subdivision 15064.5(a), then the limits provided in California Public Resource Code section 21083.2 do not apply.

Response to Bruton Sadowski-5

The commenter is referred to Response to Bruton Sadowski-2.

Response to Bruton Sadowski-6

Regarding the comment about the best alternative for the WRF location, as stated in the Draft EIR on page 6-7, the 2017 Updated Site Comparison Report included the South Bay Boulevard site, Giannini site, Righetti site, and a site west of Highway 1, such as the existing WWTP site. At the City Council meeting on September 27, 2017, the Council decided to move forward with the South Bay Boulevard site as the preferred site due to the following conclusions:

> *there was Council consensus that the Coastal Commission would not permit a project west of Highway 1, the Giannini site had too many issues and no cost advantages, and due to the risk of litigation, the Righetti site was not feasible. There was stated support to proceed with planning and permitting at South Bay Blvd. as the preferred site*. (Minutes – Morro Bay City Council Regular Meeting – September 26, 2017).

Of these locations, regardless of other constraints, the preferred WRF alternative (South Bay Boulevard site) provides the least cultural resources constraints, since it is located in an area with no known cultural resources and a low potential for buried sites.

Regarding the comment about inadequate analysis of Native American sensitivities, according to CEQA Guidelines section 15151, "an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables then to make a decision with intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of the EIR is to be reviewed in the light of what is reasonably feasible." CEQA Guidelines section 15126.2 states "an EIR shall identify and focus on the significant environmental effects of the proposed project... Direct and indirect significant effects of the project on the environment shall be clearly identified and described." The EIR shall also "describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance" and "the reasons why the project is being proposed, notwithstanding their effect."

Chapter 3.5 – Cultural Resources provides an analysis of impacts to Native American archaeological sites and concludes the proposed project would result in a significant an unavoidable impact to cultural resources even after implementation of mitigation. As explained in the Draft EIR, Chapter 6 Alternatives Analysis, the City has determined the proposed project as the environmentally superior alternative based on a variety of factors. As an informational document, the Draft allows the lead agency to make an informed decision whether to approve or disapprove a project or alternative (CEQA Guidelines Section 15121). As the Lead Agency, the

City will decide whether to proceed with the proposed project or whether to accept or reject any of the identified alternatives.

Winholtz

May 17, 2018

Robert Livick
City of Morro Bay

RE: Comments on the DEIR for the WRF

Rob:
Please accept this letter as my comments on the Draft EIR for the WRF. I will submit an electronic copy as well.

Thank you,
Betty Winholtz

Executive Summary

1. "and potentially additional surrounding communities or customers." (ES-1) Do current ratepayers have to pay for future ratepayers who may not be inside city limits?
2. "Public outreach was conducted through stakeholder meetings, stakeholder interviews, and public workshops, which gathered input related to cost, environmental concerns, engineering and design issues, site-related issues, and logistics and process issues." (ES-3) This blanket statement does not reflect the growing discontent and reduced outreach of the last 2 years. 1

3. "In order to ensure public involvement during this process, a Citizens Advisory Committee (WRFCAC) was created in July 2014 to help oversee and evaluate the siting process." (ES-4) WRFCAC met consistently for 1.75 years beginning September 2014 through April 2017, then meetings were canceled 9 times over the course of 12 months May 2017 through April 2018. 2

4. "The Morro Bay City Council refined and adopted the project objectives for the proposed project on October 24, 2017. The primary goals of the proposed project have not changed." (ES-4) Though the first goal is "emphasis on minimizing rate payer and City expense," (page ES-5) the Morro Bay Community does not believe this is happening. On the date the City Council chose S. Bay Blvd. as their preferred site, City Council acknowledged it was the most expensive site. In March 2017, citizens formed a grassroots PAC to oppose another Proposition 218 vote because one had just passed in 2015 and no accounting of the money was forthcoming. While the scope of the project was downsized on April 25, 2017 in response to community concerns about escalating costs, it was re-supersized in July 2017. 3

5. "The proposed project would not require modification of the existing sewer collection system. All wastewater would continue to flow to a collection point near the existing." (ES-5) This is about more than flowing through the collection system. Modification to the collection system should be included because flow predictions will not be accurate if there are leaky pipes, which is known to be true. The Proposition 218 passed in the first decade of the century was to address the collection system, since it was known then that infiltration and ex-filtration were occurring. However, this task was not completed. 4

6. There is a typo here: "Each potentially significant impact includes a numbered impact statement **with and** significance determination for the environmental impact as follows:" (ES-6) 5

7. "Upgrade of the WWTP was considered in the September 2007 WWTP Facility Master Plan Report (Carollo Engineers, 2007)." (ES-8) While the data in the paragraph that follows this statement is true for that time (2007), it does not include updated information that has been produced in the ten years since the report was created. In particular, pieces of the plant machinery that have already been replaced, a new flood map, and a proposal that would allow the recycle component to be placed on the current site. 6

8. "Alternative 2 would result in construction of all the same facilities as the proposed project, except for a segment of the raw wastewater pipeline that would have a different alignment". (ES-8) With **all the "same** facilities as the proposed project", altering **a part** of the route of **one** of three proposed pipelines does not sound like a real alternative. (bolding mine) 7

3.5 Cultural Resources

1. The term "Indian" tribe rather than "Native American" tribe on page 3.5-11 in the last full paragraph is inappropriate and should be corrected. 8

2. The archaeologist has been made the dominant monitor rather than the Native American monitors over the latter's personal story (3.5-24). Therefore, the archeologist should be approved by both of the Councils of the two tribes recognized in the CEQA document. To what extent did the CEQA writer(s) engage both or either Tribe in designing this section of the report? 9

3. Both the conveyance pipelines, and injection and monitoring wells are identified as "significant and unavoidable" impacts to Cultural Resources (3.5-22,23). All pieces of this project--WRF, lift station, conveyance pipelines, injection and monitoring wells, decommissioning of the WWTP--except operation, are identified as "significant and unavoidable" impact to human remains (3.5-33). In addition, page ES-11 states, "Here, the No Project Alternative may in some respects qualify as the environmentally superior alternative because it would avoid the significant and unavoidable impacts to historic and archaeological resources, and human remains." Having this prior knowledge, will the City recommend/choose a different location for the lift station, another route for the piping, another site location, or choose the No Plant Alternative, any of which have the ability to mitigate "significant and unavoidable" impacts to Cultural Resources? If not, why not? 10

3.7 Greenhouse Gas Emissions and Energy

1. It appears that data is being used that is over a decade old, 13 years to be exact. (3.7-3) The last sentence in the paragraph entitled "The City of Morro Bay" cites 2014 but expands on the 2005 data quoted earlier in the paragraph. Which year is the data from? Why isn't, or shouldn't, current data be used? 11

2. It doesn't make sense to amortize Construction Emissions over 25 years when they are happening within a 3-year time frame: affecting residents and the environment in that specific time period. (3.7-23,24) In particular, the plant site is close to a sensitive receptor site, Casa de Flores Senior Assisted Living and Bayside Care Center. 12

3. The Goals listed on page 3.7-30,31--upgrades, lighting, tree planting, solid waste diversion, management, and infrastructure--are not unique to the proposed project: they can be met on any site. What is unique to this site is the operational increase of vehicle fleet mileage due to the plant's distance from town. In addition, new Construction on virgin
land as opposed to a remodel on the current site adds GHG unnecessarily. The one environmental plus 13

is the "small-scale, on-site solar PV" proposal. I would argue that PV panels can be added onto any site by going rooftop. This project is GHG-friendly rather than GHG-reducing. Is money in the project budget for buying zero/low-emission plant vehicles?

4. I don't see where the utility use of pumping 3 pipes (the conveyance piping) 24/7/365 is identified. Is it just subsumed in the larger number? This is an extra expense that would not exist if the site were somewhere else, particularly where it is currently located. 14

5."Energy consumption during project construction and operations would be relatively negligible and not excessive or wasteful. The proposed projects energy requirements are within PG&E's existing and planned electricity capacity and supplies would be sufficient to support the project's demand. (ES-13) 15
A utility use comparison should be done between the use of the proposed project at the proposed site and the same proposed plant at the current site.

3.9 Hydrology and Water Quality

1. Page 3.9-5 states "Active groundwater supply users...[include] a cement plant". The cement company hasn't been operational for a decade. 16

2. The modeling result is not unequivocal that the injection wells will be successful with language like "may be possible to meet the minimum required retention time." (3.9-26) The data doesn't change, yet the conclusion becomes more affirmative in the summary, "likely feasible for the aquifer to accept" and "The 2-month minimum...will likely be met."(3.9-27) It has not been demonstrated that this particular aquifer at the proposed points will accept recharge effectively. Actually, the opposite was demonstrated in a study done in the last few years. 17

3. No where in this chapter is the hydrology of the lift station site or conveyance piping route specifically identified; only the proposed plant site and injection well sites. Therefore, it is not mentioned that the proposed lift station site was once a marsh that has been filled in, nor that the piping route goes directly through town along a creek or drainage bed. Because the specific site descriptions for the lift station and conveyance piping has not been identified, the following two impacts should be reevaluated: "Alteration of Drainage Patterns Impact 3.9-4: Installation of the proposed project components would alter topography and drainage patterns at each site;" (3.9-37) and "Stormwater Runoff and Drainage Systems Impact 3.9-5: Installation of the proposed project components would add impervious surfaces that could increase stormwater runoff from proposed project sites." (3.9-39) 18

3.10 Land Use and Land Use Planning

1. It's my understanding that the adjacent property owners, the Jones Family, have a conservation easement on their property. I do not know the exact location to know if it is relevant to the following: "Impact 3.10-3: The project would not be not located in or adjacent to a habitat conservation plan or a natural community conservation plan...." 19

3.11 Noise

1. A cumulative noise factor is not being considered with the construction of the lift station near the high school. Morro Bay High School is in the midst of a multi-year construction project. No construction has been done so far this calendar year, which means school construction activity is pushed into the same time frame as the construction of the lift station. This must create an untenable situation for learning. At the least, (1) coordination of heavy machinery to not occur at the same time should be mandatory between the city and the school district, and (2) three of the 10 proposed 20

construction months should have to occur in the summer. The adjacent RV parks are filled all year round, so avoiding summer for them is moot.

2. This impact statement is difficult to believe: "Groundborne Vibration Impact 3.11-3: The proposed project would not expose people to excessive groundborne vibration either during construction or operation." (3.11-26) How is 24/7 for a month drilling wells within 50' of a sensitive receptor site not impactful? How is the vibration that goes into tearing up Quintana or any city street not going to cause cracks in the adjacent business buildings and houses? Is the city or construction companies willing to sign insurance agreements with the business and home owners? 21

3.12 Environmental Justice

1. On page 3.12-1, population numbers for 2017 do not match the math. The document states, "The City's current population is 10,762. Between 2016 and 2017, the City's population grew approximately 0.4 percent..." The US Census estimates Morro Bay City's population to be 10,519 in 2016. Apply the stated .4% interest increase and the population for 2017 is an increase of 42 persons for a total of 10,561. Even if you add the margin of error of 32 people, the largest the population is 10,593. 22

2. More appropriately, on page 3.12-5, the term "Black" should be replaced with "African American." 23

3. What this chapter fails to address is the income of the whole town. The chapter states, "The 2015 median household income in the County was $60,691 (US Census, 2015). In 2010, the median household income was $57,335" This 5-year increase will become a zero net gain, virtually wiped out by the increase in sewer and water rates. As stated in the TRIBUNE last year, $65,350 is considered low income in the county. 24

3.13 Public Services

1. This quote is from page 3.13-5, "existing fire protection and police services within the City and County would be able to sufficiently respond to emergency events with existing equipment and staffing capacities." Equipment and staff is addressed, but not water. Will a pipe. now a fourth, have to be built to convey water to the site for fire fighting? What is the plan? Is the cost included in the project cost? 25

3.14 Transportation and Traffic

1. Were the 3 intersection at South Bay Blvd. evaluated with the completion of the 16-home Black Hills Villas project, the 10-home project just west of Bayside Care Center and the proposed work force housing just north of Casa de Flores? 26
2. How is it that the South Bay/Quintana intersection is operating at level C when it was operating at level F when the Black Hills Villas project was proposed 10 years ago? 27
3. There is no analysis of the Quintana and Kennedy Way intersection. This is a major intersection between 2 shopping centers where the conveyance piping will be passing, the conveyance piping will also disrupt if not close year-round businesses for 12 months. 28
4. There is no analysis of the **roundabout** at Quintana and Morro Bay Blvd; this is a route for the conveyance piping. The roundabout is the primary entrance to the downtown and Embarcadero business districts, as well as access to the south Morro Bay residential area. Will there be some kind of coordination with **State Parks** to use upper and lower Park Road as a detour? Their roads are not always in the best condition. If Quintana and Main intersection will be used as a detour, is there a guarantee that both intersections will not be under construction at the same time? Will there be 29

coordination with the **RTA** because their county bus schedule will be disrupted and delayed. New sewer/water pipes were laid under the roundabout 10 years ago: how will this be handled, ripped up or avoided?

5.6 Growth Inducement

1. I do not see any comment that the proposed project is being bought from Tri W Enterprises, a development company headquartered in Santa Maria. While Tri W owns land within city limits, the majority of its landholdings are adjacent to the city in the County. At the end of the last century, Tri W made a development proposal to the city that was rejected by the residents, ending in court, adjudicated. In light of the land purchase MOU between the city and Tri W, I believe the access road to the proposed project could be the foot-in-the-door to open up Tri W's agricultural land for residential and other development. Yes, annexation has to go to a vote of the people, but that does not preclude the city from facilitating such a vote for the developer. What is the city's intent?

30

6.3 Project Alternatives

1. "The No Project Alternative is not feasible because it would require a CDP from the CCC, which previously denied the same permit for an upgrade to the WWTP." (6-12) "The CCC supports the proposed new treatment plant location..." (ES-4) These are erroneous statements: (1) the CA Coastal Commissioners have all been replaced except for a couple of appointees, and (2) a new upgrade project would not be identical to the one previously submitted. Communications have been between city and Coastal staff. The Commissioners have not heard this proposal.
2. "Here, the No Project Alternative may in some respects qualify as the environmentally superior alternative because it would avoid the significant and unavoidable impacts to historic and archaeological resources, and human remains." (6-15) These are not the only impacts it avoids: potential growth inducement, construction traffic and transportation (and resultant economic impact to local business), a new extended fire protection system, environmental justice (rate increases out of range for residents, who are predominately very low to moderate income residents), unnecessary, disruptive, prolonged noise to sensitive receptors, utilizes greenhouse gas avoidance rather than mitigation.

31

Comment Letter – Betty Winholtz

Response to Winholtz-1

The City thanks Ms. Winholtz for submitting comments. While the Draft EIR's proposed project objectives do not specifically state connections to surrounding communities or other customers, the City may potentially use future partners in its wastewater treatment operations within the limitations of growth management restrictions, both within the City and other jurisdictions as appropriate. Any future negotiations with surrounding communities regarding rates is outside of the scope of this Draft EIR.

The commenter expresses stakeholder opinion about the frequency and type of outreach conducted for the project. The City satisfied and exceeded the public outreach requirements required in CEQA Guidelines section 15087. Additionally, the City supported the WRFCAC process as noted by the commenter below. Comments expressing opinion do not address a "significant environmental issue" regarding the Draft EIR, and therefore do not require a response per CEQA Guidelines subdivision 15088(c).

Response to Winholtz-2

The purpose of the WRFCAC is to provide technical input on the key issues of economics, engineering, and environmental concerns on various documents related to the proposed WRF project in order to better inform the City Council at key junctures in the proposed project as the Council provides direction on the proposed project. The frequency of WRCAC meetings is a function of whether or not there are documents to review. Prior to late 2017, there were many technical documents related to the preparation of the draft Facility Master Plan, Master Water Reclamation Plan, and various siting studies that required WRFCAC input. The period encompassing late 2017 and early 2018 focused on preparing the Draft EIR based on the preferred project site, and as needed, to provide updates on related efforts regarding funding and technical assistance.

Response to Winholtz-3

The first Project Objective of the Draft EIR states the proposed project will be implemented "ensuring economic value with a special emphasis on minimizing rate payer and City expense." While the City has emphasized minimizing ratepayer costs in the proposed project objectives, the cost of implementing the proposed project is unrelated to the CEQA analysis required of an EIR. Per CEQA Guidelines subdivision 15064(e), "economic and social changes resulting from a project shall not be treated as significant effects." The comment is noted for the record.

Response to Winholtz-4

The proposed project does not require modification to the sewer collection system. The proposed WRF would have a slightly reduced capacity to reflect the reduction in influent from the City's service area only (without influent from the CSD service area) that would require treatment. The capacity of the proposed WRF is designed to meet planned future demand associated with the

City's projected population of 12,000 by 2040. Any modifications to the sewer system associated with previous Proposition 2018 votes are outside of the scope of this Final EIR analysis.

Response to Winholtz-5

The commenter notes a typographic error. As a result, the Draft EIR text on page ES-6 is modified as follows:

> Each potentially significant impact includes a numbered impact statement ~~with~~ and significance determination for the environmental impact as follows:

Response to Winholtz-6

The intent of the quoted text is to illustrate upgrades would be required at the existing WWTP for full-secondary treatment to be implemented under the No Project Alternative.

Response to Winholtz-7

The commenter's restatement of the Alternative 2 alignment is accurate but does not change the selection of the alternative for analysis in the Draft EIR. CEQA Guidelines subdivision 15126.6(f)(2) includes a process for determining whether an alternative location is appropriate. In this case, the City has determined the alternative pipeline route avoids cultural resource sites located along the proposed project pipeline route; however, new cultural sites have been identified along the alternative pipeline route. While the significant and unavoidable impacts of the proposed project are avoided, new significant and unavoidable impacts to cultural resources remain under Alternative 2. See also **Master Response 1 – Alternatives**.

Response to Winholtz-8

The term "Indian" is used by the Bureau of Indian Affairs (BIA) and commonly by many Native Americans themselves without any disrespect. However, in response to this comment the text on page 3.5-11 has been revised as follows:

> The steps of the Section 106 process are accomplished through consultation with the State Historic Preservation Officer (SHPO), federally-recognized ~~Indian~~ tribes, local governments, and other interested parties.

Response to Winholtz-9

Regarding the comment about allowing the Councils of the two tribes identified in the CEQA document to have approval over the selection of the Qualified Archaeologist, it is the responsibility of the City to hire the appropriately qualified specialists to carry out the Mitigation and Monitoring Reporting Program for the proposed project, should it be approved. However, nothing precludes the City from consulting with Native American representatives during the selection process.

Regarding the comment about consultation with the NCTC, pages 3.15-3 to 3.15-7 of the Draft EIR describe the Native American outreach that was conducted by the City and its cultural resources consultant, Far Western. Fred Collins, spokesperson for the NCTC, responded to a request for information from Far Western via a telephone call on March 21, 2017, and expressed concerns about potential impacts of the proposed pipeline alignment within and adjacent to Lila Keiser Park and suggested rerouting the alignment to avoid the park and Morro Creek. Mr. Collins requested an in-person meeting with the City and County. A representative of the City, John Rickenbach, met with Mr. Collins and his representative, Barry Price of Applied Earthworks, on May 4, 2017. They discussed the proposed project and potential concerns Mr. Collins might have with the proposed project. It is not the responsibility or role of the CEQA consultant to conduct Native American consultation, but rather to describe the results of consultation in the EIR.

Response to Winholtz-10

Because of the previous years of studies and evaluations of a large variety of alternatives, the Draft EIR focuses on three viable alternatives, including the No Project Alternative required by CEQA. As described in the Draft EIR in Section 6.1.4.1, the City Council determined there is no feasible alternative location for the proposed WRF because the CCC would not permit a project west of Highway 1, the Giannini site had no cost advantages, and due to risk of litigation the Righetti site is not feasible. As described in the Draft EIR in Sections 6.1.4.2 to 6.1.4.4, the Council removed the Corporation Yard from the proposed project in response to public input, alternative lift station alternatives have already been screened, and alternate beneficial end uses of recycled water also have already been considered.

Under the No Project Alternative, the proposed project would not be constructed, nor would the lift station, associated conveyance pipelines, or injection and monitoring wells. As a result, the significant impacts to historic and archaeological resources, as well as human remains, would not occur. The No Project Alternative would avoid those significant and unavoidable impacts associated with the proposed project. However, the No Project Alternative also would not achieve the benefits of the proposed project, including removing critical community infrastructure from a coastal hazard area subject to flooding and sea level rise. In addition, the No Project Alternative would not meet any of the project objectives, including the ability to provide reclaimed wastewater to augment the City's water supply or to meet wastewater effluent conditions that reduce impacts from contaminants of emerging concern.

The No Project Alternative is not feasible because it would require a CDP from the CCC, which previously denied the same permit for an upgrade to the WWTP. The basis for that denial included the CCC's assessment such upgraded facilities would be inconsistent with the City's Local Coastal Plan's zoning provisions, would fail to avoid coastal hazards and would fail to include a sizeable reclaimed water component; and the project location would be within an LCP-designated sensitive view area. It is expected the CCC would similarly deny a CDP for the proposed No Project Alternative.

The Draft EIR considered Alternative 2, which would move a segment of the raw wastewater pipeline to a different alignment along Embarcadero Road to the west of the existing WWTP and proposed lift station, traveling south and then east along Pacific Street, and meeting with the currently proposed raw wastewater pipeline at Butte Street. That segment under Alternative 2 would result in construction near two different and known cultural resources sites, may result in geotechnical challenges along the waterfront, and would result in a significant increase of construction impacts related to traffic, air quality and noise. Comparison of Alternative 2 impacts to the proposed project impacts indicate Alternative 2 would meet the proposed project's objectives, and would result in a reduction in impacts on number of cultural resources sites, although impacts to cultural resources would still remain significant and unavoidable similar to the proposed project. In addition, Alternative 2 would increase the costs to the City related to construction and would result in more severe impacts on air quality, noise, and traffic.

The analysis of alternatives presented in Chapter 6 of the Draft EIR, taken together with the analysis of the proposed project in Chapter 3 of the Draft EIR, identified the proposed project as the environmentally superior alternative. As an informational document, the Draft EIR allows the lead agency to make an informed decision whether to approve or disapprove a project or alternative (CEQA Guidelines section 15121). As the Lead Agency, the City will decide whether to proceed with the proposed project or whether to accept or reject any of the identified alternatives. The commenter is referred to Chapter 6 – Alternatives or the Draft EIR for additional information.

Response to Winholtz-11

The comment cites data from 2005 on page 3.7-3. Such data and a paragraph entitled "The City of Morro Bay" is not found on that page. In general, the analyses in the Draft EIR are based on the most recent, publically-available data to evaluate baseline conditions and determine impacts.

Response to Winholtz-12

As explained in the Draft EIR on page 3.7-24, the 25-year threshold was recommended by the San Luis Obispo Air Pollution Control District: "as recommended by the SLOAPCD, the proposed project's total construction emissions are amortized over the project's 25-year lifetime in order to include these emissions as part of a project's annualized lifetime total emissions, so GHG reduction measures will address construction GHG emissions as part of the operational GHG reduction strategies."

Air Quality impacts to the Bayside Case Center as a sensitive receptor are addressed in Section 3.3, Air Quality. Greenhouse Gas Emissions (GHG) analysis is on a global scale, which is why the Bayside Case Center is not referenced in that section. While the Casa de Flores facility is not specifically mentioned in the Draft EIR, it is co-located with the Bayside Case Center and, therefore, analyzed as part thereof.

Response to Winholtz-13

The Draft EIR text cited in the comment from page 3.7-30 to 3.7-31 is intended to demonstrate the proposed project is consistent with the City's Climate Action Plan goals, actions and strategies, not to demonstrate that the proposed project is unique.

The comment states the proposed project is "GHG-friendly" rather than "GHG-reducing." The Draft EIR analysis of impacts associated with GHG emissions, as described in Chapter 3.7, concludes no significant impacts.

Regarding use of zero/low-emission plant vehicles in the budget, the cost of implementing the proposed project is unrelated to the CEQA analysis required of an EIR. The commenter is referred to Response to Winholtz-3.

Response to Winholtz-14

The description of energy requirements for operation of all proposed project components is included in the Draft EIR on page 2-32. The environmental impacts associated with pumping through all pipelines is included in the Air Quality and GHG analysis. The cost of implementing the proposed project is unrelated to the CEQA analysis required of an EIR. The commenter is referred to Response to Winholtz-3.

Response to Winholtz-15

On page 3.7-25 of the Draft EIR, the discussion states the analysis of energy use deducts the existing energy use for the WWTP of 3,000 kWh/day from the proposed project's projected total operational demand of 9,000 kWh/day.

Response to Winholtz-16

The comment regarding the cement plant is noted. This statement is from the City's 2015 UWMP and is intended to characterize the baseline conditions, including groundwater pumpers in the Morro Valley basin; the validity of the statement does not have a material effect on the environmental impact analysis in the Draft EIR.

Response to Winholtz-17

As stated in the Draft EIR on page 3.9-24, a screening level groundwater model was developed for the proposed project to determine the feasibility of the proposed injection and extraction of advanced treated recycled water (GSI, 2017) (see Appendix G to the Draft EIR). The modeling effort evaluated the feasibility of injecting 825 acre-feet per year (AFY), determined the maximum annual production (extraction) capacity of the existing wells without causing seawater intrusion, and the ability to satisfy the CCR Title 22 minimum response retention time requirements for the injected recycled water. The modeling results suggest it may be possible to meet the minimum required retention time (Draft EIR page 3.9-26). In conjunction with the State's Division of Drinking Water, the City will conduct a pilot injection program to confirm the

modeling results (Draft EIR page 3.9-27). The commenter does not provide a copy of, or the citation for, the cited study done that demonstrates opposite results.

Response to Winholtz-18

The comment states the specific proposed site descriptions for the proposed lift station and conveyance pipeline has not been identified and Impact 3.9-4 and 3.9-5 should be reevaluated. The Project Description included in Chapter 2 of the Draft EIR provides project details that are available in order to conduct meaningful environmental review. CEQA Guidelines Section 15124 includes the requirements for an EIR project description, which should "not supply extensive detail beyond that needed for evaluation and review of the environmental impacts." In particular, the proposed project description should include the location and boundaries of the proposed project, shown on a map; a statement of the proposed project objectives; a general description of the proposed project's technical, economic, and environmental characteristics, considering any principal engineering proposals, and a statement briefly describing the intended use of the EIR. Based on those requirements, the description of proposed project facilities in the Draft EIR are adequate for CEQA and the analysis of impacts.

Response to Winholtz-19

Conservation easements are different from state and federally established habitat conservation plan or natural community conservation plans. No further response is provided.

Response to Winholtz-20

The modernization of the Morro Bay High School is listed as a cumulative project in Table 4-1 "Cumulative Projects List." Therein, a detailed description of construction activities is provided, including the fact facilities are to be constructed at a later date. As explained on page 4-21, "the largest projects near the proposed project are the Morro Bay High School Project...," which demonstrates that project was taken into consideration in the noise analysis. The analysis determines that even though "the combined effect could result in the exposure of off-site sensitive receptors to higher noise levels than what was predicted under each of the proposed project components," mitigation measures are in place to reduce the project's contribution to the cumulative noise condition to less than significant levels.

Response to Winholtz-21

As explained on page 3.11-27, the Draft EIR analysis applies the "strongly perceptible" threshold of 0.9 in/sec PPV for transient sources (Caltrans, 2013b). None of the project activities (construction of the WRF, Lift Station, Injection/Monitoring wells, decommissioning of the WWTP) would result in vibration levels above 0.027 (see Table 3.11-10 in the Draft EIR). Impact pile driving, which typically emits vibration at perceptible levels, is not proposed under any of the project components. As a result, the impact is less than significant, and no mitigation is required.

Response to Winholtz-22

The numbers cited for City population are derived from the California Department of Finance as cited on page 3.12-7. The commenter has presented a different dataset from the U.S. Census. While the numbers are similar, it is reasonable to arrive at different numbers if different datasets are used. The purpose of the statement: "the City's population grew approximately 0.4 percent" (page 3.12-1) is to demonstrate the slow growth in population of the City.

Response to Winholtz-23

The term "Black" is a term used by the U.S. Census to describe "individuals identifying primarily with a Black ethnicity" as explained on page 3.12-3. No modification to the Draft EIR is made in response to the comment.

Response to Winholtz-24

The comment the project would erase the 5-year gain of median household incomes is speculative and is also unrelated to the CEQA analysis required of an EIR. Per CEQA Guidelines subdivision 15064(e), "economic and social changes resulting from a project shall not be treated as significant effects."

Response to Winholtz-25

The Impact statement 3.13-1a is only related to increased fire or protection services per CEQA Guidelines Appendix G. Impacts associated with increased need for water supply is address in Section 3.16, "Utilities and Service Systems," Impacts Statement 3.16-4, page 3.16-8. As stated therein, water needs associated with construction activities would be minor and temporary. Operation of the lift station, wells, recycled water distribution system, and conveyance pipelines would move water, but would be unmanned and would not generate water demand during operation. At the preferred WRF site, the proposed Operations and Maintenance buildings would require potable water for sinks, showers, and toilet flushing, minor laboratory use, and emergency eyewash stations. The existing WWTP, which has a similar operational potable water demand to the preferred WRF facility, would be decommissioned concurrently with commencement of operation of WRF facility operation. That would result in approximately a zero net increase in water demand in the area of the proposed project. No additional water supply would be required above what is currently associated with the WWTP (or associated cost).

Response to Winholtz-26

As stated in the Draft EIR on page 3.14-1, the 2018 Traffic Impact Study (TIS) prepared by Central Coast Transportation Consulting (CCTC) for the proposed project documented existing traffic conditions in the project area. The analysis evaluated conditions based on traffic counts collected in February 2018 and does not include traffic from the projects the commenter lists. The *Black Hill Villas Traffic Impact Study Reevaluation* (Omni-Means, February 24, 2016) evaluated conditions with Black Hills Villas project in place and concluded no improvements were

warranted at the study intersections consistent with the results of the analysis of the proposed project.

Response to Winholtz-27

As stated in the Draft EIR, the 2018 TIS documented existing conditions of LOS E/C at the Quintana Road/South Bay Boulevard intersection during the AM/PM peak hours, respectively (see Draft EIR, Table 3.14-1). The Black Hills Villas project is not the subject of the analysis included in the Draft EIR. The traffic study conducted in 2016 for the Black Hills Villas project reported LOS D/D during the AM/PM peak hour. That difference is considered reasonable given the different count dates, which reflect typical daily traffic variations.

Response to Winholtz-28

The intersection mentioned in the comment is not expected to be impacted by project construction traffic. Rather, the environmental impacts of installing pipeline within roadways constitutes a temporary impact and would not permanently impact the business community. As required by Mitigation Measure TRAF-1, a Traffic Control Plan would be implemented that requires access be maintained to individual properties during construction. In addition, the proposed pipeline would be installed at approximately 150 feet per day, as described on page 2-28 of the Draft EIR. As such, the disruption to any one business location would be limited to approximately one week or less.

Response to Winholtz-29

As explained in the Draft EIR on page 3.14-16, the City would be required to prepare and implement a Traffic Control Plan for construction of proposed pipelines in accordance with Mitigation Measure TRAF-1. The Traffic Control Plan would include, but not be limited to, signage, striping, delineated detours, flagging operations, changeable message signs, delineators, arrow boards, and K-Rails that will be used during construction to guide motorists, bicyclists, and pedestrians safely through the construction area and allow for adequate access and circulation to the satisfaction of the City Traffic Engineer. Specifically, Mitigation Measure TRAF-1 includes the following:

> The Traffic Control Plan shall include provisions to ensure that the construction of the lift station, conveyance pipelines, and the IPR injection and monitoring wells do not interfere unnecessarily with the work of other agencies such as mail delivery, school buses, and municipal waste services.

Response to Winholtz-30

The Draft EIR only analyzes impacts associated with construction and operation of the proposed project, which includes an access road to the proposed WRF. The City would purchase up to 27.6 acres for development of the proposed 10- to 15-acre WRF, with remaining acres available to be placed into an agricultural or open space easement. No additional development is proposed as part of the proposed project. Any future activities or development, including creation of a

roadway, would be analyzed under a separate environmental document. The proposed project would only provide wastewater treatment services to the City at a capacity to support growth as currently planned; as such, annexation of the proposed WRF site itself into the City would have no growth inducing impacts since no residential or commercial development would directly result from the project.

Response to Winholtz-31

Please see the Draft EIR comment letter submitted by the CCC at the beginning of this chapter in support of the proposed project, confirming the No Project Alternative, which leaves the WWTP in its current location west of Highway 1, is not feasible. The CCC's comment letter to the Draft EIR states the CCC has previously and publically stated its support for the overall project and its objectives, and the CCC will continue working with the City throughout the WRF planning and permitting process. The Draft EIR recognizes the construction impacts avoided by the No Project Alternatives, but finds it meets none of the project objectives. See also **Master Response 1 – Alternatives**.

The commenter makes claims the No Project Alternative would avoid additional project impacts than those are identified in Chapter 6, "Alternatives Analysis." Those opinions are not supported by substantiation. The analysis in the Draft EIR substantiates the conclusion the impacts to growth inducement, construction traffic and transportation, fire protection services, environmental justice, nuisance construction noise at sensitive receptors, and GHG emissions are less than significant, some with implementation of mitigation.

Lucas

Rob Livick, P.E.
Public Works Director
City of Morro Bay
955 Shasta Avenue
Morro Bay, CA 93442

Comments on
Morro Bay Water Reclamation Facility
Draft Environmental Impact Report
SCH#2016081027

Submitted by
Michael Lucas, [submitted as resident]
2637 Koa Avenue, Morro Bay, CA 93442

Dear Rob-

As you are aware, I have had concerns from the earliest 'replacement plant' design that the holistic situation of the city and the water cycle were set aside for too narrow a focus on 'engineering'. I have not been able to review the work over the last few years in depth, but have seen the managed retreat aspect succeed. While I would suggest the Morro Creek sites superior to the one chosen, I understand the political realities of the proposed site selection. While I feel the technology and possible alternate technologies have not been fairly dealt with and that that will impact costs, I do think the proposed solution is a move forward for Morro Bay in the long term.

I have reviewed the draft EIR and have two major comment areas concerning what I assume may be mitigation aspects of relocation that are neither mentioned or seem to be overtly considered in the draft text. I think as many outside the community who read this are not familiar with Morro Bay or the locations involved, some of the following may be able to be included in various referenced mitigation or description parts noted or otherwise. 1

I am particularly concerned that in the discussions that little mention of the benefits of relocation relative to the existing treatment plant site are mentioned, such as potential visitor-serving uses, coastal access enhancement, or possible income flows to the city. While these future developments are not part of the project explicitly, they do open income streams and possibilities that offset costs, while furthering the access and visitor serving goals of the Coastal Act. 2

Similarly, the amount of water generated for reuse and tertiary treatment for human consumption [through aquifer/well enhancement] suggest further review of possibilities of economic 'selling'/leasing of our contracted rights from State Water to others. The current state of water in California suggests we would have many entities interested and this possible income would also impact the operational and construction costs. 3

Comments below are not an exhaustive placement of where these concerns may have impact, but they did seem like the starting point.

2.4.4/ Page 2-22 Decommissioning
The section describes the decommissioning, but the phrase '...to leave the site cleared and available for other uses in the future', while accurate does not state clearly that the beach block site is exceptional for adding to the visitor serving coastal access mandates of the Coastal Commission and aspects of the city General Plan. This value-added dislocation makes available a significant site for the city future. The economic advantages of lease or sale of the property as an economic offset to costs of the construction area also not identified as mitigation for costs. 4

2.6.3/Page 2-32 Reclamation and Reuse.
The reclamation and reuse also allows a review of the contracted State water, and the ability of the City to lease or sell rights to contacted amounts to other jurisdictions. This economic advantage in terms of income is an offset to costs of implementing the full tertiary option and reuse. 5

3/Page3-2 Population
The beach block site made available could have the impact of attracting additional visitor serving commercial or even transient housing [similar to current adjacent use], both of which are possible additions of water draw. 6

3.1/Page 3.1-2 [Page 3.1-18] Aesthetics
4.3/Page 4-8
There is no mention of the fact a negative land use is moved away from the beach, beach block, high school, public parklands, and future Power Plant site. Significantly beneficial alternative sites were disputed by residents whose homes were approximately 600 feet from the study facility, and dismissed by the city in the review process. By that logic, this site removal to inland agricultural property is a significant aesthetic gain for the city. 7
This point also could be considered in the 'Visual Character' aspect on page 3.1-18.

3.2.3/Page 3.2-12 Significance Criteria
3.2-5/Page 3.2-17 Conversion to Non-agricultural Use
The availability of the currently used site for coastal access and visitor serving commercial, should be evaluated as possible mitigation for loss of pasturelands. This is a strategic trade that benefits the City and California citizens long term. 8

3.3/Page 3.3-4 Existing Air Quality
3.7.3/Pages 3.7-22, 3.7-25, 3.7-26 Greenhouse Gas Emissions and Energy
The possible reuse of the treated water to be come the city water supply would mean a possible lack of need of the State Water System assets. The State Water System has significant air quality impacts regionally as a major set of pumps moves the water across the coastal range and significant distances from the delta source. While gaining one impact in its own local pumping, the City does not further contribute to the air quality burden of the State Water System [assumed transferred to another locality]. 9

3.3.5 /Page 3.3-24 Odors Operation
Another mitigation is removal of documented odor problem from the current site, which has impacted rental of the visitor serving transient spaces and anecdotally the students, faculty and staff of Morro Bay High School. 10

Figure 3.9-4 FEMA Flood Zones
3.9-6/Page 3.9-41 Flood Hazard Areas-Lift Station
My understanding is that there were new flood levels being discerned by various entities to include wind driven wave height not previously identified, as well as flood pool levels- this would increase the areas of the 100 and 500 year flood plains, directly impacting the armoring design of the required lift station. These considerations may also be informed by the California Coastal Commission Residential Adaptation Policy Guidance [draft, March 2018], which while aimed at residential situations, has numerous suggestions for future locations of assets. 11

3.12/Page 3.12-1 Environmental Justice
The location of the plant makes possible additional coastal access and potentially lower cost visitor serving transient housing on the current beach block site. 12

Thank you,

Michael Lucas

Comment Letter – Michael Lucas

Response to Lucas-1

The City thanks Mr. Lucas for submitting comments. The comment regarding his concern for costs, but overall support for the proposed project. The comment has been noted.

Response to Lucas-2

The comment is noted regarding potential project benefits such as potential visitor-serving uses at the existing WWTP site, coastal access enhancement, and possible income increase to the City. Section 1.2 of the Draft EIR explains the need for relocating the existing WWTP and the Coastal Commission's involvement with that decision. Those benefits are not covered in the Draft EIR because the future land use designation for the existing WWTP is being evaluated as part of the ongoing General Plan/LCP Update. As such, the proposed project does not include or identify the future redevelopment of the WWTP site. As part of the General Plan/LCP Update, the future uses will be aligned with the California Coastal Commission and Coastal Act objectives. The City will conduct appropriate environmental review in accordance with CEQA for the General Plan/LCP Update. Any potential environmental impacts associated with the redevelopment of the existing WWTP would be evaluated at that time or at a future time if a specific redevelopment project is considered.

Response to Lucas-3

The City estimates the proposed project could produce as much as 825 AFY of recycled water from the proposed WRF for indirect potable reuse in the future (Draft EIR, page 5-6). The proposed project would extract volumes of water that would be equal to or more than the volume of injected water. As stated in the Draft EIR on page 5-6, by utilizing indirect potable reuse to increase existing groundwater supplies, the City would be able to produce more potable water from its own controlled water source to be used within the City and decrease its dependency on the water supplied by the SWP. That may result in cost savings in the future. The comment suggests the possibility of selling or leasing the City's right to State Water to others. The feasibility of that approach is not clear at this time, but may be considered by the City in the future through its ongoing efforts to manage its water supply.

Response to Lucas-4

The City notes the potential economic advantages associated with the decommissioning of the WWTP as suggested in the comment, including revenue generated from lease or sale of the site and/or use of the site to attract visitors to the coast, which benefits the tourism sector of the City's economy. Please refer to Response to Lucas-2 regarding the future land use designation for the existing WWTP site.

Response to Lucas-5

Please see Response to Lucas-3.

Response to Lucas-6

Please see Response to Lucas-2.

Response to Lucas-7

In response to the comment, the text of the Draft EIR is modified on page 3.1-15 as follows:

> Decommissioning of Current WWTP
>
> The existing WWTP would continue in operation until the new WRF is in full operation (and the CSD's new treatment facility as well) and the collection system is no longer delivering flow to the existing WWTP. The decommissioning of the current WWTP would include the shutdown, demolition, and complete removal of all WWTP facilities and infrastructure including the piping located four to five feet below grade. After demolition and removal of facilities, backfilling, compaction, and grading would occur to create a site that is cleared, cleaned and available for other uses in the future. The decommissioning would remove aboveground WWTP facilities from coastal viewshed, visible from Highway 1 and Atascadero Road. ~~Therefore, no~~ structures or existing facilities would obstruct scenic views or vistas within the project area. The removal of WWTP structures would result in a beneficial impact to scenic vistas. ~~Impacts would be less than significant.~~

Response to Lucas-8

The City would purchase up to 27.6 acres for development of the proposed 10- to 15-acre WRF, with remaining acres available to be placed into an agricultural or open space easement (Draft EIR, page 3.2-7). The existing WWTP site is not needed to compensate or mitigate for loss of rangeland at the preferred WRF site.

Response to Lucas-9

As stated in the Draft EIR on page 5-7, the proposed project is a water supply reliability project. Although the proposed recycled water would reduce reliance on water imported through the SWP during normal years, the proposed recycled water is included in the City's water supply portfolio, along with imported water, per the City's 2015 Urban Water Management Plan (see Draft EIR, page 3.16-2 and 5-6).

Response to Lucas-10

Although the removal of potential odor generating facilities at the existing WWTP site would be beneficial, it would not be considered a mitigation. However, the following text has been added to the Air Quality impact analysis on page 3.3.-25 of the Draft EIR:

> The sewer lift station proposed to be installed at the inlet to the WRF will be fully enclosed. The plant influent will not be exposed to atmosphere. In addition, at the proposed lift station, odor control measures such as the addition of calcium ammonium

nitrate, use of an onsite odor scrubbing system and installation of sealed hatches to reduce the release of odors may also be applied. Lastly, implementation of the proposed project would have a beneficial impact due to the removal of odor-generating facilities at the existing WWTP site.

Therefore, with the robust odor control technology proposed for the project, project operations are not expected to generate significant odors. This would be a less than significant impact.

Response to Lucas-11

As shown in Figure 3.9-4 and on page 3.9-9 of the Draft EIR, some of the proposed project pipelines and the proposed lift station are already located within the 100-year flood hazard zone. As such, as stated in the Draft EIR on page 3.9-41, the proposed lift station would be floodproofed, designed to be watertight with impermeable walls and two feet above base flood elevation. The proposed project final design will be determined during the design/build process. The proposed lift station would be designed to comply with all local, state, and federal requirements associated with flood hazard areas.

Response to Lucas-12

The comment is addressed in the Response to Lucas-4. The comment has been noted.

10.5 Oral Comments and Responses

Attendee	Comment/Question	Responses
Steve Shively, WRFCAC member	1. All of the Class I Unavoidable impacts appear to be cultural only. Is this based on surveys (seeing resources physically in pipeline route) or assumptions that these resources may occur? 2. Class II Significant but Mitigable impacts appear to be short-term impacts. Is that correct? 3. In the Project Description, there is discussion about the IPR East and IPR West wellfields. Is this an either/or situation or are you looking to put in two separate pipelines to different wellfields? 4. I understand you are looking to close the comment period on May 18, however it sounds like the document will not be ready for certification until the fall. Wondering why that lapse in time between end of comment period to certification?	1. As indicated on page 3.5-1 of the Draft EIR, the cultural resource analysis was based on several resources including record searches, database review, and survey reports which involved pedestrian surveys. 2. This is correct. The comment has been noted. 3. As described in Chapter 2 of the Draft EIR, IPR East and IPR West wellfields are alternatives; only one of the wellfields and pipeline routes will be constructed. 4. The City will allocate appropriate time to respond to all comments to the Draft EIR. However, it is currently anticipated the Final EIR will be available in summer 2018.
Robert Davis	What are the pipelines shown in Alternative 2 graphic?	In the Draft EIR, Figure 6-2 shows the proposed project pipelines along with the pipeline associated with Alternative 2, which is an alignment that runs from the proposed WRF along the Embarcadero to the proposed lift station near the existing WWTP.
Paul Donnelly	1. In regards to the site layout (Figure 2-4): It says the source of the figure is from the City, so I was wondering where did the figure come from? 2. In the Facilities Master Plan, it showed rough grading but this new exhibit does not, which would be the total area of disturbance at the plant site, which I imagine the EIR would want to speak to. Since the area looks a lot different than the area of take, the area that we need to acquire for the plan, is going to be different as well? Is that to be assumed? 3. In reading the Geology section, it is my understanding that you will encounter Franciscan formation when you get down beneath the soil and is a thin soil layer so you will be doing rock excavation. Is blasting allowed in this project? 4. There is a very sensitive noise receptor nearby (Casa Del Flores). Also if you will not allow blasting then they will have to use jack hammering. That noise will be excessive. Right over the hill, there is a very sensitive noise receptor. I am not sure if any of these things were considered in the EIR but the noise coming from grading will be noticeable. 5. Tremendous amount of excess materials from pipeline construction will result. I did not see anything in the EIR that suggested where will this material will go? If there is federal involvement in this project, the federal agencies will want to know the destination of these materials and that the destination is qualified to take the materials. As Chorro Valley pipeline manager, we mainly went cross-country to avoid these displacement areas. In regards to the proposed alignment along the bike path, how will you get the pipe delivered to the actual	1. The City and MKN collaborated to create the figure, to remove the Corporation Yard from the layout for the proposed WRF. 2. The comment is addressed in the response for Donnelly-5. 3. As indicated on page 3.11-26, blasting would not result from project implementation. 4. The noise impact analysis did consider impacts to nearby sensitive receptors such as Casa Del Flores. Refer to the noise impact analysis in Section 3.11.4 of the Draft EIR. 5. The comment is addressed in responses for Donnelly-11, Donnelly-12, and Donnelly-13. 6. The comment is addressed in response for Donnelly-3. 7. The comment is addressed in response for Donnelly-4. 8. The comment is addressed in response for Bast-3. 9. The comment is addressed in the response for Donnelly-9. 10. Per Section 15093 of the CEQA Guidelines, since the proposed project may result in significant impacts to cultural resources that may not be fully mitigated, the City shall state in writing

Attendee	Comment/Question	Responses
	place you will put it in when you have this whole area excavated out and it is so narrow? Also, the EIR did not speak to how they will replace that bike path with all of the paving and trucks trying to get into a narrow area and there is already a City waterline and gas line in that bike path. Is it even feasible to run pipelines down that bike path? I don't see it to be possible since it is a horrendous feat. 6. In regards to the modification of the existing collection system in town It seems that you can mitigate some of the impacts like perpetual pumping by reconfiguring the Morro Bay Heights area and make it drain by gravity to South Bay Boulevard. It doesn't have to drain all the way down to the new pump station and then back past it when it can just be gravity-down and energy use at the lift station can be reduced. 7. In regards to the return line along the east side of the freeway, I was told that the alignment would be impossible because it is impossible to cross coastal streams. It may be possible to use a siphon instead to carry the water which would eliminate some energy use and pumping costs. 8. The City was about to do a study on the injection wells and never got around to it. As I recall, the last study that was done showed that there may not be enough aquifer present to dispose that much material (600,000 gallons per day for the whole year) without having a severe impact from flooding or land subsidence. Whether or not that may happen and the water is used at the well head, this has to be decided by a lot of other state agencies (SWRCB Water Rights, RWQCB, CDFG, and State Department of Health Services). We don't know if the water will be reused as drinking water either. 9. In reference to decommissioning (p. 2-30, bullet 6): After speaking with Stephen Kahn at the California Coastal Commission, it is unacceptable. He wants to know what that will look like and see a restoration plan. They don't want to just make it look like an old abandoned parking lot. Need to demonstrate environmental stewardship and show that it can be used to alleviate drainage/flooding in the area. The CCC is concerned about what the property will look like after the implementation of the project. 10. Now that we have identified Class I impacts, the City will have to prepare a Statement of Overriding Considerations or Findings. Do you have an idea of what will go in it or what statement we will make to classify it as a Class I impact?	the overriding considerations for moving forward with the project, including as applicable economic, legal, social, technological or other benefits, including region-wide or statewide environmental benefits that outweigh the potential adverse environmental effects. In addition, overriding considerations may include the timely need to implement the project to ensure public health and safety. The City Council will consider the statement of overriding considerations when making its final determination of whether to approve the project.

Attendee	Comment/Question	Responses
Valerie Levulett, WRFCAC member	1. In terms of cultural resources, I believe there were 6 identified archaeological sites. I don't know if the consultants actually conducted studies for historical archaeological but the project affects the archaeological sites in a differential manner depending upon on what injection wells (East or West) or conveyance system (East or West). In regards to conveyance, I believe the East alignment has the least potential to affect cultural resources. If decide to with West alignment, I recommend to come up with an alternative that does not parallel Morro Creek and goes past Lila Keiser and up to Atascadero Road in order to avoid potential archaeological conflicts. 2. A lot of the work is survey-level information and information that has been collected from other studies, particularly for sites along Highway 41 and could potentially affect the vicinity of the Highway 41 intersection, IPR East groundwater injection well area, etc. Depending on which alternative is selected, there are avoidance measures and I hope the cultural resources consultants will work in tandem with the design-build team. 3. When I reviewed the RFP for the design-build contract, there was a significant amount of information about proposed mitigations related to sensitive resources. I am assuming you have developed a relationship with the design-build team since the EIR had more details than the RFP. I hope ESA relays the thorough cultural resources mitigation measures and is working closely with the Design Build team so they are aware of what is recommended in the EIR. 4. In reference to consultation about CEQA-Plus: This document and cultural reports are supposed to be used for federal clearance. Have you allowed enough time for this consultation process to occur? I have worked on projects with adverse effects and those consultations can last from weeks to years and can be a significant amount of time. Once designed, do we have enough time to do what is recommended in the document? 5. In the demolition of the existing WWTP, there is no discussion that requires it be demolished within any particular timeframe. Is there a timeframe we need to be working under? Are there requirements for CSD? I believe this discussion may be useful to add into the EIR since it can be helpful to the reader. 6. In reference to the property for the proposed injection wells on the east side, need to clarify whether the wells would be located on private-owned or City-owned land.	1. 1.The comment is addressed in the response for Levulett-26. 2. The City appreciates Valerie Levulett's comment regarding her concern for the consultants to work with the design-build team. The comment has been noted. 3. The City appreciates the support for the cultural resource mitigation measures and concern for the consultants to work closely with the design/build team. The comment has been noted. If and when the Final EIR is certified by the Morro Bay City Council, all mitigation measures will be implemented including those pertinent to the design/build process. 4. The City is coordinating with the USEPA and SWRCB regarding the CEQA Plus process and required federal consultations. 5. The comment is addressed in the response for Levulett -3. 6. The comment is addressed in response for Levulett-15.

Attendee	Comment/Question	Responses
Doug Rogers, WRFCAC member	1. I discussed with Joe Mueller about the layout of the sewage system and thought it would be good to include in the Draft EIR. I had a question about the lift station and Joe explained there is an existing line along Embarcadero and into the WWTP from the rock side of Highway 1. I believe that would be useful in the discussion of the pumping of 2.75 mgd at the plant and the lift station pumps 7 mgd. I believe it would be useful to add wet water flow discussion because the public is interested in that difference 2. In Section 5.6 which discusses the future water supply, there is a very strong statement about how the project will put the City in a better water position. But the discussion earlier in Section 3.7, it is weak in comparison. I suggest the stronger language should be mentioned earlier in the document rather than just at the end.	1. Please refer to Chapter 6 Alternatives Analysis in the Draft EIR for a discussion of the lift station location alternatives. 2. The comment is noted.
Richard Sadowski, WRFCAC member	1. Did you say "No Project alternative" is not a considered alternative? 2. One of things mentioned in the No Project Alternative: In 2004, the Cayucos Sanitary District (CSD) staff determined that H_2S along North Main Street was a result from the CSD lift station 5. There were H_2S issues due to their lift station. With No Project Alternative, the H_2S disappears since no lift station would be implemented. However, the other two alternatives that you have would add in a lift station will create H_2S just from the cycling of the pumps and the force main. I noticed this issue is not addressed in the EIR. Please add H_2S impact discussion. 3. I noticed in the Air Quality section, you referenced the Federal EPA and Cal EPA. This EIR does not address some of the issues related to AB32, SB 32, and AB 398 even with the "No Project Alternative." 4. Did you help with writing the WIFIA application? As stated in the application letter, could you explain how the outfall is polluting the Back Bay?	1. As indicated on page 6-10 of the Draft EIR, the No Project Alternative is evaluated as a project alternative. The analysis concludes the No Project Alternative is not feasible to implement. 2. The comments are addressed in responses to Sadowski-2 through Sadowski-4. 3. The comment is addressed in response to Sadowski-2 and Sadowski-4. 4. The City is preparing the WIFIA application. The comment regarding pollution in the Back Bay is addressed in the response to Sadowski-5.
Bart Beckman	Of the 17 alternatives discussed, I believe I understand why most were knocked out. As I recall, Toro Creek was knocked out because it was not a site available to be purchased. If that is the reason, then Paul's concerns would be mitigated. I don't believe it is reasonable to inject all of that water back into the wells as it seems like a huge volume, but if at Toro Creek, then we can work with Cayucos to pump and use Whale Rock. The commenter prefers Toro Creek alternative.	The City appreciates Mr. Beckman's comment regarding his preference for the Toro Creek site for the proposed WRF. The comment is addressed in the responses for the Beckman comment letter. Please also refer to Master Response 1 – Alternatives.

CHAPTER 11
Clarifications and Modifications

The following clarifications and revisions are intended to update the Draft EIR in response to the comments received during the public review period. These changes, which have been incorporated into the Draft EIR, constitute the Final EIR, to be presented to the City Council for certification and approval. These modifications clarify, amplify, or make insignificant changes to the Draft EIR. Revisions to the Draft EIR have not resulted in new significant impacts or mitigation measures or increased the severity of an impact. None of the criteria for recirculation set forth in the CEQA Guidelines section 15088.5(a) have been met, and recirculation of the Draft EIR is not required.

The changes to the Draft EIR are listed by section and page number. Text that has been removed is shown in this chapter with a ~~strikeout~~ line, while text that has been added is shown with an underline.

Executive Summary

Page ES-1 As described in Section 15121(a) of the CEQA Guidelines, this Draft EIR is intended to serve as an informational document for pertinent public agency decision makers and the public.

Page ES-3 The existing WWTP has operated under that modified permit since its last upgrade in 1984. On July 7, 2003, the City submitted an application for renewal of the NPDES permit to USEPA and Central Coast Regional Water Quality Control Board (RWQCB) which expired in March 2014.

Page ES-6 Each potentially significant impact includes a numbered impact statement ~~with~~ and significance determination for the environmental impact as follows:

Chapter 2 Project Description

Page 2-1

2.2 Project Location

The proposed project is located within the City and in unincorporated area of the County of San Luis Obispo adjacent to the City boundaries (sees **Figure 2-1**). The preferred WRF site is currently located in an unincorporated portion of the County adjacent to the City, while the remaining proposed infrastructure is located in the City itself. The WRF would be constructed on an approximately 10- to 15-acre area within a 27.6-acre site to be purchased by the City. The 27.6-

acre site would ultimately be annexed to the City. Refer to Section 2.7.1 below for further discussion about the annexation process. The WRF site is part of a greater 396-acre parcel that is located along Highway 1, north of the northern terminus of South Bay Boulevard. The City will seek a modification to its Sphere of Influence (SOI) to include the entire 396-acre parcel. Refer to Section 2.7.1 below for further discussion about the process to modify the SOI. The proposed Operations and Maintenance buildings would also be located within the 10- to 15-acre preferred WRF site.

Page 2-12

Security

The 10- to 15-acre WRF site would be secured by a fence. An electrical gate would be located near the front of the property and be controlled by a key from the O&M buildings and would be monitored by a video surveillance camera. Furthermore, a buffer area of more than 50 feet would be located between the operational portion of the WRF and its neighboring land uses.

Page 2-15

Conveyance Pipelines

The offsite conveyance pipelines are comprised of a new force main to convey raw wastewater from the existing collection system and proposed lift station to the WRF site, a recycled water pipeline to convey treated water from the WRF to injection wells, and a waste discharge pipeline to convey brine or treated wet weather flows (compliant with California Ocean Plan discharge requirements) to the ocean outfall.

The proposed route of the raw wastewater pipeline from the proposed lift station to the WRF and brine/wet weather discharge pipelines from the WRF back to the ocean outfall ~~waste discharge conveyance pipelines~~ is shown in **Figure 2-8**. It should be noted those two pipelines would share a common alignment depicted on Figure 2-8 and described below. ~~The two options for the recycled water conveyance pipeline alignments are described further below and shown in **Figure 2-9.**~~ Raw wastewater and brine/wet weather discharge pipelines would run along the proposed alignment that starts from the proposed lift station and travels east along Atascadero Road. The pipeline alignment then travels south along J Street and east around the perimeter of Lila Keiser Park, before following an existing parkway/bike path across Morro Creek. It continues southeast along the Main Street right-of-way until it joins and follows Quintana Road. It should be noted that the alignment route runs through some City streets that already support numerous existing utilities. Continuing in a southeast direction on Quintana Road, the pipeline passes through street crossings of Kennedy Way, Morro Bay Boulevard then Kings Avenue, Bella Vista Drive, and La Loma Avenue. The proposed alignment crosses under Highway 1 west of the South Bay Boulevard interchange and continues along Teresa Road to South Bay Boulevard, where it heads north towards the proposed WRF site. Both the 16-inch force main and 16-

inch brine/wet weather discharge ~~waste~~ discharge pipeline would require casing for the Highway 1 crossing.

Treated wet weather flows and/or brine from the WRF would be discharged through the existing ocean outfall in the vicinity of the WWTP, similar to existing conditions. The size and capacity of the outfall is sufficient to accommodate the proposed project. Thus, a pipeline would be built to convey treated wet weather flows and/or brine from the WRF site back to the ocean outfall in the vicinity of the existing WWTP; a new connection to the ocean outfall would be required. Flow through the pipeline would be pumped from the WRF site to the high point along the Quintana Road alignment, then likely be gravity driven to the outfall based on topography. The pipeline would be designed to handle full capacity flow from the WRF, although discharges through the pipeline and outfall are intended to be minimized as advanced-treated recycled water is diverted elsewhere for beneficial reuse.

The two options for the recycled water conveyance pipeline alignments are shown in **Figure 2-9**. Both alignments would begin at the proposed WRF and travel northwest towards new injection well areas in the vicinity of the existing WWTP. The IPR West alignment would be located to the west of Highway 1 and would generally follow the same alignment for the raw wastewater and brine/wet weather discharge conveyance pipelines described above. The IPR East alignment would be located east of Highway 1 as shown on Figure 2-9. More information on the recycled water distribution system is found in Section 2.4.3 below.

Page 2-23

TABLE 2-4
ESTIMATED CONSTRUCTION DETAILS

Project Component	Activities	Duration	Construction Equipment
WRF	Vegetation removal, grubbing, excavation, stockpiling, truck loading/transport, backfilling, paving	30 Months	Backhoes, excavators, cranes, dump trucks, front end loader, water trucks, paver, rollers, flatbed delivery trucks, concrete trucks, pickup trucks, compressors, and jackhammers
Conveyance Pipelines	Pavement removal, pavement replacement, excavation, trenching	12 Months	Backhoes, excavators, crane, dump trucks, front end loader, water trucks, paver, roller, flatbed delivery trucks, concrete trucks, trenchless construction equipment (horizontal directional drilling rig, pilot tube guided boring machine, auger bore and jack equipment, etc.), pickup truck, compressors, jackhammer
Lift Station	Grading, excavation,	10 Months	Pile driving and/or ground improvement grouting equipment, auger truck, backhoe, boom lift truck, excavator, plate compactor, scaffolding dump trucks, front end loader, pickup truck, water trucks, paver, rollers, flatbed delivery trucks, and concrete trucks

Project Component	Activities	Duration	Construction Equipment
Injection Wells	Drill rig for well completion and equipping of wells	2 Months	Dump trucks, flatbed delivery trucks, pickup truck
Decommissioning of Existing WWTP	Permit issuance, demolition, removal of material, excavation, backfilling, compaction, grading	3 months	Backhoes, compactor, excavator, jackhammers, loaders, pickup trucks, rollers, water truck

Page 2-25 Regarding the typographic comment on Table 2-6, a comma is added under the first line as indicated below.

Soil Removal 2,665

Page 2-32 ***2.7.1 Annexation Process***

According to LAFCO policies, the procedures for the annexation and Sphere of Influence amendment consist of consultation with LAFCO prior to application submittal, preparation of application materials including a certified resolution or petition, vicinity map, topographical map, environmental documents, and indication the annexing municipality (the City) has prezoned the property, and review of the proposal application by LAFCO Executive Officer within 30 days after its receipt to determine if it is complete. The prezoning requirement involves "the city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at build-out, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be prezoned."

As part of the application review for an annexation, the LAFCO Executive Officer must approve a Negotiated Tax Agreement between the City and County. The LAFCO Executive Officer determines if master property tax agreements are applicable or separate property tax exchange resolutions are required. If negotiations leading to adoption of separate resolutions are required, then either the County or any affected municipality must agree to a tax exchange or the County negotiates a property tax exchange on behalf of any Special District (Revenue and Taxation Code Section 99).

Then, the LAFCO Executive Officer requests review by affected agencies and residents, submits public notification by at least 21 days prior to the hearing, prepares the written report and recommendations which are presented to the Commissioner at the hearing, and the Commission adopts a resolution of determination at the hearing or within 35 days of the hearing. Post annexation steps include condition compliance and Board of Equalization Filing and other notifications.

Chapter 3.1 Aesthetics

Page 3.1-3

The collection system would include a lift station discussed above and multiple pipelines running along a common alignment between the lift station and the proposed WRF site. The alignment shown in Figure 2-2 (see Chapter 2) would include: (1) a force main (raw wastewater) pipeline; (2) a ~~waste~~ brine/wet weather discharge pipeline; and (3) two options for a recycled water pipeline (IPR West and IPR East). Specifically, the proposed pipeline alignment for the raw wastewater (force main)/brine discharge pipeline and the IPR West recycled water pipeline would travel westward from the proposed WRF along Highway 1 then through residential areas along Quintana Road to the proposed lift station. The pipelines would primarily be constructed within public ROWs. The IPR East recycled water pipeline alignment would travel east of Highway 1 through open space as shown on Figure 2-2.

Page 3.1-6

Policy 2: Divisions of Land

Land division in agricultural areas shall not limit existing or potential agricultural capability. Divisions shall adhere to the minimum parcel sizes set forth in the Coastal Zone Land Use Ordinance. Land divisions for prime agricultural soils shall be based on the following requirements:

a. The division of prime agricultural soils within a parcel shall be prohibited unless it can be demonstrated that existing or potential agricultural production of at least three crops common to the agricultural economy would not be diminished.

b. The creation of new parcels whose only building site would be on prime agricultural soils shall be prohibited.

c. Adequate water supplies are available to maintain habitat values and to serve the proposed development

Land divisions for non-prime agricultural soils shall be prohibited unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished. Division of non-prime agricultural soils shall be reviewed on a case-by-case basis to ensure maintaining existing or potential agricultural capability.

Policy 3: Non-Agricultural Uses

In agriculturally designated areas, all non-agricultural development which is proposed to supplement the agricultural use permitted in areas designated as agriculture shall be compatible with preserving a maximum amount of agricultural use. When continued agricultural use is not feasible without some supplemental use, priority shall be given to commercial recreation and low

intensity visitor-serving uses allowed in Policy 1. Non-agricultural developments shall meet the following requirements:

a. No development is permitted on prime agricultural land. Development shall be permitted on non-prime land if it can be demonstrated that all agriculturally unsuitable land on the parcel has been developed or has been determined to be undevelopable.

b. Continued or renewed agricultural use is not feasible as determined through economic studies of existing and potential agricultural use without the proposed supplemental use.

c. The proposed use will allow for and support the continued use of the site as a productive agricultural unit and would preserve all prime agricultural lands.

d. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the remainder of the site or nearby and surrounding properties.

e. Clearly defined buffer areas are provided between agricultural and non-agricultural uses.

f. Adequate water resources are available to maintain habitat values and serve both the proposed development and existing and proposed agricultural operations.

g. Permitted development shall provide water and sanitary facilities on-site and no extension of urban sewer and water services shall be permitted, other than reclaimed water for agricultural enhancement.

h. The development proposal does not require a land division and includes a means of securing the remainder of the parcel(s) in agricultural use through agricultural easements. As a condition of approval of non-agricultural development, the county shall require the applicant to assure that the remainder of the parcel(s) be retained in agriculture and, if appropriate, open space use by the following methods:

Agricultural Easement. The applicant shall grant an easement to the county over all agricultural land shown on the site plan. This easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land covered by the easement to agriculture, non-residential use customarily accessory to agriculture, farm labor housing and a single-family home accessory to the agricultural use.

Open Space Easement. The applicant shall grant an open space easement to the county over all lands shown on the site plans as land

unsuitable for agriculture, not a part of the approved development or determined to be undevelopable. The open space easement shall remain in effect for the life of the non-agricultural use and shall limit the use of the land to non-structural, open space uses.

Development proposals shall include the following:

a. A site plan for the ultimate development of the parcel(s) which indicates types, location, and if appropriate, phases of all non-agricultural development, all undevelopable, non-agricultural land and all land to be used for agricultural purposes. Total non-agricultural development area must not exceed 2% of the gross acreage of the parcel(s).

b. A demonstration that revenues to local government shall be equal to the public costs of providing necessary roads, water, sewers, fire and police protection.

c. A demonstration that the proposed development is sited and designed to protect habitat values and will be compatible with the scenic, rural character of the area.

d. Proposed development between the first public road and the sea shall clearly indicate the provisions for public access to and along the shoreline consistent with LUP policies for access in agricultural areas.

Page 3.1-8 The proposed WRF site is located within the Estero planning area and is subject to standards for Sensitive Resource Area (SRA), including protection of the Morro Area SRA critical viewsheds along Highway 1. Pursuant to Section 23.04.210 of the CZLUO, all new development must obtain a land use permit that includes a landscaping plan, grading and drainage plan, lighting plan, fencing plan, and visual analysis, including the use of story-poles as required, that is prepared by a licensed architect, a licensed landscape architect or other qualified professional acceptable to the Director of Planning and Building. The plans and visual analysis shall be used to determine compliance with the following standards:

1. **Location of development**. Locate development, including, but not limited to primary and secondary structures, accessory structures, fences, utilities, water tanks, and access roads, in the least visible portion of the site, consistent with protection of other resources. Emphasis shall be given to locations not visible from major public view corridors. Visible or partially visible development locations shall only be considered if no feasible non-visible development locations are identified, or if such locations would be more environmentally damaging. New development shall be designed (e.g., height, bulk, style, materials, color) to be subordinate to, and blend with, the character of the area. Use naturally occurring topographic features and slope-created “pockets” first

and native vegetation and berming second, to screen development from public view and minimize visual intrusion.

2. **Structure visibility**. Minimize structural height and mass by using low-profile design where feasible, including sinking structures below grade. Minimize the visibility of structures by using design techniques to harmonize with the surrounding environment.

3. **Ridgetop development**. Locate structures so that they are not silhouetted against the skyline or ridgeline as viewed from the shoreline, public beaches, the Morro Bay estuary, and applicable roads or highways described in the applicable planning area standards in the area plans, unless compliance with this standard is infeasible or results in more environmental damage than an alternative.

4. **Landscaping for hillside and ridgetop development**. Provide screening of development at plant maturity using native vegetation of local stock, non-invasive, or drought-tolerant vegetation without obstructing major public views (e.g., screening should occur at the building site rather than along a public road). The use of vegetation appropriate to the site shall be similar to existing native vegetation. Alternatives to such screening may be approved if visual impacts are avoided through use of natural topographic features and the design of structures. Provisions shall be made to maintain visual screening for the life of the development.

5. **Land divisions and lot-line adjustments - cluster requirement**. New land divisions and lot-line adjustments where the only building site would be on a highly visible slope or ridgetop shall be prohibited. Land divisions and their building sites that are found consistent with this provision shall be clustered in accordance with Chapter 23.04 or otherwise concentrated in order to protect the visual resources.

6. **Open space preservation**. Pursuant to the purpose of the Critical Viewshed or SRA to protect significant visual resources, sensitive habitat or watershed, open space preservation is a compatible measure. Approval of an application for new development in these scenic coastal areas is contingent upon the applicant executing an agreement with the county to maintain in open space use appropriate portions of the site within the Critical Viewshed or SRA (for visual protection). Guarantee of open space preservation may be in the form of public purchase, agreements, easement controls or other appropriate instrument approved by the Planning Director, provided that such guarantee agreements are not to provide for public access unless acceptable to the property owner or unless required to provide public access in accordance with the LCP.

Page 3.1-15 Decommissioning of Current WWTP

The existing WWTP would continue in operation until the new WRF is in full operation (and the CSD's new treatment facility as well) and the collection system is no longer delivering flow to the existing WWTP. The decommissioning of the current WWTP would include the shutdown, demolition, and complete removal of all WWTP facilities and infrastructure including the piping located four to five feet below grade. After demolition and removal of facilities, backfilling, compaction, and grading would occur to create a site that is cleared, cleaned and available for other uses in the future. The decommissioning would remove aboveground WWTP facilities from coastal viewshed, visible from Highway 1 and Atascadero Road. ~~Therefore, no~~ No structures or existing facilities would obstruct scenic views or vistas within the project area. The removal of WWTP structures would result in a beneficial impact to scenic vistas. ~~Impacts would be less than significant.~~

Chapter 3.2 Agriculture and Forestry Resources

Page 3.2-1 The proposed WRF site is underlain by Cropley clay soils, which consist of clay overlying silty clay loam that is typically found at a depth of 36 to 60 inches (JFR Consulting, 2016). Those soils are designated by the Natural Resources Conservation Science (NRCS) as prime farmland if irrigated. According to the Cortese-Knox-Hertzberg Local Government Reorganization Act and California Government Code 56064, the definition of prime agricultural land is:

> an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use…and that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

Historically, that portion of the project area and its adjacent land has been used for rangeland and has not been irrigated (JFR Consulting, 2013). Currently, the WRF site is not irrigated and neither are immediately adjacent parcels, which are also rangelands used for grazing. There currently is no existing irrigation infrastructure at or around the preferred WRF site. Irrigation feasibility at the preferred project site is low due to the requirement for substantial investment in either pipeline and pumping infrastructure to convey water to the site or construction of onsite groundwater wells, followed by installation of onsite piping for irrigation. As a result, the property in which the proposed WRF ~~is~~ would be located on does not support Prime Farmland (JFR Consulting, 2016). Thus, from a practical perspective, implementation of the proposed project would not remove important areas of prime agricultural potential.

Page 3.2-2

San Luis Obispo LAFCO Policies and Procedures

2.9 Agricultural Policies

1. Vacant land within urban areas should be developed before agricultural land is annexed for non-agricultural purposes.

2. Land substantially surrounded by existing jurisdictional boundaries should be annexed before other lands.

3. In general, urban development should be discouraged in agricultural areas. For example, agricultural land should not be annexed for nonagricultural purposes when feasible alternatives exist. Large lot rural development that places pressure on a jurisdiction to provide services and causes agricultural areas to be infeasible for farming should be discouraged.

4. The Memorandum of Agreement between a city and the County should be used and amended as needed to address the impacts on and conversion of Agricultural Lands on the fringe of a city.

5. The continued productivity and sustainability of agricultural land surrounding existing communities should be promoted by preventing the premature conversion of agricultural land to other uses and, to the extent feasible, minimizing conflicts between agricultural and other land uses. Buffers should be established to promote this policy.

6. Development near agricultural land should not adversely affect the sustainability or constrain the lawful, responsible practices of the agricultural operations.

7. In considering the completeness and appropriateness of any proposal, the Executive Officer and this Commission may require proponents and other interested parties to provide such information and analysis as, in their judgment, will assist in an informed and reasoned evaluation of the proposal in accordance with these policies.

8. No change of organization, as defined by Government Code 56021, shall be approved unless it is consistent with the Spheres of Influence of all affected agencies.

9. Where feasible, and consistent with LAFCO policies, non-prime land should be annexed before prime land.

10. The Commission will consider feasible mitigation (found in the following guidelines) if a proposal would result in the loss of agricultural land.

11. The Commission encourages local agencies to adopt policies that result in efficient, coterminous and logical growth patterns within their General Plan and Sphere of Influence areas and that encourage protection of prime agricultural land in a manner that is consistent with this Policy.

12. The Commission may approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land to be converted from agricultural use is agreed to by the applicant (landowner), the jurisdiction with land use authority. The 1:1 substitution ratio may be met by implementing various measures:

a. Acquisition and dedication of farmland, development rights, and/or agricultural conservation easements to permanently protect farmlands within the annexation area or lands with similar characteristics within the County Planning Area.

b. Payment of in-lieu fees to an established, qualified, mitigation/conservation program or organization sufficient to fully fund the acquisition and dedication activities stated above in 12a.

c. Other measures agreed to by the applicant and the land use jurisdiction that meet the intent of replacing prime agricultural land at a 1:1 ratio.

13. Property owners of agricultural lands adjacent to a LAFCO proposal shall be notified when an application is submitted to LAFCO.

Page 3.2-2 **Figure 3.2-2** shows the Williamson Act contracted land present in the project area. There are Williamson Act contracted lands located east and north of the proposed WRF site, however none coincide with the location of proposed project components. These Williamson Act lands shown in Figure 3.2-2 include the Maino Ranch. Specifically, the 1,860-acre Maino Ranch includes a 436.4-acre parcel and a 138.3-acre parcel adjacent to the proposed project. Ranching and farming occurs in accordance with "best management practices" according to management plans by the owners, limiting future development (MBNEP, 2018).[1] The area of Maino Ranch closest to the proposed project is used for calving. Additionally, none of the project facilities would be located on land designated as Timber Production Zones or Forest land.

Page 3.2-5 Further, State Route 41 is an ~~Designated~~ Eligible State Scenic Highway, but not officially designated.

Page 3.2-7 **Policy AGP17:** Agricultural Buffers

[1] Morro Bay National Estuary Program (MBNEP), Restoration & Conservation, available at: http://www.mbnep.org/restoration-conservation/, accessed June 5, 2018.

Protect land designated Agriculture and other lands in production agriculture by using natural or man-made buffers where adjacent to non-agricultural land uses in accordance with the agricultural buffer policies adopted by the Board of Supervisor (see Appendix C).

Appendix C: Agricultural Buffer Policies

Agriculture Buffer Distance Determination

The buffer is placed on the developer's property and will be recorded as a distance from the property line to the proposed occupied structure. However, the total buffer distance calculation and recommendation is measured from proposed occupied structure to the edge of the agricultural operation. The buffer will allow for such land uses as landscaping, barns, storage buildings, orchards, pastures, etc., while protecting the agricultural use and the public's health and safety.

1. General Guidelines

A. Determinations are made based on all relevant site and project criteria, practical knowledge of agricultural practices, technical literature, contact with other professionals within the University, industry, government agencies and training.

B. "Margin of safety" and "probability" concepts are used in determining setback distances.

C. The department's land use reports will identify recommended mitigation measures and will not provide alternatives.

D. Existing dwellings adjacent to agricultural use may already negatively impact agriculture. Buffer mitigations address reducing future or additional impacts and aren't necessarily affected by existing dwellings unless the extent of existing development is such that the proposal does not significantly worsen the land use conflict already present.

2. Buffer Distance Ranges by Crop

Agricultural practices associated with the production of crops are the most important contributing factor to land use conflict when development occurs in close proximity to agricultural areas. Since production practices vary considerably by type of crop, buffer distances may vary accordingly. Ranges in distance are necessary due to the influence that site or project specific factors may have.

Non-Intensive Agricultural Uses:

Dry farm field crops, orchards and vineyards - 100-200 feet

Rangeland/pasture - 50-200 feet

Site specific non-crop factors (such as topography, prevailing wind direction, and elevation differences) and proposal specifications often affect the final buffer distance recommendation within ranges listed in Number1 and 2. Significant

overriding factors or land unsuitable for agricultural use could justify recorded buffers less than the indicated range.

Page 3.2-14 The proposed WRF would be located on lands designated as Agriculture under the County's General Plan. According to the County's General Plan and Land Use Ordinance, public utility facilities (such as a treatment plant) are allowed within lands zoned for Agricultural – Non-Prime soils, subject to special standards or permit procedures such as approval of a Development Plan (County Coastal Zone Land Use Ordinance 23.08.288). A Development Plan is similar to a Minor Use Permit in that its application includes a preliminary floor plan, architectural elevations, adjacent land uses, landscape plan, grading plan, construction schedule, cross-sections, and public access locations and includes a public hearing. A Development Plan requires the development or project is consistent with the Coastal Zone Land Use Ordinance, which could result in minimizing the proposed project's disturbance at the site and including fencing or visual screening.

Construction of the proposed WRF and connecting pipelines in agricultural areas could result in the spread of noxious weeds on surrounding rangelands or fields. Specifically, ground disturbance and regular movement of vehicles into and out of the property could increase the potential for an introduction of invasive weed species which may impair the agricultural use of the surrounding areas. As part of the Development Plan, a landscape plan would select plants that are native and drought tolerant and that protect and preserve native species and natural areas (CZLUO Section 23.04.186(c)(4)), minimize the potential for introduction and establishment of invasive species. A weed control plan may also be included as part of the landscape plan. A weed control plan would include methods, success criteria, and a monitoring and reporting program.

As a result, acquisition of appropriate permits would allow the WRF to be constructed and operated on agricultural land. Furthermore, the buffer and fencing around the proposed WRF and access roads implemented as part of the project design would place the operational portion of the proposed WRF more than 50 feet away from the neighboring agricultural uses and allow for the continuation of neighboring cattle grazing and reduce any land use incompatibilities. Therefore, impacts related to conflicts with existing zoning for agricultural use would be considered less than significant.

Page 3.2-17 Current agricultural production in the proposed project area is shown in the aerial photograph of Figure 2-2. The proposed WRF site is rangeland that is currently used for cattle grazing (Yeh & Associates, 2017). For almost a century, land use at this site has not changed (Yeh & Associates, 2017). The proposed WRF would occupy 10 to 15 acres of a 396-acre parcel of rangeland, a land use that is considered agricultural. That is the primary project component that has the potential to permanently convert land that is currently being used for grazing to a non-agricultural use. Per the City's General Plan policies, the proposed project

would be in compliance with Policy LU-44, which states that "All non-agricultural development permitted on non-prime agricultural lands shall preserve the maximum amount of lands in agricultural use. The proposed use will result in no adverse effect upon the continuance or establishment of agricultural uses on the undeveloped portion of the property." Implementation of the proposed WRF would convert between approximately 2.5% and 3.8% ~~up to approximately 4%~~ of the 396-acre parcel to non-agricultural use. The City would purchase 27.6 acres of the 396-acre parcel; the area not directly developed for the proposed WRF ~~The remainder of the parcel~~ would still be available for grazing or to be placed into an agricultural or open space easement in compliance with County Land Use Ordinance policy 23.04.050. Also, the proposed WRF is being designed to minimize its footprint as much as possible to minimize such effects to agriculture, and would maintain the remainder of the rangeland area in one contiguous and useable parcel. In compliance with the City's General Plan land use policies and the County's Agricultural Element agricultural buffer policies, a buffer area is included for the proposed WRF site design to ensure that the operational portion of the facility is located more than 50 feet away from neighboring agricultural uses. The fencing surrounding the proposed WRF facility and access roads allows for the continuation of cattle grazing in neighboring lands as it reduces the potential for trespassing or other nuisance issues. That buffer area and fencing, along with the elimination of a corporation yard within the proposed WRF site, reduces the amount of agricultural land converted to non-agricultural use and helps further reduce land use incompatibilities. Thus, ~~T~~the impact of building the proposed WRF relative to the continued use of agricultural lands is less than significant.

The other project component that has a similar potential to convert agricultural land to non-agricultural use is the proposed IPR East groundwater wells. A small portion of the IPR East wellfield area overlaps with active agricultural lands at the Narrows (see Figure 2-2). Those lands are also FMMP-designated Prime Farmland. However, the results from the LESA model indicate that the conversion of 1.26 acres of Prime Farmland within the proposed IPR East groundwater well injection area to non-agricultural use would not be considered a significant impact to agricultural resources. Therefore, the potential to convert agricultural land to non-agricultural use would be considered less than significant.

Chapter 3.3 Air Quality

Page 3.3-18 The following mitigation measures are required to reduce construction emissions of ROG, NO_X, and DPM. Although the proposed project's fugitive dust emissions would not exceed Tier 1 or 2 thresholds, SLOAPCD requires any project with grading areas greater than 4.0 acres or that are within 1,000 feet of any sensitive receptor to implement standard fugitive dust mitigation measures. Therefore, Mitigation Measure AQ-1a is also required. These mitigation

measures would help manage fugitive dust emissions such that the Project's fugitive dust emissions would not exceed the APCD's 20 percent opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402).

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;

- Use of water trucks or sprinklers in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. ~~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~~;~~ and in order to conserve water used for dust control, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible. Potential dust suppressants to select from to mitigate dust emissions can found at the link below:

  http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm

- All dirt stock pile areas shall be sprayed daily and covered with tarps or other dust barriers as needed;

- "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto nay highway or street as described in California Vehicle Code Section 23113 and California Water Code. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. The Project shall install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track out prevention device' can be device or combination of devices that are effect at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roads accumulate track out soils, the track out prevention device may need to be modified;

- 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 for greater than 3 minutes in any 60-minute period, 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 SLOAPCD Compliance Division prior to the start of any grading, earthwork or demolition.

Page 3.3-19 **AQ-1c: BACT for Construction Equipment.** The following BACT for diesel-fueled construction equipment shall be implemented during construction activities at the project site, where feasible:

- Further reducing emissions by expanding use of Tier 3 and Tier 4 off-road and 2010 on-road compliant engines where feasible;
- Prior to commencement of construction activities, the applicant shall submit a list of equipment to be used on the project to the APCD. The list would include details of each piece of equipment, including: equipment serial number, engine model year, engine emission tier, and emission family for each. If the list contains other than Tier 4 equipment, a revised CalEEMod run for annual mitigated construction emissions, using the list of specific equipment proposed for the project and demonstrating quarterly emissions below the APCD thresholds of significance shall then be submitted.

Page 3.3-22 If it is determined that asbestos containing materials (ACM) would be removed as part of the project's demolition phase, the project shall remove the ACM in accordance with APCD regulations, as well as the requirements found in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M-asbestos NESHAP). These requirements include, but are not limited to:

1. Written notification, within at least 10 business days of activities commencing, to the APCD;

2. Asbestos survey conducted by a Certified Asbestos Consultant; and,

3. Applicable removal and disposal requirements of identified ACM.

Page 3.3-22 If it is determined that existing structures to be removed are coated with lead-based paint, the construction manager shall consult with the APCD to determine if a permit is required for the lead abatement.

Page 3.3-25 The sewer lift station proposed to be installed at the inlet to the WRF will be fully enclosed. The plant influent will not be exposed to atmosphere. In addition, at the proposed lift station, odor control measures such as the addition of calcium ammonium nitrate, use of an onsite odor scrubbing system and installation of sealed hatches to reduce the release of odors may also be applied. Lastly, implementation of the proposed project would have a beneficial impact due to the removal of odor-generating facilities at the existing WWTP site.

Chapter 3.4 Biological Resources

Page 3.4-34 ***Morro Bay National Estuary Program***

The Morro Bay National Estuary Program (MBNEP) seeks to identify a network of interconnected lands to focus conservation efforts that provide critical habitat for sensitive species; high biodiversity patterns; essential ecosystem services and functions; and provide the greatest opportunity for biodiversity to adapt naturally in a changing and variable environment. In order to do this, the ~~Program~~ MBNEP has developed the Comprehensive Conservation and Management Plan (MBNEP, 2012 Update), which identifies, among other things, action plans to be implemented to support the conservation and sound management of the estuary and watershed. The following action plans ~~has identified the following needs for biological resources that~~ are pertinent to the proposed project:

Page 3.4-41 1. The program shall include information on San Luis Obispo owl's clover and the life history of steelhead, California red-legged frog (CRLF), Morro shoulderband snail (MSS), and other raptors; nesting birds; as well as other wildlife and plant species that may be encountered during construction activities.

Page 3.4-49 Ensuring sediment-laden runoff does not leave the preferred and proposed project sites during construction, and that post-construction runoff is consistent with pre-construction conditions is essential to reduce impacts to water quality. As described in Chapter 3.9, Hydrology and Water Quality, the City would be required to prepare a SWPPP for the proposed project in compliance with the NPDES General Construction Permit. The SWPPP would include BMPs to control erosion, sedimentation, and hazardous materials release. In addition, construction of the proposed project is also subject to the BMPs included in the City's Storm Water Management Plan to control runoff and protect water quality during the construction period. In accordance with the Morro Bay Municipal Code for Building Regulations—Stormwater Control (Chapter 14.48), the SWPPP would need to be approved by the City prior to commencement of construction activities. The City also would coordinate review of the SWPPP for the WRF site with the San Luis Obispo County Department of Public Works. Mitigation Measure BIO-8 includes specific BMPs to be incorporated into the SWPPP to minimize impacts to water quality and ensure there are no significant impacts to aquatic habitat downstream of the ephemeral drainages within the project area. With implementation of Mitigation Measures BIO-1, BIO-2, BIO-7, BIO-8, and BIO-9, impacts to migratory wildlife or native wildlife nursery sites would be less than significant.

Chapter 3.5 Cultural Resources

Page 3.5-1 *Morro Bay Wastewater Treatment Plant Upgrade Project, San Luis Obispo County, California: Archaeological Survey and Historic Resources Evaluation Report* (Brewster, 2009)

Page 3.5-5 At the time of European contact of the Morro Bay area (ca. 1542), the preferred and proposed project sites were occupied by two Native American groups: the Chumash and the Salinan. Since there is some disagreement about the pre-contact boundaries for each group (see Gibson, 1983b; Kroeber, 1925; Mason, 1912; Milliken 2010; and Milliken and Johnson 2005), the following discussion focuses on the post-contact period.

Page 3.5-6 Morro Rock, the prominent landmark at the entrance to Morro Bay, was first named by the Northern Chumash and was called *Lisamu*. It was later named again by Spanish explorer Juan Rodriguez Cabrillo during his voyage of the California coast in 1542. Cabrillo called the rock "El Moro," because it resembled the head of a Moor, the people from North Africa known for the turbans they wore.

Page 3.5-8 A total of 19 cultural resources have been identified within a 0.25-mile radius of the proposed and preferred project sites as a result of records searches at the CHRIS-CCIC and pedestrian surveys (**Table 3.5-2**).

A historic resources survey of the WWTP was conducted on January 30, 2009 (Brewster, 2009).

A paleontological resources records search was requested from the Natural History Museum of Los Angeles County (LACM) in an effort to identify paleontological resources and/or fossil-bearing geologic formation, which may underlie the proposed and preferred project sites.

Page 3.5-11 The steps of the Section 106 process are accomplished through consultation with the State Historic Preservation Officer (SHPO), federally-recognized ~~Indian~~ tribes, local governments, and other interested parties.

Page 3.5-17 ***County of San Luis Obispo Coastal Zone Land Use Ordinance***

23.07.104- Archaeologically Sensitive Areas:

To protect and preserve archaeological resources, the following procedures and requirements apply to development within areas of the coastal zone identified as archaeologically sensitive.

A. **Archaeologically sensitive areas.** The following areas are defined as archaeologically sensitive:

1. Any parcel within a rural area which is identified on the rural parcel number list prepared by the California Archaeological Site Survey Office on file with the county Planning Department.

2. Any parcel within an urban or village area which is located within an archaeologically sensitive area as delineated by the official maps (Part III) of the Land Use Element.

3. Any other parcel containing a known archaeological site recorded by the California Archaeological Site Survey Office.

B. **Preliminary site survey required.** Before issuance of a land use or construction permit for development within an archaeologically sensitive area, a preliminary site survey shall be required. The survey shall be conducted by a qualified archaeologist knowledgeable in local Native American culture and approved by the Environmental Coordinator. The County will provide pertinent project information to the Native American tribe(s).

C. **When a mitigation plan is required.** If the preliminary site survey determines that proposed development may have significant effects on existing, known or suspected archaeological resources, a plan for mitigation shall be prepared by a qualified archaeologist. The County will provide pertinent project information to the Native American tribe(s) as appropriate. The purpose of the plan is to protect the resource. The plan may recommend the need for further study, subsurface testing, monitoring during construction activities, project redesign, or other actions to mitigate the impacts on the resource. Highest priority shall be given to avoiding disturbance of sensitive resources. Lower priority mitigation measures may include use of fill to cap the sensitive resources. As a last resort, the review authority may permit excavation and recovery of those resources. The mitigation plan shall be submitted to and approved by the Environmental Coordinator, and considered in the evaluation of the development request by the Review Authority.

D. **Archeological resources discovery**. In the event archeological resources are unearthed or discovered during any construction activities, the standards of Section 23.05.140 of this title shall apply. Construction activities shall not commence until a mitigation plan, prepared by a qualified professional archaeologist reviewed and approved by the Environmental Coordinator, is completed and implemented. The County will provide pertinent project information to the affected Native American tribe(s) and consider comments prior to approval of the mitigation plan. The mitigation plan shall include measures to avoid the resources to the maximum degree feasible and shall provide mitigation for unavoidable impacts. A report verifying that the

approved mitigation plan has been completed shall be submitted to the Environmental Coordinator prior to occupancy or final inspection, whichever occurs first.

[Amended 1995, Ord. 2715; Amended 2004, Ord. 3048]

County of San Luis Obispo Local Coastal Plan

Chapter 12- Archaeology

Policy 1: Protection of Archaeological Resources

The county shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required. [THIS POLICY SHALL BE IMPLEMENTED AS A STANDARD.]

Policy 3: Identification of Archaeological Sites

- The county shall establish and maintain archaeological site records of data files about known sites. These sensitive areas shall be defined as follows:

- Within rural areas, the county maintains on file a parcel number list of known sites as prepared and updated by the California Archaeological Site Survey Office.

- Within urban areas, the county shall maintain maps in the Land Use Element (combining designation) which reflect generalized areas of known sites. These maps shall be prepared by the California Archaeological Site Survey Regional Office.

Specific archaeological site information shall be treated as confidential to protect the archaeological resources. Development within an archaeological sensitive area shall not occur until a preliminary site survey is conducted for the site, and if necessary, mitigation measures implemented. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE COASTAL ZONE LAND USE ORDINANCE.] Early information on sensitive sites where new development is anticipated can be used to design and locate structures and site alterations to eliminate impacts. A preliminary archaeological survey can also help facilitate the timing of construction: if there is no evidence of the potential existence of archaeological resources, construction can commence; if the preliminary survey does indicate the presence of archaeological resources, mitigation measures can be designed into the development. Early identification can save both time and money for the applicant. Concerns have been raised by

previous applicants about the expense and time-consuming delay if a project is stopped. Work crews, equipment and capital remain suspended until mitigation measures are drafted. Although all construction must cease if a site is discovered during any phase of construction, a preliminary survey can usually determine the potential extent of resources and thus avert unnecessary delays through an appropriate mitigation plan.

Policy 4: Preliminary Site Survey for Development within Archaeologically Sensitive Areas

Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 5: Mitigation Techniques for Preliminary Site Survey before Construction

Where substantial archaeological resources are found as a result of a preliminary site survey before construction, the county shall require a mitigation plan to protect the site. Some examples of specific mitigation techniques include:

a) Project redesign could reduce adverse impacts of the project through relocation of open space, landscaping or parking facilities.

b) Preservation of an archaeological site can sometimes be accomplished by covering the site with a layer of fill sufficiently thick to insulate it from impact. This surface can then be used for building that does not require extensive foundations or removal of all topsoil.

c) When a project impact cannot be avoided, it may be necessary to conduct a salvage operation. This is usually a last resort alternative because excavation, even under the best conditions, is limited by time, costs and technology. Where the chosen mitigation measure necessitates removal of archaeological resources, the county shall require the evaluation and proper deposition of the findings based on consultation with a qualified archaeologist knowledgeable in the Chumash culture.

d) A qualified archaeologist knowledgeable in the Chumash culture may need to be on-site during initial grading and utility trenching for projects within sensitive areas.

[THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTION 23.07.106 OF THE CZLUO.]

Policy 6: Archaeological Resources Discovered during Construction or through Other Activities

Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures. [THIS POLICY SHALL BE IMPLEMENTED PURSUANT TO SECTIONS 23.05.140 AND 23.07.106 OF THE CZLUO.]

Relationship to the Land Use Element/Coastal Zone Land Use Ordinance

Archaeological information will remain confidential, and will be used only to assist property owners in the design of development projects in a manner which protects resources. The sensitivity maps, in conjunction with the Site Survey Office's official maps of known sites, will be used to identify known and potential archaeological resources. The CZLUO addresses the protection of archaeological resources through the review process.

Findings

Through the maintenance of a sensitivity map and parcel number list of known archaeological sites, and through the establishment of pre-construction requirements and appropriate review procedures, the county has greatly improved the methods for protecting archaeological resources. The policies provide for the protection of both known and potential archaeological resources as required by the Coastal Act Section 30244.

Page 3.5-34 Brewster, Brad, *Morro Bay Wastewater Treatment Plant Upgrade Project, San Luis Obispo County, California: Archaeological Survey and Historic Resources Evaluation Report*, prepared for the City of Morro Bay, prepared by Environmental Science Associates, February 2009.

~~Caste~~ Castle, Roger, and Gary Ream. 2006. Images of America, Morro Bay.

Chapter 3.6 Geology, Soils, and Seismicity

Page 3.6-18 **GEO-2: Post-Construction Site Restoration.** After construction of project pipelines, disturbed areas shall be managed to control erosion, including without limitation: repaving areas within roadways, restoring vegetated areas (with native plants if applicable), and regrading surfaces to minimize changes in drainage patterns.

Chapter 3.9 Hydrology and Water Quality

Page 3.9-9 According to flood zone mapping compiled by the Federal Emergency Management Agency's Flood Insurance Rate Maps (FIRMs), the proposed WRF location is outside of the 100-year flood zone (See **Figure 3.9-4**). However, the proposed lift station and existing WWTP, proposed injection wellfield areas, and portions of the pipeline alignments west of Highway 1 are located within what is known as Flood Zone AE where the flood zone elevation occurs at approximately 20 feet above sea level (FEMA, 2017).

Page 3.9-24 Prior to the modeling, aquifer testing was conducted on the existing city wells to better ~~quantity~~ quantify the parameters of the aquifer to be used for injection, including the horizontal and vertical hydraulic conductivity, as discussed above in the Environmental Setting.

Chapter 3.10 Land Use and Land Use Planning

Page 3.10-3 ***San Luis Obispo LAFCO Policies and Procedures***

2.3 Policies for City Annexation

1. The boundaries of a proposed annexation must be definite and certain and must conform to lines of assessment whenever possible.

2. The boundaries of an area to be annexed will not result in any areas difficult to serve.

3. There is a demonstrated need for governmental services and controls in the area proposed for annexation.

4. The municipality has the resources capable of meeting the need for services in the area proposed for annexation and has submitted studies and information documenting its ability to serve.

5. There is a mutual social and economic community of interest between the residents of the municipality and the proposed territory.

6. The proposed annexation is compatible with the municipality's general plan. The proposed annexation represents a logical and reasonable expansion of the annexing municipality.

7. The Commission shall determine if a disadvantaged unincorporated community is associated with an application. If a disadvantaged unincorporated community does exist, the procedures for processing the annexation as outlined in the CKH Act shall be implemented.

8. That the City Prezone the area to be annexed and complete CEQA as the Lead Agency for the proposal and/or project. LAFCO should in most instances act as the Responsible Agency with regard to an annexation and CEQA.

2.6 Sphere of Influence Review Policies

The CKH Act provides the legislative authority and intent for establishing a Sphere of Influence and is included by reference in these policies. A Sphere of Influence is the probable 20-year growth boundary for a jurisdiction's physical development. These policies are intended to be consistent with the CKH Act and take into consideration local conditions and circumstances. All procedures and definitions in the CKH Act are incorporated into these policies by reference.

1. LAFCO intends that its Sphere of Influence determination will serve as a master plan for the future organization of local government within the County. The spheres shall be used to discourage urban sprawl and the proliferation of local governmental agencies and to encourage efficiency, economy, and orderly changes in local government.

2. The Sphere of Influence lines shall be a declaration of policy which shall be a primary guide to LAFCO in the decision on any proposal under its jurisdiction. Every determination made by the Commission shall be consistent with the spheres of influence of the agencies affected by those determinations.

3. No proposal which is inconsistent with an agency's adopted Sphere of Influence shall be approved until the Commission, at a noticed public hearing, has considered an amendment or revision to that agency's Sphere of Influence.

4. The adopted Sphere of Influence shall reflect city and county general plans, growth management policies, annexation policies, resource management policies, and any other policies related to ultimate boundary area of an affected agency unless those plan or policies conflict with the legislative intent of the CKH Act (Government Code Section 56000 et seq.) Where inconsistencies between plans exist, LAFCO shall rely upon that plan which most closely follows the legislature's directive to discourage urban sprawl, direct development away from prime agricultural land and open space lands, and encourage the orderly formation and development of local governmental agencies based upon local conditions and circumstances. In accordance with the CKH Act a municipal service review shall be conducted prior to the update of a jurisdiction's Sphere of Influence. The service review is intended to be a basis for updating a jurisdiction's Sphere of Influence.

5. LAFCO will designate a Sphere of Influence line for each local agency that represents the agency's probable physical boundary and includes territory eligible for annexation and the extension of that agency's services within a zero to twenty-year period.

6. LAFCO shall consider the following factors in determining an agency's Sphere of Influence:

a. Present and future need for agency services and the service levels specified for the subject area in applicable general plans, growth management plans, annexation policies, resource management plans, and any other plans or policies related to an agency's ultimate boundary and service area (CKH 56425 (e)(1)).

b. Capability of the local agency to provide needed services, taking into account evidence of resource capacity sufficient to provide for internal needs and urban expansion (CKH 56425 (e)(2)).

c. The existence of agricultural preserves, agricultural land and open space lands in the area and the effect that inclusion within a Sphere of Influence shall have on the physical and economic integrity of maintaining the land in non-urban use (CKH 56426.5 (a)).

d. Present and future cost and adequacy of services anticipated to be extended within the Sphere of Influence.

e. Present and projected population growth, population densities, land uses, and area, ownership patterns, assessed valuations, and proximity to other populated areas.

f. The agency's capital improvement or other plans that delineate planned facility expansion and the timing of that expansion.

g. Social or economic communities of interest in the area (CKH 56425 (e)(4)).

h. For an update of a Sphere of Influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, a written determination regarding the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence shall be prepared.

7. LAFCO may adopt a zero Sphere of Influence encompassing no territory for an agency. This occurs if LAFCO determines that the public service functions of the agency are either nonexistent, no longer needed, or should be reallocated to some other agency of government. The local agency which has been assigned a zero Sphere of Influence should ultimately be dissolved.

8. Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an

agency's Sphere of Influence unless the area's exclusion would impede the planned, orderly and efficient development of the area.

9. LAFCO may adopt a Sphere of Influence that excludes territory currently within that agency's boundaries. This occurs where LAFCO determines that the territory consists of agricultural lands, open space lands, or agricultural preserves whose preservation would be jeopardized by inclusion within an agency's Sphere of Influence. Exclusion of these areas from an agency's Sphere of Influence indicates that detachment is appropriate.

10. Where an area could be assigned to the Sphere of Influence of more than one agency providing needed service, the following hierarchy shall apply dependent upon ability to serve:

a. Inclusion within a municipality Sphere of Influence.

b. Inclusion within a multipurpose district Sphere of Influence.

c. Inclusion within a single-purpose district Sphere of Influence. In deciding which of two or more equally capable agencies shall include an area within its Sphere of Influence, LAFCO shall consider the agencies' service and financial capabilities, social and economic interdependencies, topographic factors, and the effect that eventual service extension will have on adjacent agencies.

11. Sphere of Influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.

12. Nonadjacent publicly owned properties and facilities used for urban purposes may be included within that public agency's Sphere of Influence if eventual annexation would provide an overall benefit to agency residents.

13. At the time of adoption of a city Sphere of Influence LAFCO may develop and adopt in cooperation with the municipality, an urban area boundary pursuant to policies adopted by the Commission in accordance with Government Code Section 56080. LAFCO shall not consider any area for inclusion within an urban service area boundary that is not addressed in the general plan of the affected municipality or is not proposed to be served by urban facilities, utilities, and services within the first five years of the affected city's capital improvement program.

14. LAFCO shall review Sphere of Influence determinations every five years or when deemed necessary by the Commission consistent with an adopted work plan. If a local agency or the County desires amendment or revision of an adopted Sphere of Influence, the local agency, by resolution, may file such a

request with the LAFCO Executive Officer. Any local agency or county making such a request shall reimburse the Commission for the actual and direct costs incurred by the Commission. The Commission may waive such reimbursement if it finds that the request may be considered as part of its periodic review of spheres of influence.

15. LAFCO shall adopt, amend, or revise Sphere of Influence determinations following the procedural steps set forth in CKH Act 56000 et seq.

Page 3.10-5

The preferred WRF site is located immediately adjacent to the Morro Bay service area. However, it is not currently located within the City's sphere of influence. The 396-acre parcel that the preferred WRF site is located within was studied in LAFCO's Morro Bay Sphere of Influence (SOI) Update and Municipal Service Review (MSR) in 2017. The study identified two roughly 15-acre portions of the 396-acre parcel considered viable locations for a future WRF site. LAFCO recommended the SOI should exclude the larger, 396-acre parcel with exception of a future public lot area for the WRF site. LAFCO further recommended, if the City selected the site and builds a treatment facility, a public lot could be created that is owned by the City and requested to be added to the SOI and annexed at that time. ~~then~~ LAFCO would support the City's selection and would process an SOI and annexation proposal at that time, in an expedited manner (San Luis Obispo LAFCO, 2017).

Page 3.10-15

Environmental and Cultural Resource Policies and Programs	
V. Morro Bay Estuary and Its Watershed A. Policies, Cayucos and Rural Area 5. Where feasible, implement applicable provisions of the Comprehensive Conservation and Management Plan for Morro Bay published by the Morro Bay National Estuary Program through special programs, land use planning strategies, review of development proposals, and public education.	No Conflict-Partial. The Comprehensive Conservation and Management Plan for Morro Bay Estuary, BMP-12, supports the upgrade of the existing MBCSD WWTP "because increasing the treatment level of the effluent could have beneficial impacts to the estuary." BMP-12 states that although Morro Bay does not directly receive effluent from the WWTP, "it is possible that the diluted treated wastewater does occasionally enter the bay through the harbor mouth." As such, increasing the treatment level of effluent discharged through the outfall could have beneficial effects to the estuary. In accordance with BMP-12, the proposed project would serve to increase the level of treatment provided to effluent discharged through the outfall. In addition, BMP-12 includes reduction in the use of City wells adjacent to Chorro Creek. The proposed project does not modify the City's proposed operation of the Chorro Creek wells. ~~increase in treatment levels and the upgrades for recycled water distribution both of which the proposed project incorporates.~~ Additional discussion of consistency with the Comprehensive Conservation and Management Plan is discussed in Chapter 3.4 Biological Resources.

Chapter 3.15 Tribal Cultural Resources

Page 3.15-1 At the time of European contact of the Morro Bay area (ca. 1542), the preferred and proposed project sites were occupied by two Native American groups: the Chumash and the Salinan. Since there is some disagreement about the pre-contact boundaries for each group (see Gibson, 1983b; Kroeber, 1925; Mason, 1912; Milliken 2010; and Milliken and Johnson 2005), the following discussion focuses on the post-contact period.

Page 3.15-10 ~~Caste~~ Castle, Roger, and Gary Ream. 2006. Images of America, Morro Bay.

Appendix I: Supplement to Biological Resources Assessment

Please refer to Appendix I of this Final EIR, which includes a supplement to the BRA. The supplement includes the results of the biological reconnaissance surveys conducted for the injection wellfield areas, IPR-East and IPR-West.

The supplement to the BRA in Appendix I includes a map that shows CRLF critical habitat.

Appendix I
Biological Resources Assessment Supplement

ESA

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

June 21, 2018

Mr. Rob Livick
Public Works Director
595 Harbor Street
Morro Bay, CA 93406

Subject: Supplemental Biological Resources Report for the Morro Bay Water Reclamation Facility Project, Injection Well Sites, San Luis Obispo County, California

Dear Mr. Livick:

Kevin Merk Associates, LLC (KMA) is providing this letter to supplement our April 2017 Biological Resources Assessment prepared for the project to support the environmental review process. The supplemental report characterizes existing conditions and biological resources present in the two proposed injection well sites and pipeline right of way not covered in the 2017 report. Please refer to the attached Habitat Map included as Figure 3E for site location information and the photo plate for further detail regarding existing conditions. In addition, we are providing supplemental special status species information to help respond to comments from the State Water Resources Control Board raised in a letter to you dated May 16, 2018. The following details the methods and results of the supplemental investigation.

METHODS

Consistent with the methods used for preparation of the 2017 report, the supplemental analysis included a review of available background information such as historic photographs and previous biological studies conducted in the region. We also reviewed the Biological Resources section of the Draft Environmental Impact Report (ESA, 2018; DEIR) and the above referenced letter from the State Water Resources Control Board.

As part of the background information review, the California Natural Diversity Database (CNDDB, June 2018) maintained by the California Department of Fish and Wildlife was queried to determine if any new special status species observations were reported in the study area since the 2017 analysis occurred. This search used the same five-mile study area buffer to identify special status species and plant communities with potential to occur in the immediate vicinity of the project site. To address questions raised by the State Water Board, California red-legged frog (*Rana draytonii*) occurrence and critical habitat data shown on Figure 6, the CNDDB Wildlife Occurrence Map, included in the 2017 report were plotted on a separate stand alone map and included with this supplement as Figure 6A (see attached).

The Natural Resources Conservation Service (NRCS) Web Soil Survey was also reviewed again to assess the soil mapping units present within the supplemental study area (U.S. Department of

Agriculture 2018) and aid with the special status plants and animals analysis. The U. S. Fish and Wildlife Service's online National Wetland Inventory, Information, Planning and Consultation system (IPaC), and Critical Habitat Mappers (http://www.fws.gov/wetlands/Data/Mapper.html; https://www.fws.gov/ipac/; http://criticalhabitat.fws.gov/crithab/) were also reviewed to evaluate the extent of documented wetlands, federal listed species and designated critical habitat defined in the region. The online list of endangered and threatened marine (and anadromous) species under NOAA Fisheries (or NMFS) jurisdiction located at http://www.nmfs.noaa.gov/pr/species/esa/listed.htm was also reviewed to confirm the analysis adequately identified all special status species with potential to occur in the study area and be affected by the project.

Consistent with the 2017 report, special status species are those plants and animals listed, proposed for listing, or candidates for listing as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) under the federal Endangered Species Act (FESA); those listed or proposed for listing as Rare, Threatened, or Endangered by the California Department of Fish and Wildlife (CDFW) under the California Endangered Species Act (CESA); animals designated as "Species of Special Concern," "Fully Protected," or "Watch List" by the CDFW; and plants occurring on California Rare Plant Rank lists 1, 2, 3 and 4 developed by the CDFW working in concert with the California Native Plant Society (CNPS). The specific code definitions are as follows:

- *1A = Plants presumed extinct in California;*
- *1B.1 = Rare or endangered in California and elsewhere; seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat);*
- *1B.2 = Rare or endangered in California and elsewhere; fairly endangered in California (20-80% occurrences threatened);*
- *1B.3 = Rare or endangered in California and elsewhere, not very endangered in California (<20% of occurrences threatened or no current threats known);*
- *2 = Rare, threatened or endangered in California, but more common elsewhere;*
- *3 = Plants needing more information (most are species that are taxonomically unresolved; some species on this list meet the definitions of rarity under CNPS and CESA); and*
- *4.2 = Plants of limited distribution (watch list), fairly endangered in California (20-80% occurrences threatened).*
- *4.3= Plants of limited distribution (watch list), not very endangered in California.*

In addition, sensitive natural communities are those listed in the CNDDB.

KMA biologists conducted field work to assess existing conditions and plant community distribution in the supplemental study area on May 14 and June 6, 2018. Weather was generally foggy in the morning and clearing later in the day. Winds were light (<5mph) to moderate (5-10mph) out of the west. Temperatures were approximately 60 to 64 degrees Fahrenheit.

The injection well sites were primarily accessed on foot, except in existing developed areas (i.e., the mobile home park) where the sites were driven. Vantage points were used to overcome site access restrictions since portions of the injection well areas are on private property, including the restricted access Morro Bay Power Plant. In restricted access locations, aerial imagery and

vegetation signatures were used to delineate the habitat types included on the attached Figure 3E. Vegetation classification generally followed Holland's *Preliminary Descriptions of the Terrestrial Natural Communities of California* (1986) and was cross-referenced with *A Manual of California Vegetation, Second Edition* (Sawyer et al., 2009) for consistency. Plant taxonomy followed the *Jepson Manual, Second Edition* (Baldwin et al., 2012).

The evaluation of special status plants and wildlife and identification of habitat that could support these species was based on our field observations, knowledge of the particular species biology, and review of documented records included in the CNDDB. Definitive surveys for the presence or absence of the wildlife species that may be present were not conducted. Wildlife species generally require specific survey protocols with extensive field survey time to be conducted only at certain times of the year. Definitive surveys for special status plants to determine the presence or absence of rare plants were conducted with the exception of portions of the Morro Bay Power Plant with restricted access.

RESULTS

The 2018 supplemental biological resources assessment found site conditions to be generally consistent with observations made during surveys of the original study area developed for the South Bay Boulevard Site and described in our 2017 report. No new habitat types from those described in the 2017 report were identified in the injection well areas or east Main Street pipeline segment. Please refer to the 2017 report for a detailed characterization of the habitat types observed in the study area and mapped on the attached Figure 3E. Background literature and CNDDB review did not identify any new special status species beyond those described in the 2017 report.

Figure 3E was created to illustrate habitat types within the study area, and Figure 4A shows the NRCS soils data. Two additional soil map units were identified in the east injection well area, and include Salinas silty clay loam, 2-9% slopes and Corducci-typic Xerofluvents 0-5% slopes occasionally flooded. Figure 6A highlights the extent of federal listed critical habitat for the California red-legged frog, as well as documented occurrences of the species in the region. Photos of notable features were taken, and a photo plate is also included as an attachment to this report. Lists of special status plants and wildlife were obtained from the USFWS IPaC system, NOAA Fisheries website, and CNPS Inventory and are included as attachments. Below provides further detail of the biological resources observed within the supplemental study area.

Injection Well Areas

The east and west injection well areas are adjacent to and in close proximity to previously surveyed portions of the South Bay Boulevard Site study area. This includes the east and west pipeline alignments described and illustrated in the 2017 report. The attached Figure 3E should be used in concert with maps provided in that report (i.e., Figures 3A-D), and has been labeled Figure 3E accordingly. The map illustrates the extent of annual grassland, riparian scrub, ornamental, and coastal scrub habitats present in this part of the project site. Also included are developed or ruderal/disturbed areas associated with the existing urban development including the Morro Bay Power Plant, City of Morro Bay's maintenance yard, and mobile home parks. Please refer to the 2017 Biological Resources Assessment for a more detailed characterization of these habitat types

and a representative list of plant species that were observed in the study area.

Soils in the west injection well site are associated with coastal dunes (Dune Land) and Morro Creek (Psamments and fluvents occasionally flooded), which were previously identified in the 2017 report. As stated above, two new soil map units were identified in the east injection well area and are located in the agricultural area and along the drainage features (i.e., Morro Creek and Little Morro Creek).

Both injection well areas include riparian scrub, riverine and pockets of wetland habitat along Morro Creek and Little Morro Creek. Both drainage features are disturbed from homeless encampments and the presence of non-native invasive species such as Cape ivy (*Delairea odorata*). Consistent with the conclusions in the 2017 report, these drainage features and their associated riparian scrub, riverine and wetland habitats would be subject to regulatory jurisdiction of the U.S. Army Corps of Engineers, Regional Water Quality Control Board and CDFW. Ample room exists in the disturbed areas of the injection well sites including the mapped annual grassland and coastal scrub habitats to avoid impacting jurisdictional areas.

East Main Street Pipeline Right of Way

An additional segment of pipeline leading to the east injection well area was inspected for this study. Please refer to Figure 3E in comparison with Figure 3A in the 2017 report. The pipeline is proposed to follow Main Street in a northerly direction from the limits of the 2017 survey area and deliver treated water to the east injection well. It turns east on Errol Street and terminates at the east injection well area in the vicinity of the Silver City Mobile Home Park. Only ruderal/disturbed, annual grassland and ornamental habitats were observed in this area.

The pipeline, if constructed in this area, would go under Morro Creek using directional drilling technology and would not impact the creek's bed or banks or its associated riparian, riverine or wetland habitats. Since it is already developed, no potential habitat was observed for special status species with the exception of nesting birds in ornamental trees consistent with the findings of the 2017 report.

Special Status Biological Resources

The 2017 Biological Resources Assessment reviewed numerous special status plants and animals documented by the CNDDB in the vicinity of the project area. Even with the enlarged survey area created to cover the injection wells and east Main Street pipeline segment, no new special status species were identified beyond those described in the 2017 report. As stated in the methods section above, for this biological resources supplement report, we queried not only the CNDDB, but also searched the USFWS IPaC system, the CNPS's Inventory of Rare and Endangered Plants, and NOAA Fisheries list of covered species. Please refer to the attached lists.

The CNDDB query did not identify any new special status species from those included and analyzed in the 2017 report. The IPaC list generated species throughout San Luis Obispo County, and the results were not specific to the coastal Morro Bay region. NOAA Fisheries has jurisdiction over federal listed marine and anadromous species, and review of their list of endangered and threatened marine species under NMFS' jurisdiction identified no new species beyond south-

central coast steelhead trout (*Oncorhynchus mykiss irideus*) and tidewater goby (*Eucyclogobius newberryi*) as having potential to occur within the defined study area. The 2017 biological investigation identified these two species as present in Morro Creek and adequately analyzed project-related activities and confirmed the use of the proposed directional drilling technology would avoid impacts to the creek where the species could potentially occur.

Review of the USFWS's IPaC system identified additional FESA-listed species not included in the 2017 report's special status species because these additional species are known from inland areas of San Luis Obispo County, and are not expected to occur in the project vicinity. The project site is in coastal San Luis Obispo County, which is outside the known range of these inland species. The supplemental analysis concluded the 2017 report identified all special status species, including state and federal listed species and special status species under the California Environmental Quality Act that could have the potential to occur in the project area.

Special Status Plants

No new special status plants were identified as potentially occurring on the project site in the supplemental analysis. As stated above, the IPaC review identified species that are not known to occur in coastal habitats in the Morro Bay area. Based on the lack of suitable habitat and range restrictions (i.e., they are not known to occur along the San Luis Obispo County coast) the following plant species identified in the IPaC are not expected to occur in the project area or be affected by project related activities:

- California jewelflower (*Caulanthus californicus*; federal endangered, state endangered) is known from inland San Luis Obispo County and along the southern San Joaquin Valley. No valley grassland, shadscale scrub or pinyon-juniper woodland habitats are present in the project area capable of supporting this species.
- Spreading navarretia (*Navarretia fossalis*; federal threatened, not listed by state of CA) is known from vernal pool occurrences in inland, northern San Luis County (Paso Robles region) and further south in Riverside and San Diego Counties. No vernal pools capable of supporting this species are present in the project area.

Review of the CNPS Inventory identified an additional species, Pismo clarkia (*Clarkia speciosa* ssp. *immaculata*; federal endangered and state rare), as occurring in the region. This is a highly endemic species that is only known to occur in southern San Luis Obispo County. Specifically, Pismo clarkia is known from the Arroyo Grande and Pismo Beach area. It occurs on sandy soils in grassland habitat, typically along the margins or ecotone with oak woodland or coastal scrub habitats. The project site is outside the known range of this species, and no recorded occurrences of Pismo clarkia have been documented in the Morro Bay area. Therefore, based on the lack of suitable habitat, known range restrictions for this species, and direct searches for rare plants during the spring and summer bloom periods during 2017 and 2018 surveys, Pismo clarkia is not expected to occur in the project area or be affected by the proposed project.

Special Status Wildlife

No new special status wildlife were identified as potentially occurring on the project site in the supplemental analysis. On a similar note to the special status plant discussion above, the IPaC

system identified inland species that have not been recorded along the San Luis Obispo County coast. Therefore, the following species included in the IPaC list are not expected to occur in the project area or be affected by the proposed project based on the lack of suitable habitat and well-documented range restrictions:

- Giant kangaroo rat (*Dipodomys ingens*; federal endangered, state endangered);
- San Joaquin kit fox (*Vulpes macrotis mutica*; federal endangered, state endangered);
- Least Bell's vireo (*Vireo bellii pusillus*; federal endangered, state endangered);
- Southwest willow flycatcher (*Empidonax traillii extimus*; federal endangered, state endangered);
- Blunt nose leopard lizard (*Gambelia silus*; federal endangered, state endangered and fully protected);
- California tiger salamander (*Ambystoma californiense*; federal threatened, state threatened); and
- Kern primrose sphinx moth (*Euproserpinus euterpe*; federal threatened, not listed by state of CA).

The 2017 biological resources analysis and the Biological Resources section of the DEIR identifies all special status wildlife with potential to occur onsite. Further, these documents identify all potential project related impacts to these species and proposes adequate mitigation to avoid impacts or reduce project related impacts to a less than significant level.

Conclusion

The Biological Resources Supplement Report analyzed an enlarged study area not previously included in the 2017 Biological Resources Assessment prepared for the South Bay Boulevard project site. This included east and west injection well areas and a small segment of pipeline right of way along Main Street and Errol Street leading to the east injection well site. No new habitat types, special status plants or wildlife beyond those described in the 2017 report were observed in the enlarged study area. As a result, no new potential impacts to common or special status biological resources were identified in the supplemental analysis. While large areas were identified for the east and west injection well sites, ample room exists in previously disturbed areas to construct injection wells and avoid impacts to special status biological resources within the study area. The potentially significant impacts identified in the 2017 report and associated mitigation measures are deemed adequate to reduce project related impacts to a less than significant level pursuant to the California Environmental Quality Act.

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Thank you for the opportunity to provide environmental consulting services for this project. I trust that the above information is sufficient for your reporting requirements at this time. If you have any questions regarding the information contained herein, please contact me at the phone number listed above or via email at kmerk@kevinmerkassociates.com.

Sincerely,
KEVIN MERK ASSOCIATES, LLC

Kevin B. Merk
Principal Biologist

Attachments: *Figure 3E – Habitat Map*
Figure 4A – Soils Map
Figure 6A – CNDDB CRLF Occurrence Map
Photo Plate
IPaC List
CNPS Inventory Query
NOAA Fisheries List

KEVIN MERK ASSOCIATES

N
W E
S

1 in = 300 ft

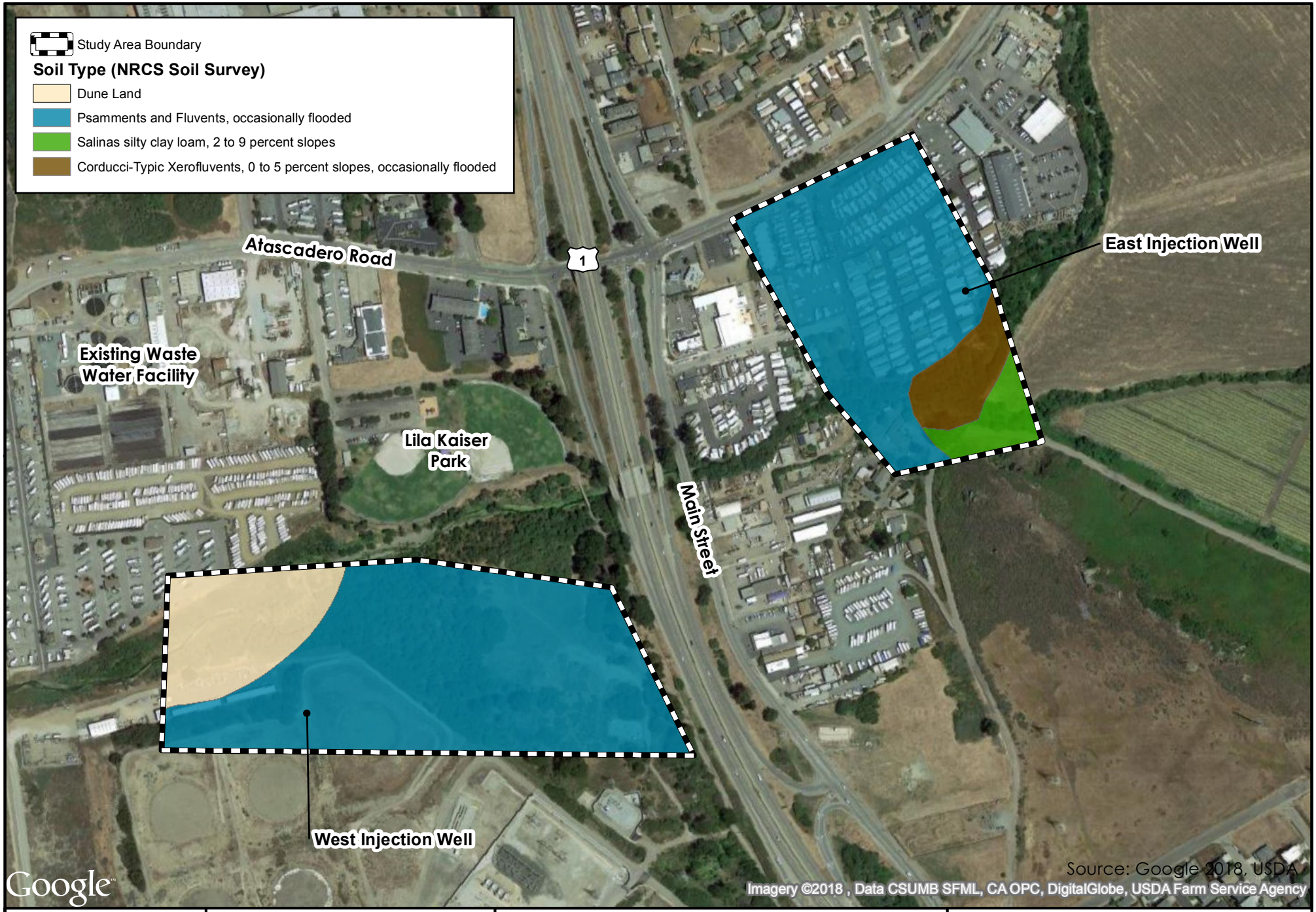
0 100 200 400 Feet

Morro Bay Water Reclamation Facility

City of Morro Bay

Figure 3E

Habitat Map



KEVIN MERK ASSOCIATES

N W E S

1 in = 400 ft

0 130 260 520 Feet

Morro Bay Water Reclamation Facility

City of Morro Bay

Figure 4A

Soil Map

Study Area Boundary
Five Mile Buffer
USGS 7.5' Quad

CNDDB Occurrences (CDFW)

California red-legged frog

Critical Habitat (USFWS)

California red-legged frog

Cayucos
Morro Bay North
Morro Bay
Morro Bay South
Los Osos
Baywood
Los Osos
Whale Rock Reservoir
Morro Bay Golf Course
Morro Dunes Natural Preserve
Sea Pines Golf Resort
Camp San Luis Obispo
Ocean Blvd
Cabrillo Hwy
Main St
State Park Rd
S Bay Blvd
Ramona Ave
Los Osos Valley Rd
Turri Rd
Range Rd
Chorro Creek
Hazzard Canyon
Oconnor Way

Source: ESRI 2018, CNDDB June 2018, CDFW/USFWS

KEVIN MERK ASSOCIATES

1 in = 7,000 ft

0 0.75 1.5 3 Miles

Morro Bay Water Reclamation Facility

City of Morro Bay

Figure 6A

CNDDB CRLF Occurrence Map

Photo Plate

Photo 1. Southerly view of grassland, ornamental, coastal scrub and riparian scrub habitats in the western injection well area. Grassland is disturbed and dominated by non-native species.

Photo 2. Northerly view of western injection well area showing annual grassland, riparian scrub and ornamental habitats. Numerous non-native weeds were present in this area.

Photo 3. Westerly view of Morro Creek in the study area showing riverine and riparian scrub habitats. No large pools capable of supporting species such as CRLF were observed in this area.

Photo 4. Easterly view of iceplant and scattered shrubs in ruderal/disturbed areas adjacent to the City's maintenance yard in the western portion of the study area that could support MSS.

Photo 5. Westerly view of Morro Creek near confluence with Pacific Ocean showing disturbed banks with willows and weedy vegetation. Lagoon area could support various species of fish.

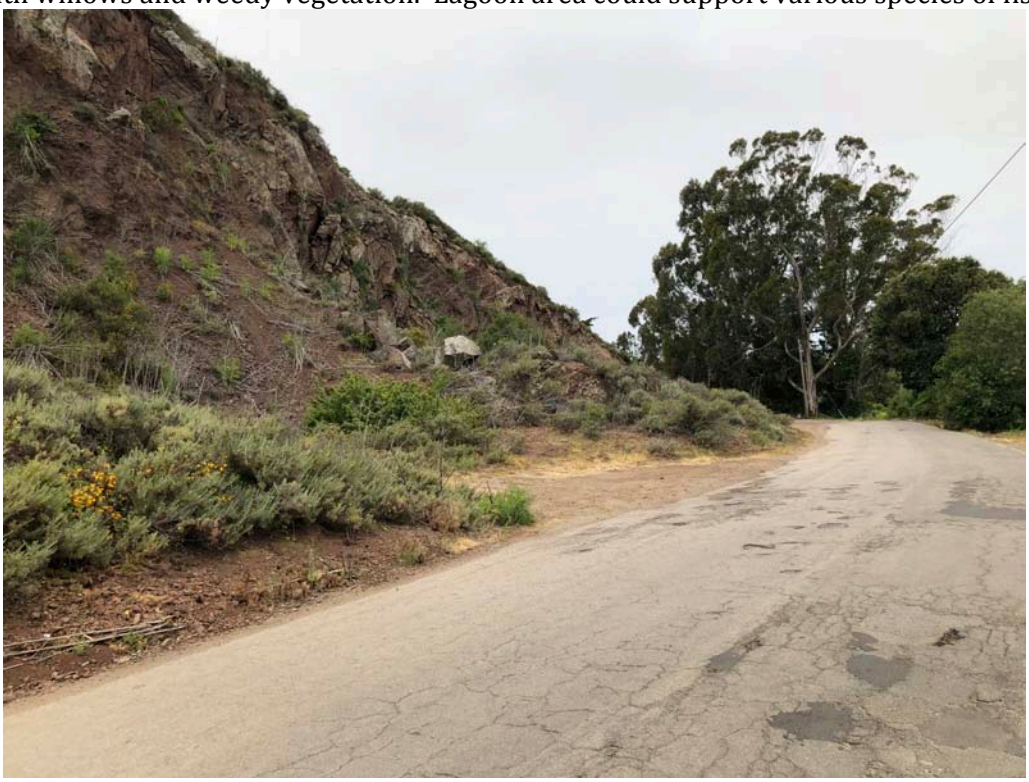


Photo 6. View of Little Morro Creek Road and rock outcroppings with coastal scrub habitat in the eastern injection well area.

Photo 7. Northerly view of riparian scrub and agricultural field in the eastern injection well area. Riparian habitat was dominated by non-native invasive species such as Cape ivy.

Photo 8. Overview of riparian scrub along the drainage features and agricultural area in the eastern injection well area. Urban developed areas are present just north out of view.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

San Luis Obispo County, California

Local office

Ventura Fish And Wildlife Office

(805) 644-1766
(805) 644-3958

2493 Portola Road, Suite B
Ventura, CA 93003-7726

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Giant Kangaroo Rat Dipodomys ingens No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6051	Endangered
Morro Bay Kangaroo Rat Dipodomys heermanni morroensis There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/6367	Endangered
San Joaquin Kit Fox Vulpes macrotis mutica No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2873	Endangered
Southern Sea Otter Enhydra lutris nereis No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8560	Threatened Marine mammal

Birds

NAME	STATUS
California Clapper Rail Rallus longirostris obsoletus No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4240	Endangered
California Condor Gymnogyps californianus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/8193	Endangered
California Least Tern Sterna antillarum browni No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8104	Endangered
Least Bell's Vireo Vireo bellii pusillus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/5945	Endangered
Marbled Murrelet Brachyramphus marmoratus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/4467	Threatened
Southwestern Willow Flycatcher Empidonax traillii extimus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/6749	Endangered
Western Snowy Plover Charadrius alexandrinus nivosus There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/8035	Threatened

Reptiles

NAME	STATUS

Blunt-nosed Leopard Lizard Gambelia silus — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/625

Amphibians

NAME	STATUS
California Red-legged Frog Rana draytonii	Threatened
There is **final** critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/2891	
California Tiger Salamander Ambystoma californiense	Threatened
There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/2076	

Fishes

NAME	STATUS
Tidewater Goby Eucyclogobius newberryi	Endangered
There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/57	

Snails

NAME	STATUS
Morro Shoulderband (=banded Dune) Snail Helminthoglypta walkeriana	Endangered
There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/2309	

Insects

NAME	STATUS
Kern Primrose Sphinx Moth Euproserpinus euterpe	Threatened
There is **proposed** critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7881	

Crustaceans

NAME	STATUS
Vernal Pool Fairy Shrimp Branchinecta lynchi	Threatened
There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/498	

Flowering Plants

NAME	STATUS
California Jewelflower Caulanthus californicus	Endangered
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4599	
California Seablite Suaeda californica	Endangered
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6310	
Chorro Creek Bog Thistle Cirsium fontinale var. obispoense	Endangered
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5991	
Indian Knob Mountainbalm Eriodictyon altissimum	Endangered
No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1261	

Marsh Sandwort Arenaria paludicola No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2229	Endangered
Morro Manzanita Arctostaphylos morroensis No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2934	Threatened
Salt Marsh Bird's-beak Cordylanthus maritimus ssp. maritimus No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6447	Endangered
Spreading Navarretia Navarretia fossalis There is **final** critical habitat for this species. Your location is outside the critical habitat. https://ecos.fws.gov/ecp/species/1334	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
California Red-legged Frog Rana draytonii https://ecos.fws.gov/ecp/species/2891#crithab	Final

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD

	BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Allen's Hummingbird *Selasphorus sasin* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9637	Breeds Feb 1 to Jul 15
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31
Black Oystercatcher *Haematopus bachmani* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9591	Breeds Apr 15 to Oct 31
Black Skimmer *Rynchops niger* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Black Turnstone *Arenaria melanocephala* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Burrowing Owl *Athene cunicularia* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9737	Breeds Mar 15 to Aug 31
California Thrasher *Toxostoma redivivum* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Jul 31
Clark's Grebe *Aechmophorus clarkii* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jan 1 to Dec 31
Common Yellowthroat *Geothlypis trichas sinuosa* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/2084	Breeds May 20 to Jul 31
Costa's Hummingbird *Calypte costae* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9470	Breeds Jan 15 to Jun 10
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Lawrence's Goldfinch *Carduelis lawrencei* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9464	Breeds Mar 20 to Sep 20
Long-billed Curlew *Numenius americanus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5511	Breeds elsewhere
Marbled Godwit *Limosa fedoa* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9481	Breeds elsewhere

Mountain Plover Charadrius montanus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3638	Breeds elsewhere
Nuttall's Woodpecker Picoides nuttallii This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9410	Breeds Apr 1 to Jul 20
Oak Titmouse Baeolophus inornatus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9656	Breeds Mar 15 to Jul 15
Rufous Hummingbird selasphorus rufus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002	Breeds elsewhere
Short-billed Dowitcher Limnodromus griseus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Song Sparrow Melospiza melodia This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Feb 20 to Sep 5
Spotted Towhee Pipilo maculatus clementae This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/4243	Breeds Apr 15 to Jul 20
Tricolored Blackbird Agelaius tricolor This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3910	Breeds Mar 15 to Aug 10
Whimbrel Numenius phaeopus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9483	Breeds elsewhere
Willet Tringa semipalmata This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Wrentit Chamaea fasciata This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 10
Yellow-billed Magpie Pica nuttalli This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9726	Breeds Apr 1 to Jul 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

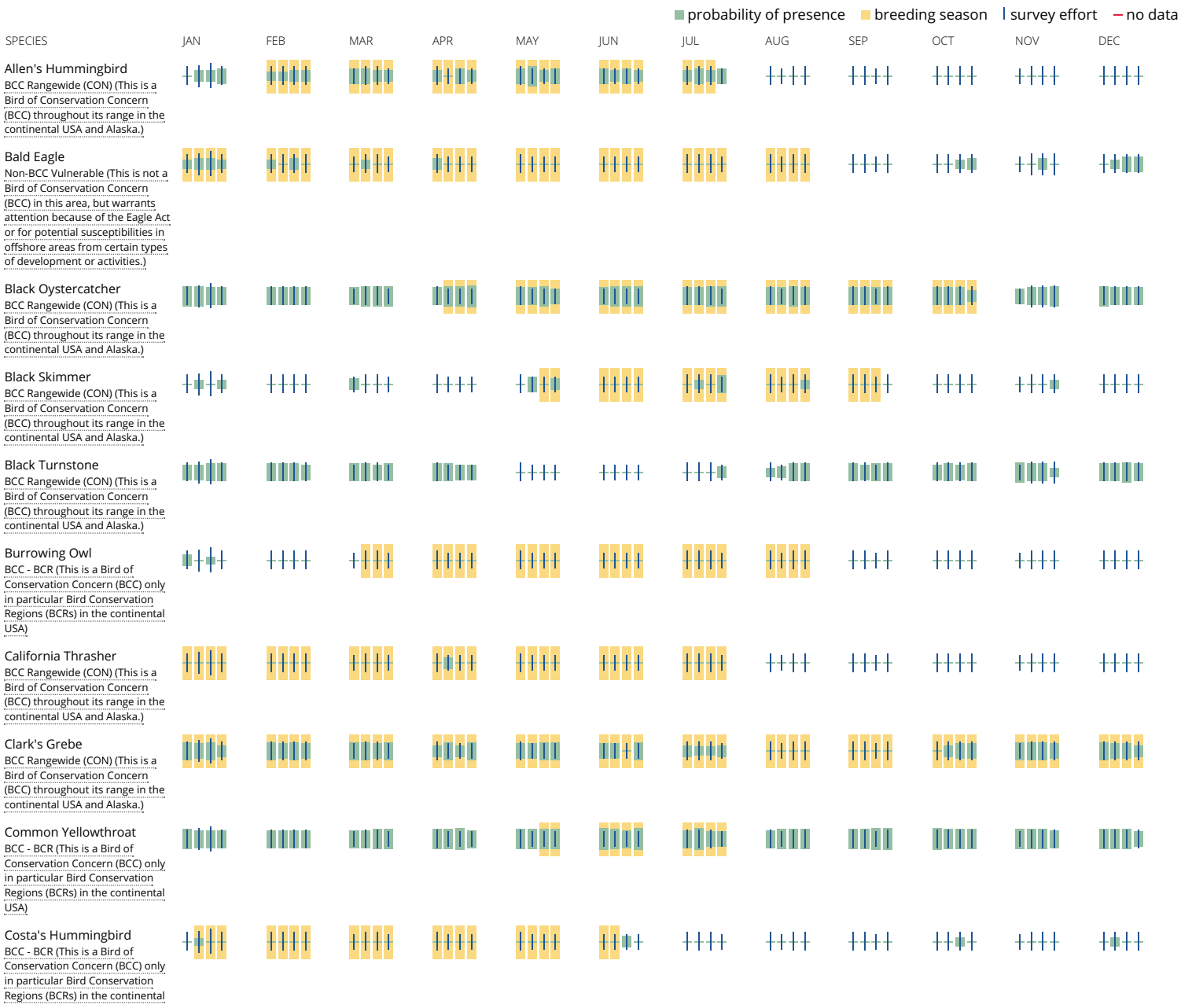
Breeding Season (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

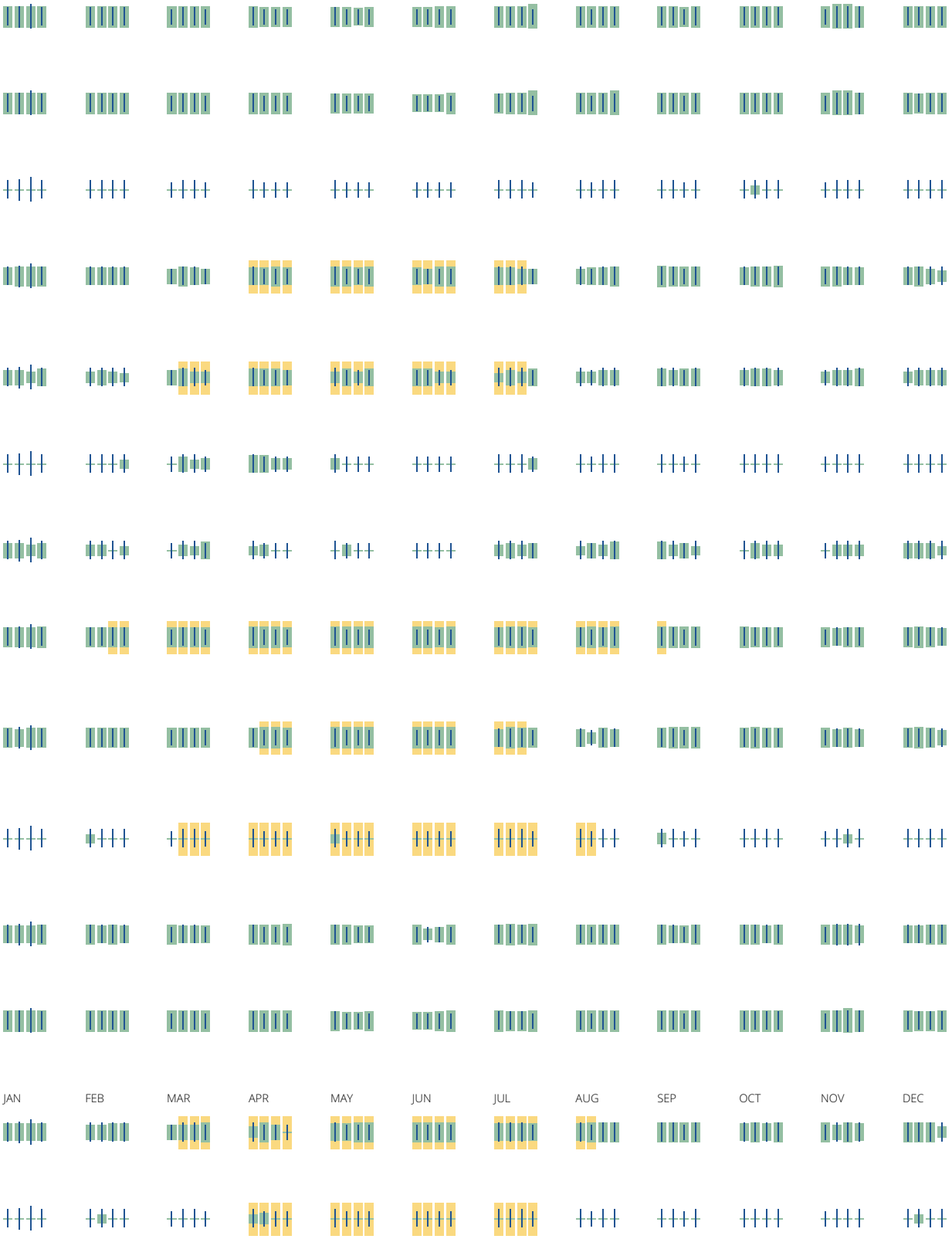


USA)

Golden Eagle
Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)

Lawrence's Goldfinch
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC



Long-billed Curlew
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Marbled Godwit
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Mountain Plover
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Nuttall's Woodpecker
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

Oak Titmouse
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Rufous Hummingbird
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Short-billed Dowitcher
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Song Sparrow
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

Spotted Towhee
BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)

Tricolored Blackbird
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Whimbrel
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Willet
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

Wrentit
BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Yellow-billed Magpie
BCC Rangewide (CON) (This is a

Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the E-bird Explore Data Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might

be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Marine mammals

Marine mammals are protected under the Marine Mammal Protection Act. Some are also protected under the Endangered Species Act[1] and the Convention on International Trade in Endangered Species of Wild Fauna and Flora[2].

The responsibilities for the protection, conservation, and management of marine mammals are shared by the U.S. Fish and Wildlife Service [responsible for otters, walruses, polar bears, manatees, and dugongs] and NOAA Fisheries[3] [responsible for seals, sea lions, whales, dolphins, and porpoises]. Marine mammals under the responsibility of NOAA Fisheries are **not** shown on this list; for additional information on those species please visit the Marine Mammals page of the NOAA Fisheries website.

The Marine Mammal Protection Act prohibits the take (to harass, hunt, capture, kill, or attempt to harass, hunt, capture or kill) of marine mammals and further coordination may be necessary for project evaluation. Please contact the U.S. Fish and Wildlife Service Field Office shown.

1. The Endangered Species Act (ESA) of 1973.
2. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a treaty to ensure that international trade in plants and animals does not threaten their survival in the wild.
3. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following marine mammals under the responsibility of the U.S. Fish and Wildlife Service are potentially affected by activities in this location:

NAME

Southern Sea Otter *Enhydra lutris nereis*
https://ecos.fws.gov/ecp/species/8560

Facilities

Wildlife refuges and fish hatcheries

REFUGE AND FISH HATCHERY INFORMATION IS NOT AVAILABLE AT THIS TIME

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND
- PEM1A

FRESHWATER FORESTED/SHRUB WETLAND
- PFO/SSC
- PSSC
- PFOA
- PSSAx
- PSSB

FRESHWATER POND
- PUSAh

RIVERINE
- R3UBH
- R4SBAx
- R4SBA

R2UBH

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

CNPS California Native Plant Society

Plant List

Inventory of Rare and Endangered Plants

5 matches found. *Click on scientific name for details*

Search Criteria

California Rare Plant Rank is one of [1A, 1B, 2A, 2B, 4], FESA is one of [Endangered, Threatened, Candidate], CESA is one of [Endangered, Threatened, Rare], Found in San Luis Obispo County, Found in Quads 3512047 3512037 and 3512048;

Modify Search Criteria | Export to Excel | Modify Columns | Modify Sort | Display Photos

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
Arenaria paludicola	marsh sandwort	Caryophyllaceae	perennial stoloniferous herb	May-Aug	1B.1	S1	G1
Chloropyron maritimum ssp. maritimum	salt marsh bird's-beak	Orobanchaceae	annual herb (hemiparasitic)	May-Oct(Nov)	1B.2	S1	G4?T1
Cirsium fontinale var. obispoense	San Luis Obispo fountain thistle	Asteraceae	perennial herb	Feb-Jul(Aug-Sep)	1B.2	S2	G2T2
Clarkia speciosa ssp. immaculata	Pismo clarkia	Onagraceae	annual herb	May-Jul	1B.1	S1	G4T1
Eriodictyon altissimum	Indian Knob mountainbalm	Namaceae	perennial evergreen shrub	Mar-Jun	1B.1	S1	G1

Suggested Citation

California Native Plant Society, Rare Plant Program. 2018. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website http://www.rareplants.cnps.org [accessed 04 June 2018].

Endangered and Threatened Marine Species under NMFS' Jurisdiction

Approximately 2,300 species are listed as endangered or threatened under the ESA. Of these species, about 675 are foreign species, found only in areas outside of the U.S. and our waters.

We have jurisdiction over **161 endangered and threatened marine species**, including **65 foreign species**. We work with **U.S. Fish and Wildlife Service (USFWS)** to manage ESA-listed species. Generally, we manage marine species, while USFWS manages land and freshwater species.

- **Marine Mammals**
- **Sea Turtles & Other Marine Reptiles**
- **Fish (Marine and Anadromous)**
- **Marine Invertebrates and Plants**

ESA Fact Sheet

» How does the ESA define "species"?

Marine Mammals (33 listed "species")

Manatees and sea otters are also listed under the ESA, but fall under the jurisdiction of the U.S. Fish and Wildlife Service.

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan
Cetaceans				
dolphin, Chinese River / baiji (*Lipotes vexillifer*)	1989	E (F)	n/a	n/a
dolphin, Hector's (2 listed subspecies) (*Cephalorhynchus hectori*)				
◦ Maui (*Cephalorhynchus hectori maui*)	2017	E (F)	n/a	no
◦ South Island (*Cephalorhynchus hectori hectori*)	2017	T (F)	n/a	no
dolphin, Indus River (*Platanista minor*)	1991	E (F)	n/a	n/a
porpoise, Gulf of California harbor / vaquita (*Phocoena sinus*)	1985	E (F)	n/a	n/a
whale, beluga (1 listed DPS) (*Delphinapterus leucas*)				
◦ Cook Inlet	2008	E	**final**	**final**
whale, blue (*Balaenoptera musculus*)	1970	E	n/a	**final**
whale, bowhead (*Balaena mysticetus*)	1970	E	n/a	n/a*
whale, false killer (1 listed DPS) (*Pseudorca crassidens*)				
◦ Main Hawaiian Islands Insular	2012	E	no	**in process**
whale, fin (*Balaenoptera physalus*)	1970	E	n/a	**final**
whale, gray (1 listed DPS) (*Eschrichtius robustus*)				
◦ Western North Pacific	1970	E (F)	n/a	n/a
whale, humpback (5 DPSs) (*Megaptera novaeangliae*) *» original listing - 1970*				**final**+

◦ Arabian Sea	2016	E (F)	n/a	
◦ Cape Verde Islands/Northwest Africa	2016	E (F)	n/a	
◦ Central America	2016	E	no	
◦ Mexico	2016	T	no	
◦ Western North Pacific	2016	E	no	
whale, killer (1 listed DPS) (*Orcinus orca*)				
◦ Southern Resident	2005	E	**final**	**final**
whale, North Atlantic right (*Eubalaena glacialis*)	2008	E	**final**	**final**
original listing as "northern right whale" -	1970	E		
whale, North Pacific right (*Eubalaena japonica*)	2008	E	**final**	**final**
original listing as "northern right whale" -	1970	E		
whale, sei (*Balaenoptera borealis*)	1970	E	n/a	**final**
whale, Southern right (*Eubalaena australis*)	1970	E (F)	n/a	n/a
whale, sperm (*Physeter macrocephalus*)	1970	E	n/a	**final**
Pinnipeds				
sea lion, Steller (1 listed DPS) (*Eumetopias jubatus*)				
◦ Western	1997	E	**final**	**final**
original listing -	1990	T		
seal, bearded (2 listed DPSs) *(Erignathus barbatus)*				
◦ Beringia	2012	T	no	no
◦ Okhotsk	2012	T (F)	n/a	no
seal, Guadalupe fur (*Arctocephalus townsendi*)	1985	T	n/a	n/a
seal, Hawaiian monk (*Neomonachus schauinslandi)*	1976	E	**final**	**final**
seal, ringed (4 listed subspecies) *(Phoca hispida)*				
◦ Baltic (*Phoca hispida botnica*)	2012	T (F)	n/a	no
◦ Ladoga (*Phoca hispida ladogensis*)	2012	E (F)	n/a	no
◦ Okhotsk (*Phoca hispida ochotensis*)	2012	T (F)	n/a	no
◦ **Saimaa** (*Phoca hispida saimensis*)	1993	E (F)	n/a	n/a
seal, Mediterranean monk (*Monachus monachus)*	1970	E (F)	n/a	n/a
seal, spotted (1 listed DPS) *(Phoca largha)*				
◦ Southern	2010	T (F)	n/a	n/a

[+] Recovery plan written prior to the identification of DPSs

Sea Turtles & Other Marine Reptiles (26 listed "species")

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
Sea Turtles				
turtle, green (11 listed DPSs) (*Chelonia mydas*) *» original listing - 1978*				
○ Central North Pacific	2016	T	no	**final** [+]
○ Central South Pacific	2016	E	no	**final** [+]
○ Central West Pacific	2016	E	no	**final** [+]
○ East Indian-West Pacific	2016	T(F)	n/a	no
○ East Pacific	2016	T	no	**final** [+]
○ Mediterranean	2016	E(F)	n/a	no
○ North Atlantic	2016	T	**final**	**final** [+]
○ North Indian	2016	T(F)	n/a	no
○ South Atlantic	2016	T	no	**final** [+]
○ Southwest Indian	2016	T(F)	n/a	no
○ Southwest Pacific	2016	T(F)	n/a	no
turtle, hawksbill (*Eretmochelys imbricata*)	1970	E	**final**	**final**
turtle, Kemp's ridley (*Lepidochelys kempii*)	1970	E	n/a	**final**
turtle, leatherback (*Dermochelys coriacea*)	1970	E	**final**	**final**
turtle, loggerhead (9 listed DPSs) (*Caretta caretta*) *» original listing - 1978*			*no*	***final***
○ Mediterranean Sea	2011	E (F)	n/a	n/a
○ North Indian Ocean	2011	E (F)	n/a	n/a
○ North Pacific Ocean	2011	E	**no**	**final**
○ Northeast Atlantic Ocean	2011	E (F)	n/a	n/a
○ Northwest Atlantic Ocean	2011	T	**final**	**final**
○ South Atlantic Ocean	2011	T (F)	n/a	n/a
○ South Pacific Ocean	2011	E (F)	n/a	n/a
○ Southeast Indo-Pacific Ocean	2011	T (F)	n/a	n/a
○ Southwest Indian Ocean	2011	T (F)	n/a	n/a
turtle, olive ridley (2 listed populations^) (*Lepidochelys olivacea*)				
○ Mexico's Pacific coast breeding colonies	1978	E	n/a	**final**
○ all other areas	1978	T	n/a	**final**
Other Marine Reptiles				
sea snake, dusky (*Aipysurus fuscus*)	2015	E (F)	n/a	no

^ These populations were listed before the 1978 ESA amendments that restricted population listings to "distinct population segments of vertebrate species."

[+] Recovery plan written prior to the identification of DPSs

Fish (Marine & Anadromous) (74 listed "species")

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; XN = **"nonessential experimental population"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan
angelshark, Argentine (*Squatina argentina*)	2017	E(F)	n/a	no
angelshark, common (*Squatina squatina*)	2016	E(F)	n/a	no
angelshark, sawback (*Squatina aculeata*)	2016	E(F)	n/a	no
angelshark, smoothback (*Squatina oculata*)	2016	E(F)	n/a	no
angelshark, spiny (*Squatina guggenheim*)	2017	E(F)	n/a	no
bocaccio (1 listed DPS) (*Sebastes paucispinis*)				
○ Puget Sound/ Georgia Basin	2010	E	**final**	no
cardinalfish, Banggai (*Pteropogon kauderni)*	2016	T(F)	n/a	no
coelacanth, African (1 listed DPS) (*Latimeria chalumnae)*				
○ Tanzanian	2016	T(F)	n/a	no
eulachon (1 listed DPS) (*Thaleichthys pacificus*)				
○ Southern DPS	2010	T	**final**	**final**
grouper, gulf (*Mycteroperca jordani*)	2016	E	**no**	no
grouper, island (*Mycteroperca fusca)*	2016	T(F)	n/a	no
grouper, Nassau (*Epinephelus striatus*)	2016	T	no	no
guitarfish, blackchin (*Rhinobatos cemiculus)*	2017	T(F)	n/a	no
guitarfish, Brazilian (*Rhinobatos horkelii*)	2017	E(F)	n/a	no
guitarfish, common (*Rhinobatos, rhinobatos*)	2017	T(F)	n/a	no
ray, giant manta (*Manta birostris*)	2018	T	n/a	no
rockfish, yelloweye (1 listed DPS) (*Sebastes ruberrimus*)				
○ Puget Sound/ Georgia Basin	2010	T	**final**	no
salmon, Atlantic (1 listed DPS) (*Salmo salar*)				
○ Gulf of Maine *original listing* -	2009 (expanded) 2000	E	**final**	**draft**
salmon, Chinook (9 listed ESUs & 2 XNs) (*Oncorhynchus tshawytscha*)				
○ California coastal	1999**	T	**final**	**draft**
○ Central Valley spring-run	1999**	T	**final**	**final**
○ Central Valley spring-run in the San Joaquin River, CA	2013	XN	n/a	-

◦ Lower Columbia River	1999**	T	**final**	**final**
◦ Puget Sound	1999**	T	**final**	**final**
◦ Sacramento River winter-run	1994**	E	**final**	**final**
◦ Snake River fall-run	1992**	T	**final**	**draft**
◦ Snake River spring/ summer-run	1992**	T	**final**	**in process**
◦ Upper Columbia River spring-run	1999**	E	**final**	**final**
◦ Upper Columbia River spring-run in the Okanogan River subbasin, WA	2014	XN	n/a	-
◦ Upper Willamette River	1999**	T	**final**	**final**
salmon, chum (2 listed ESUs) (*Oncorhynchus keta*)				
◦ Columbia River	1999**	T	**final**	**final**
◦ Hood Canal summer-run	1999**	T	**final**	**final**
salmon, coho (4 listed ESUs) (*Oncorhynchus kisutch*)				
◦ Central California coast	2005** 1996**	E T	**final**	**final**
original listing -				
◦ Lower Columbia River	2005**	T	**final**	**final**
◦ Oregon coast	2008	T	**final**	**draft**
◦ Southern Oregon & Northern California coasts (SONCC)	1997**	T	**final**	**final**
salmon, sockeye (2 listed ESUs) (*Oncorhynchus nerka*)				
◦ Ozette Lake	1999**	T	**final**	**final**
◦ Snake River	1991**	E	**final**	**final**
sawfish, dwarf *(Pristis clavata)*	2014	E (F)	n/a	no
sawfish, green *(Pristis zijsron)*	2014	E (F)	n/a	no
sawfish, largetooth *(Pristis pristis)* (formerly *P. perotteti, P. pristis*, and *P. microdon*)	2014	E	no	no
sawfish, narrow *(Anoxypristis cuspidata)*	2014	E (F)	n/a	no
sawfish, smalltooth (2 listed DPSs) (*Pristis pectinata*)				
◦ U.S. portion of range	2003	E	**final**	**final**
◦ Non-U.S. portion of range	2014	E (F)	n/a	no
shark, daggernose (*Isogomphodon oxyrhynchus*)	2017	E(F)	n/a	no
shark, oceanic whitetip (*Carcharhinus longimanus)*	2018	T	no	no
shark, narrownose smoothhound (*Mustelus schmitti*)	2017	T(F)	n/a	no
shark, scalloped hammerhead (4 listed DPSs) *(Sphyrna lewini)*				
◦ Central & Southwest Atlantic	2014	T	**no**	no
◦ Eastern Atlantic	2014	E (F)	n/a	no
◦ Eastern Pacific	2014	E	**no**	no
◦ Indo-West Pacific	2014	T	**no**	no
shark, striped smoothhound (*Mustelus fasciatus*)	2017	E(F)	n/a	no

steelhead (11 listed DPSs & 1 XN) *(Oncorhynchus mykiss)*				
○ California Central Valley	1998**	T	**final**	**final**
○ Central California coast	1997**	T	**final**	**draft**
○ Lower Columbia River	1998**	T	**final**	**final**
○ Middle Columbia River	1999**	T	**final**	**final**
○ Middle Columbia River	2013	XN	n/a	
○ Northern California	2000**	T	**final**	**draft**
○ Puget Sound	2007	T	**final**	no
○ Snake River Basin	1997**	T	**final**	**in process**
○ South-Central California coast	1997**	T	**final**	**final**
○ Southern California	1997**	E	**final**	**final**
○ Upper Columbia River	2009+	T	**final**	**final**
original listing - *change in status -* *court reinstated status -*	1997** 2006** 2007+	E T E		
+ reinstated to endangered status per U.S. District Court decision in June 2007;**reclassified to threatened** [pdf] per U.S. District Court order in June 2009				
○ Upper Willamette River	1999**	T	**final**	**final**
sturgeon, Adriatic *(Acipenser naccarii)*	2014	E (F)	n/a	no
sturgeon, Atlantic (Atlantic subspecies; 5 listed DPSs) *(Acipenser oxyrinchus oxyrinchus)*				
○ Carolina	2012	E	**final**	no
○ Chesapeake Bay	2012	E	**final**	no
○ Gulf of Maine	2012	T	**final**	no
○ New York Bight	2012	E	**final**	no
○ South Atlantic	2012	E	**final**	no
sturgeon, Atlantic (Gulf subspecies) (*Acipenser oxyrinchus desotoi*)	1991	T	**final**	**final**
sturgeon, Chinese *(Acipenser sinensis)*	2014	E (F)	n/a	no
sturgeon, European *(Acipenser sturio)*	2014	E (F)	n/a	no
sturgeon, green (1 listed DPS) *(Acipenser medirostris)*				
○ Southern DPS	2006	T	**final**	in process
sturgeon, Kaluga *(Huso dauricus)*	2014	E (F)	n/a	no
sturgeon, Sakhalin *(Acipenser mikadoi)*	2014	E (F)	n/a	no
sturgeon, shortnose (*Acipenser brevirostrum*)	1967	E	n/a	**final**
totoaba (*Totoaba macdonaldi*)	1979	E (F)	n/a	n/a

**All Pacific salmonid listings were revisited in 2005, 2006, and 2016. Only the salmonids whose status changed as a result of the review will show the revised date; for all others, only the original listing date is shown. For more information on the listing history, please click on the link for each ESU/DPS.

Marine Invertebrates (27 listed "species")

(E = "endangered"; T = "threatened"; F = "foreign"; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan
Abalone				
abalone, black (*Haliotis cracherodii*)	2009	E	final	no
abalone, white (*Haliotis sorenseni*)	2001	E	not prudent [pdf]	final
Corals				
coral, [no common name] (*Acropora globiceps*)	2014	T	no	no
coral, [no common name] (*Acropora jacquelineae*)	2014	T	no	no
coral, [no common name] (*Acropora lokani*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora pharaonis*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora retusa*)	2014	T	no	no
coral, [no common name] (*Acropora rudis*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora speciosa*)	2014	T	no	no
coral, [no common name] (*Acropora tenella*)	2014	T (F)	n/a	no
coral, [no common name] (*Acropora spinosa*)	2014	T (F)	n/a	no
coral, [no common name] (*Cantharellus noumeae*)	2015	E (F)	n/a	no
coral, [no common name] (*Euphyllia paradivisa*)	2014	T	no	no
coral, [no common name] (*Isopora crateriformis*)	2014	T	no	no
coral, [no common name] (*Montipora australiensis*)	2014	T (F)	n/a	no
coral, [no common name] (*Pavona diffluens*)	2014	T (F)	no	no
coral, [no common name] (*Porites napopora*)	2014	T (F)	n/a	no
coral, [no common name] (*Seriatopora aculeata*)	2014	T	no	no
coral, [no common name] (*Siderastrea glynni*)	2015	E (F)	n/a	no
coral, [no common name] (*Tubastraea floreana*)	2015	E (F)	n/a	no
coral, boulder star (*Orbicella franksi*)	2014	T	no	no
coral, elkhorn (*Acropora palmata*)	2006	T	final	final
coral, lobed star (*Orbicella annularis*)	2014	T	no	no
coral, mountainous star (*Orbicella faveolata*)	2014	T	no	no
coral, pillar (*Dendrogyra cylindrus*)	2014	T	no	no
coral, rough cactus (*Mycetophyllia ferox*)	2014	T	no	no
coral, staghorn (*Acropora cervicornis*)	2006	T	final	final

Marine Plants (1 listed "species")

(E = **"endangered"**; T = **"threatened"**; F = **"foreign"**; n/a = not applicable)

Species	Year Listed	Status	Critical Habitat*	Recovery Plan*
Johnson's seagrass (*Halophila johnsonii*)	1999	T	**final**	**final**

*** NOTE:** Critical habitat cannot be designated in foreign waters; critical habitat is also not required for species listed prior to the 1978 ESA amendments that added critical habitat provisions. Recovery plans for sea turtles are developed and implemented by NMFS and USFWS; the plans have been written separately for turtles in the Atlantic and Pacific oceans (and East Pacific for the green turtle) rather than for each listed species. Bowhead whales are exempt from recovery planning.

Endangered and Threatened Species Under NMFS' Jurisdiction:

- **All Endangered and Threatened Species under NMFS Jurisdiction**
  - » **Marine Mammals**
  - » **Sea Turtles & Other Marine Reptiles**
  - » **Fish (Marine & Anadromous)**
  - » **Marine Invertebrates & Plants**

Additional Species:

- **Species Petitioned for Listing under the ESA** (awaiting 90-day findings)
- **Candidates for ESA Listing**
- **Species Proposed for ESA Listing**
- **Species with "Not Warranted" 12-month findings** (we reviewed the status, but determined that listing was not warranted)
- **Delisted Species and Species Under Review or Proposed for Delisting**

Updated: January 29, 2018