

APPENDIX C

E-CDP Conditions of Approval

APPENDIX C
Emergency Coastal Development Permit (E-CDP) Conditions of Approval

Coastal Development Permit (CDP)	
1.	Prior to commencing work, the District shall submit to the Department of Planning and Building a detailed list of all components of the brackish water supply project meant to provide up to 250 acre-feet of water to serve existing authorized water connections only (to abate the emergency), within the CCSD's service area (i.e. not to serve new development). To minimize environmental impacts, new water pipes associated with the project shall avoid impacts to potentially sensitive areas. Such avoidance measures may include installing pipes above the ground as opposed to being buried, and attaching pipes to existing bridges to prevent the need to work within existing creek channels.
2.	This emergency permit is valid until such time that the CCSD-declared Stage 3 Water Shortage Emergency has ended, or the project has been authorized to continue to serve existing development through approval of a regular Coastal Development Permit, whichever is sooner. While processing the regular Coastal Development Permit, the emergency water facility may only be re-activated and utilized to produce water in the event of the occurrence of another Stage 3 Water Shortage Emergency and only after the CCSD has issued a formal declaration of the existence of such a Stage 3 Water Shortage Emergency. It is the intent of this condition, while processing the regular Coastal Development Permit, to enable use of the emergency water facility to produce water for existing development in Cambria during the existence of a declared Stage 3 Water Shortage Emergency, since the community historically experiences severe periodic droughts.
3.	The District shall provide semi-annual monitoring reports to the County with well level, pumping data, and other information which justifies the need for the on-going emergency water supply project.
4.	Only the work described in this permit on the specific property listed above is authorized. Any additional work requires separate authorization from the Director of Planning and Building.
5.	The work authorized by this permit shall be commenced within 20 days of the above date. The construction authorized by this permit shall be completed within 180 days. Any work commenced after 180 days requires separate authorization or a regular Coastal Development Permit.
6.	Within 30 days of the date of issuance of this emergency permit, the permittee shall apply for a regular Coastal Development Permit to authorize the emergency project. The regular permit will be subject to all applicable provisions of the California Coastal Act and the Local Coastal Program, including the specific requirements for desalination facilities in the North Coast Area Plan Community Wide Policy 4D and the policies applicable to protecting creek and stream resources, and may be conditioned accordingly. Such conditions may include provisions for public access (such as an offer to dedicate sandy beach) and/or a requirement that a deed restriction be placed on the property in recognition of the hazard.
As part of the complete application for a regular Coastal Development Permit, the permittee shall at a minimum provide the following information:	
A.	The permittee shall identify the project's expected discharge volumes into those ponds, the expected chemical constituents of the discharge, and the concentrations of those constituents. The constituents identified shall include those from both the source water (e.g., nitrates, mercury, etc.) and from project operations (e.g., cleaning compounds, flocculants, etc.). The permittee shall also identify the expected evaporation rate from the ponds. The permittee shall also identify all measures to be implemented that will prevent mobilization of these constituents into nearby coastal waters during storm events.
B.	Hydrogeologic modeling results: The permittee shall provide results of hydrogeologic modeling showing the expected extent and elevations of aquifer drawdown from project operations and the extent of any "cone of depression" in relation to nearby wetlands, streams, and other coastal waters.
C.	Hydrogeologic monitoring: The permittee shall identify measures, such as drawdown tests, monitoring wells, etc., proposed to be implemented to ensure project operations do not adversely affect nearby coastal waters.
D.	Project operations: Based on the above modeling results, the permittee shall identify measures it will implement to ensure project operations do not result in drawdown of nearby coastal waters, and will describe how proposed monitoring measures will be applied to ensure coastal waters are not adversely affected due to project operations.
E.	Development in floodplains: The permittee shall identify all project-related development within the 100-year floodplain, including water delivery pipes, wells, evaporation ponds.

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F. Effects of project-related noise and light on nearby biological resources and public recreation: The permittee shall identify expected noise and light levels from project construction and operation at nearby sensitive receptors, including riparian areas, known and potential bird nesting sites, and the nearest public recreation sites, including the State Park campground. The permittee shall identify all measures proposed to be implemented to reduce noise and light effects on those nearby receptors.

G. Documentation of the impacts of withdrawals on creek and stream resources.

7. The applicant shall as a condition of approval of this emergency permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this emergency permit or the manner in which the County is interpreting or enforcing the conditions of this emergency permit, or any other action by a third party relating to approval or implementation of this emergency permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

8. This permit does not obviate the need to obtain necessary authorization and/or permits from other agencies.

AIR QUALITY

9. The following measures shall be incorporated into the construction phase of the Project and shown on all applicable plans:

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB's 1996 or newer certification standard for off-road heavy-duty diesel engines;
- d. Install diesel oxidation catalysts (DOC), catalyzed diesel particulate filters (CDPF) or other APCD approved emission reduction retrofit devices (determination of the appropriate CBACT control device(s) for the Project must be performed in consultation with APCD staff).

Additional Construction Equipment Measures:

- e. Electrify equipment where feasible;
- f. Substitute gasoline-powered for diesel-powered equipment, where feasible;
- g. Use alternatively fueled construction equipment on site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel;
- h. Use equipment that has Caterpillar pre-chamber diesel engines;
- i. Implement activity management techniques as follows:
 - i. Develop of a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period;
 - ii. Schedule of construction truck trips during non-peak hours to reduce peak hour emissions;
 - iii. Limit the length of the construction work-day period, if necessary;
 - iv. Phase construction activities, if appropriate.

Fugitive PM10 Mitigation Measures. All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance

- j. Reduce the amount of the disturbed area where possible;
- k. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- l. All dirt stock-pile areas should be sprayed daily as needed;
- m. 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;

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n.	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 native grass seed and watered until vegetation is established;
o.	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;
p.	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;
q.	Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
r.	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.
ARCHAEOLOGY / CULTURAL RESOURCES	
10.	The applicant shall retain a qualified archaeological monitor, approved by the County Environmental Coordinator, to be present during all site disturbance activities. Monitoring reports shall be retained by the applicant and shared with the Environmental Coordinator's Office upon request.
11.	In the event archaeological resources are unearthed or discovered during any site disturbance activities, the applicant, or the applicant's successor, shall be responsible to follow protocol and procedures described in Section 22.10.040 of the Land Use Ordinance.
BIOLOGICAL RESOURCES - CALIFORNIA RED-LEGGED FROG (CRLF)	
12.	Sturdy and highly visible protective fencing shall be placed around all existing trees and riparian vegetation within 50 feet of the Project site. Plan notes shall indicate this fence shall remain in place for the duration of Project construction.
13.	Prior to commencement of grading activities, a USFWS-approved biologist will survey the Project site 48 hours before the onset of work activities. If any life stage of the California Red-legged Frog (CRLF) is found and these individuals are likely to be killed or injured by work activities, the biologist will be allowed sufficient time to move them from the site before work activities begin. The biologist will relocate the CRLF the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed Project. The biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, distinguishing features, digital images, etc.) to assist in determining whether translocated animals are returning to the original point of capture.
14.	Prior to commencement of grading activities, a USFWS-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current Project, and the boundaries within which the Project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
15.	A USFWS-approved biologist will be present at the work site until all CRLF have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, the County will designate a person to monitor on-site compliance with all minimization measures. The biologist will ensure that this monitor receives the training outlined above and in the identification of CRLF. If the monitor/biologist determine CRLF impacts are greater than anticipated or approved, work shall stop until the issue is resolved. The monitor/biologist shall immediately contact the resident engineer (the engineer overseeing and in command of the construction activities), where the resident engineer will either resolve the situation by eliminating the effect immediately, or require that all actions which are causing these effects be halted. If work is stopped, the County/ USFWS will be notified as soon as is reasonably possible.
16.	During construction/ground disturbing activities, all trash that may attract CRLF predators will be properly contained, removed from the work site, and disposed of regularly. Prior to Project completion, all trash and construction debris will be removed from work areas.
17.	During construction/ ground disturbing activities, all refueling, maintenance, and staging of equipment and vehicles will occur at least 100 feet from riparian habitat or water bodies and not in a location from where a spill

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would drain directly toward aquatic habitat. The monitor will ensure contamination of habitat does not occur during such operations. Prior to commencement of grading/construction activities, the monitor will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

18. Prior to Project completion, whichever occurs first, for disturbed areas within the Project boundaries, they shall be revegetated with an assemblage of native riparian, wetland and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent practical. Invasive, exotic plants will be controlled to the maximum extent practical and not included in any landscaping efforts. This measure shall apply to all disturbed areas unless determined not practical or feasible by the County.

19. Prior to Project completion, whichever occurs first, to the extent practical, contours shall be returned to as close to original, unless it is determined by the biologist that the new contours provide greater benefit for the CRLF.

20. Best Management Practices (BMPs) shall be implemented to minimize sediment from entering nearby water bodies or prominent drainage courses. During or after construction/ ground disturbing activities, if these BMPs are ineffective, the applicant will work with the monitor/biologist and resident engineer, in consultation with USFWS, to install effective measures prior to the next rain event.

21. Unless approved by the USFWS, water will not be impounded in a manner that may attract CRLF.

22. Prior to Project completion, the applicant shall submit to the County and USFWS, a Project completion report form, completed by the USFWS-approved biologist. The report form should identify any recommended modifications or protective measures, if additional stipulations to protect CRLF are warranted, or if alternative measures would facilitate compliance with the provisions of this consultation.

BIOLOGICAL RESOURCES – SPECIAL STATUS PLANTS

23. Prior to commencing site disturbing activities, a County-approved biologist/botanist shall conduct a botanical survey for special status plants, including, but not limited to, the Cambria morning glory, Carmel Valley bush mallow, Compact cobwebby thistle, Most beautiful jewel-flower, Obispo Indian paintbrush, and Woodland woollythreads. The applicant shall make every effort to avoid the removal of identified special status plants during construction activities. If the removal of such plants cannot be avoided, the applicant shall transplant them on the subject property.