Initial Study and Proposed Mitigated Negative Declaration
50-Bed Mental Health Crisis Beds (MHCB) Facility
at
California Men's Colony
San Luis Obispo, California

Prepared for:

California Department of Corrections and Rehabilitation
Facilities Planning, Construction, and Management Division
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October 1, 2009

FACILITY PLANNING, CONSTRUCTION, AND MANAGEMENT
ENVIRONMENTAL PLANNING UNIT
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

California Department of Corrections and Rehabilitation
Public Notice Announcement
Release of an Initial Study and Proposed Mitigated Negative Declaration
50-Bed Mental Health Crisis Beds (MHCB) Facility Project
at California Men's Colony, San Luis Obispo County, California

What's Being Planned: The California Department of Corrections (CDCR) has released for public review the Initial Study and proposed Mitigated Negative Declaration (IS/MND) for the 50-Bed Mental Health Crisis Beds (MHCB) Facility Project. The proposed project consists of the construction of a 50-bed mental health facility at California Men's Colony (CMC) in San Luis Obispo County, California. The new facility would be a Mental Health Crisis Beds (MHCB) facility to be licensed as a Correctional Treatment Center (CTC) for short-term inpatient care for inmates in mental health crisis. The two-story building would feature approximately 45,000 square feet of space for housing, treatment, and support and administrative services. Infrastructure improvements associated with the project would include installing additional recreation yards, establishing connections to existing utilities, and extending the existing secure perimeter to include the new facility. In addition, an existing staff parking lot that currently lies in the proposed location of the MHCB facility would be removed, and additional parking would be built adjacent to existing parking to replace the lost parking and to provide additional parking for the new facility. Staffing increases associated with the new facility would consist of as many as 200 new positions spread over three shifts.

CDCR has been mandated to construct the proposed MHCB facility to comply with a federal court order. The U.S. District Court for the Eastern District of California, in a case known as *Coleman v. Schwarzenegger* (*Coleman* litigation), found CDCR to be in violation of the Eighth Amendment to the United States Constitution in relation to the care of inmates. Specifically, the court determined that CDCR was not providing adequate mental health care to inmates, and subsequently ordered CDCR to construct new mental health facilities at several prison sites, including CMC. The proposed project would be funded through Assembly Bill 900 (AB 900), the Public Safety and Offender Rehabilitation Services Act of 2007. Construction would begin in 2010, with an estimated completion date of Fall, 2012. The new facility would be operational prior to 2013.

Project Location: The entire project would be built on existing CMC property, in a rural setting outside of the city limits of San Luis Obispo. The CMC property has approximately 356 acres, and includes an East facility and a West facility, each of which has medical facilities, operations and maintenance buildings, and recreation yard areas. The proposed project site is located within CMC East, in an area to the south of the existing prison. This area is currently outside of the existing secure perimeter, but the perimeter would be expanded as part of the project to include the proposed MHCB facility.

Probable Environmental Effects: CDCR has prepared an IS/MND pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15063. CDCR has studied the effects

that the proposed project may have on the environment. The studies show that either the project will not significantly affect the quality of the environment, or that all significant impacts can clearly be mitigated to a level that is less than significant.

Where You Come In: As lead agency under CEQA, CDCR is releasing the IS/MND for public review and comments. The document is available for a 30-day review period from October 1, 2009, through October 31, 2009.

Where to Review the Environmental Document and Provide Comments: Formal comments regarding the IS/MND may be submitted in writing via mail, e-mail, or fax any time during the public review period. The IS/MND is available for a 30-day public review period from October 1, 2009, through October 31, 2009. Written comments regarding the scope and content of information in the IS/MND or any questions regarding the document should be postmarked no later than October 31, 2009. Comments may be sent to:

John Sharp, Senior Environmental Planner
Facility Planning, Construction and Management
Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827
Phone: (916) 255-3013
FAX: (916) 255-3030
E-mail: John.Sharp@cdcr.ca.gov

Digital copies of the IS/MND are available on the internet at:

http://www.cdcr.ca.gov/Reports_Research/Environmental/index/html

Paper copies of the IS/MND are available for public review at the following locations:

City of San Luis Obispo
Community Development Department
919 Palm Street
San Luis Obispo, CA 93401

San Luis Obispo City-County Public Library
P.O. Box 8107
San Luis Obispo, CA 93403

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
FACILITIES PLANNING, CONSTRUCTION, AND MANAGEMENT

MITIGATED NEGATIVE DECLARATION

PURSUANT TO DIVISION 13
CALIFORNIA PUBLIC RESOURCES CODE

50-BED MENTAL HEALTH CRISIS BEDS (MHCB) FACILITY PROJECT
AT THE CALIFORNIA MEN'S COLONY, SAN LUIS OBISPO COUNTY
SCH # *To Be Assigned*

PROJECT DESCRIPTION

The proposed project consists of the construction of a 50-bed mental health facility at California Men's Colony (CMC) in San Luis Obispo County, California. The new facility would be a Mental Health Crisis Beds (MHCB) facility to be licensed as a Correctional Treatment Center (CTC) for short-term inpatient care for inmates in mental health crisis. The two-story building would feature approximately 45,000 square feet of space for housing, treatment, and support and administrative services. Infrastructure improvements associated with the project would include installing additional recreation yards, establishing connections to existing utilities, and extending the existing secure perimeter to include the new facility. In addition, an existing staff parking lot that currently lies in the proposed location of the MHCB facility would be removed, and additional parking would be built adjacent to existing parking to replace the lost parking and to provide additional parking for the new facility. Staffing increases associated with the new facility would consist of as many as 200 new positions spread over three shifts.

The California Department of Corrections and Rehabilitation (CDCR) has been mandated to construct the proposed MHCB facility to comply with a federal court order. The U.S. District Court for the Eastern District of California, in a case known as *Coleman v. Schwarzenegger* (*Coleman* litigation), found CDCR to be in violation of the Eighth Amendment to the United States Constitution in relation to the care of inmates. Specifically, the court determined that CDCR was not providing adequate mental health care to inmates, and subsequently ordered CDCR to construct new mental health facilities at several prison sites, including CMC. The proposed project would be funded through Assembly Bill 900 (AB 900), the Public Safety and Offender Rehabilitation Services Act of 2007. Construction would begin in 2010, with an estimated completion date of Fall, 2012. The new facility would be operational prior to 2013.

PROJECT LOCATION

The entire project would be built on existing CMC property, in a rural setting outside of the city limits of San Luis Obispo. The CMC property consists of approximately 356 acres, and includes an East facility and a West facility, each of which has medical facilities, operations and maintenance buildings, and recreation yard areas. The proposed project site is located within CMC East, in an area to the south of the existing prison buildings. This area is currently outside of the existing secure perimeter, but the perimeter would be expanded as part of the project to include the proposed MHCB facility.

ENVIRONMENTAL FINDINGS

An Initial Study was prepared to assess the significance of the project's potential impacts on the environment. Based on the Initial Study and in light of the whole record, the Department finds that there

is no substantial evidence that the project, with mitigation measures incorporated, will have substantial adverse effects on the environment. This conclusion is supported by the following findings:

- CDCR finds that the Initial Study and Mitigated Negative Declaration (IS/MND) have been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA).
- CDCR has considered all comments and respective responses to those comments on the IS/MND prior to the decision to approve this project.
- The proposed project would have no impact related to the following issue areas: agricultural and forest resources; and mineral resources.
- The proposed project would have less-than-significant impacts related to the following issue areas: greenhouse gas; hazards and hazardous materials; land use and planning; population and housing; public services; recreation; transportation/traffic.
- With the incorporation of mitigation measures, the proposed project would result in less-than-significant impacts related to the following issue areas: aesthetics; air quality; biological resources; cultural resources; geology and soils; hydrology and water quality; noise; utilities and service systems.
- The project would have a less-than-significant contribution to cumulative environmental effects.
- The Initial Study and Mitigated Negative Declaration reflect CDCR's independent judgment.

MITIGATION MEASURES

To assure that no potentially significant impacts occur as a result of the approval of the proposed project, mitigation measures described in detail in the Initial Study and Mitigation Monitoring and Reporting Plan have been incorporated into the project to reduce potentially significant effects to a less than significant level. These mitigation measures are:

Aesthetics
MM AES-1 Landscaping shall be planted along the southern/southwestern border of the proposed detention basin and parking lot until such time that the elevation of the adjacent hillside east of the facility obstructs the views of the facility to reduce visual impacts to the residences located on Santa Cruz Road. Landscaping shall consist of native 15-gallon minimum evergreen trees or shrubs planted at a maximum space of 15 feet in order to minimize views of the proposed parking lot to the maximum extent possible.
MM AES-2 All lighting within the proposed parking lot shall be shielded, recessed, or directed downward to prevent illumination of private residences along Santa Cruz Road.

Air Quality
MM AIR-1 The project construction contractor shall implement the following fugitive dust control measures during construction:
Water exposed surfaces twice daily
Reduce speed on unpaved roads to less than 15 mph
Manage haul road dust by watering twice daily

Biological Resources
MM BIO-1 If construction of the proposed project is initiated during the nesting season (February 15 through September 1) pre-construction surveys for nesting Cooper's hawk, white-tailed kite, and other raptors and migratory songbirds shall be conducted within 250 feet of the project site no more than 30

days prior to commencement of construction. If an active raptor nest is found, the nests shall be avoided until all juveniles have fledged and are capable of independent flight, as determined by a qualified biologist. Removal of construction activity (including staging areas) within a set distance from the nest, at the discretion of the monitoring biologist, shall also be considered avoidance of active nests.

MM BIO-2 Impacts to wildlife from the existing lethal electrified fence are mitigated through a Habitat Mitigation Plan (HMP) for the Six Prisons Project (EDAW 2001). Mortality to wildlife shall be avoided and minimized to the extent possible through continued implementation of the tiered mitigation program that was developed as part of the Statewide Electrified Fence Project and used by the Six Prisons Project. Habitat compensation is not proposed for this project because operation of the proposed expanded fence is unlikely to substantially increase wildlife mortality rare or kill different species than the existing fence. Formal consultation with USFWS and CDFG and permitting under ESA and CESA is not proposed; no state or federally listed species or candidates for listing are considered at risk of electrocution. In addition, CDCR is committed to implementing the avoidance and minimization measures outlined below, that currently are implemented at the existing CMC lethal electrified fence, to offset potential adverse effects to birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code.

Tier 1: The first tier of mitigation measures are those designed to eliminate or reduce wildlife attractants near the prison perimeter by implementing specific maintenance and operation procedures. By making the perimeter less hospitable, wildlife would frequent this area less often, thus reducing their exposure to accidental electrocution. Tier 1 maintenance and operation procedures would be applied to the proposed facility.

Tier 2: Second tier mitigation measures consist of both exclusion and deterrent devices. Tier 2 measures to be installed on the proposed lethal electrified fence include a vertical netting system and anti-perching devices. CDCR would install 3/4-inch mesh vertical netting enveloping both sides of the lower section of the lethal electrified fence, which would otherwise present the greatest danger to wildlife species at risk of electrocution. Anti-perching wires, which consist of 2- to 4-inch pieces of stiff wire connected to an aluminum base, would be strategically attached to the tops of perching sites in and near the perimeter. Once installed, this wire would reduce the ability of birds to perch near the lethal electrified fence, thus reducing exposure to accidental electrocutions.

Cultural Resources

MM CUL-1 If a potentially significant cultural resource is encountered during subsurface earthwork activities for the project, all construction activities within a 75-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. CDCR shall require a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist in consultation with CDCR and OHP. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; or features including hearths, structural remains, or historic dumpsites.

MM CUL-2 In the event a fossil is discovered during construction for the proposed project, excavations within 75 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. CDCR shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify CDCR to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan shall be submitted to CDCR for review and approval. Upon approval, the plan shall be incorporated into the project.

MM CUL-3 If human remains are encountered during earth-disturbing activities for the project, all work in the adjacent area shall stop immediately and the San Luis Obispo County Coroner's office shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission shall be notified and the Most Likely Descendent (MLD) will be consulted for

recommendations for treatment of the discovered remains. (CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code)

Geology/Soils
MM GEO-1 The site-specific geotechnical investigation report (Fugro 2009) shall be finalized prior to final design of the proposed project. All recommendations from the geotechnical subsurface investigation report shall be incorporated into the project's site plans and construction techniques prior to construction implementation.

Noise
MM NOI-1 The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:
Construction activities shall be limited to between the hours of 7 a.m. and 9 p.m. on weekdays and between the hours of 8 a.m. and 5 p.m. on Saturdays and Sundays.
All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest offsite building, unless safety or technical factors take precedence.
Stationary combustion equipment such as pumps or generators operating within 300 feet of the nearest single-family residence shall be shielded with a noise protection barrier.
MM NOI-2 The project applicant shall require that a minimum 10 dB of attenuation is provided for the backup generator. This may be achieved through placing the backup generator in an enclosure with a roof. The enclosure shall not have any cutouts on the south side.

Utilities/Service Systems and Hydrology/Water Quality
MM PU-1 CDCR, in conjunction with CMC, shall be required to meet effluent standards outlined in the 2006 NPDES permit and the July 16, 2009 EPA Order, Docket No. CWA 309(a)-09-028. CDCR shall actively manage the prison population of CMC East to insure the population will not increase and exacerbate the current violation conditions. To accomplish this, CMC will work closely with CDCR Population Management to maintain the inmate population at the baseline conditions identified in this IS/Proposed MND (6,586) until such time that CMC is in compliance with water quality requirements.

To assure implementation of these measures, a Mitigation Monitoring and Reporting Plan has been made part of the condition of approving the proposed project.

Additional copies of the IS/MND may be obtained by addressing a request to:

John Sharp
Senior Environmental Planner
Environmental Planning Section
Facility Planning, Construction, and Management
California Department of Corrections and Rehabilitation
9838 Old Placerville Road, Suite B
Sacramento, CA 95827

signature pending close of 30-day Public Comment Period
DEBORAH HYSEN Date
Chief Deputy Secretary
Facilities Planning, Construction, and Management

TABLE OF CONTENTS

Acronyms and Abbreviations vii

Section 1: Introduction 1
1.1 - Introduction and Regulatory Guidance 1
1.2 - Purpose of this Document 1
1.3 - Summary of Findings 3
1.4 - Environmental Permits 4
1.5 - Document Organization 4

Section 2: Project Description and Background 7
2.1 - Introduction 7
2.2 - Project Location 7
2.3 - Need for the Proposed Project 7
2.4 - Project Objective 9
2.5 - Description of Proposed Facilities 9
2.6 - Project Construction 12
2.7 - Environmental Protection 13

Section 3: Environmental Thresholds and Discussion 21
1. Aesthetics 27
2. Agriculture and Forest Resources 39
3. Air Quality 42
4. Biological Resources 50
5. Cultural Resources 63
6. Geology/Soils 68
7. Greenhouse Gas Emissions 73
8. Hazards/Hazardous Materials 82
9. Hydrology/Water Quality 86
10. Land Use/Planning 94
11. Mineral Resources 96
12. Noise 97
13. Population/Housing 111
14. Public Services 115
15. Recreation 118
16. Transportation/Traffic 119
17. Utilities/Service Systems 125
18. Mandatory Findings of Significance 132

Section 4: Summary of Mitigation Measures 135
4.1 - Aesthetics 135
4.2 - Air Quality 135
4.3 - Biological Resources 135
4.4 - Cultural Resources 136
4.5 - Geology/Soils 137
4.6 - Noise 137
4.7 - Utilities/Service Systems and Hydrology/Water Quality 138

Section 5: References 139

Section 6: List of Preparers 143
California Department of Corrections and Rehabilitation 143
Michael Brandman Associates - Environmental Consultant 143

Kimley-Horn and Associates, Inc. - Traffic Engineer 143

Section 7: IS/Proposed MND Distribution List 145

Appendix A: Air Quality Output Modeling

Appendix B: Biological Resources Information

Appendix C: Geotechnical Investigation Report

Appendix D: Noise Impact Analysis

Appendix E: Traffic Impact Analysis

LIST OF TABLES

Table 1: CMC Current and Projected Future Prison Employment Level 11
Table 2: Air Quality Monitoring Summary 43
Table 3: Ozone Trends in the South Central Coast Air Basin 44
Table 4: Construction Emissions 47
Table 5: Operational Emissions (Summer 2013) 48
Table 6: Special-Status Plant Species with Potential to Be Impacted by the Project 53
Table 7: Special-Status Wildlife Species with Potential to Be Impacted by the Project 54
Table 8: California GHG Inventory 2000-2006 75
Table 9: Operational GHG Generation (Year 2013) 78
Table 10: Existing Short-Term Noise Level Results 98
Table 11: Maximum Allowable Noise Exposure-Transportation Noise Sources 99
Table 12: Maximum Allowable Noise Exposure Stationary Noise Sources 100
Table 13: Construction Noise Emissions and Usage Factors 101
Table 14: Near-Term Project Noise Contributions 104
Table 15: Cumulative With Project Noise Contributions 105
Table 16: Vibration Source Levels for Construction Equipment 108
Table 17: Current and Project Population and Housing for CMC Employees 111
Table 18: Water Supply Entitlements for Chorro Valley Water System 126

LIST OF EXHIBITS

Exhibit 2-1: Regional Location Map 15
Exhibit 2-2: Local Vicinity Map, Aerial Base 17
Exhibit 2-3: Key Project Elements 19
Exhibit 3-1: Site Photographs 33
Exhibit 3-2a: Photograph Location Map 35
Exhibit 3-3: Recorded Occurrences of Special-Status Plant Species within 5 Miles of the Project 59
Exhibit 3-4: Recorded Occurrences of Special-Status Wildlife Species within 5 Miles of the Project 61
Exhibit 3-5: Study Area and Intersection Locations 123

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ACM	Asbestos Containing Material
afy	acre-feet-per-year
ALUC	Airport Land Use Commission
ATCM	Airborne Toxic Control Measures
BMP	Best Management Practice
B.P.	Before Present
CAA	Clean Air Act of 1970
CAAQS	California Ambient Air Quality Standards
Cal OSHA	California Occupational Health and Safety Administration
CAP	Clean Air Plan
CAPCOA	California Air Pollution Control Officers Association
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CARB	California Air Quality Board
CBC	California Building Code
CCAA	California Clean Air Act
CCAR	California Climate Action Registry
CCIC	Central Coast Information Center
CCR	California Code of Regulations
CCRWQCB	Central Coast Regional Water Quality Control Board
CDCR	California Department of Corrections and Rehabilitation
CDF	California Department of Forestry
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CH_4	methane
CMC	California Men's Colony
CMF	California Medical Facility
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CSLO	Camp San Luis Obispo
CTC	Correctional Treatment Centers
CVWS	Chorro Valley Water System

CWHR	California Wildlife Habitat Relationship System
dB	decibel
dbA	a-weighted decibels
DCG	Design Criteria Guidelines
DPM	diesel particulate matter
DPR	Department of Parks and Recreation
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EOP	Enhanced Outpatient Program
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
F	Fahrenheit
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
GHG	greenhouse gases
gpd	gallons per day
gpid	gallons of water per inmate per day
GWP	global warming potential
HCP	Habitat Conservation Plan
HFC	hydrofluorocarbon
HMP	Habitat Mitigation Plan
iADAM	online Aerometric Data Analysis and Management
ICLEI	International Council for Local Environmental Initiatives
IPCC	Inter Governmental Panel on Climate Change
IS	Initial Study
L_{dn}	Day-Night Average Level
L_e	equivalent sound level
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service
MBA	Michael Brandman Associates
MBTA	Migratory Bird Treaty Act
mcy	million cubic yards
mgd	million gallons per day
MHCB	Mental Health Crisis Beds
MHSB	Mental Health Services Building
MHSDS	Mental Health Services Delivery System
MLD	Most Likely Descendent
MMRP	Mitigation Monitoring and Reporting Plan (or Program)
MND	Mitigated Negative Declaration
mph	miles per hour

MSDS	Material Safety Data Sheet
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NCCP	Natural Community Conservation Plan
NHPA	National Historic Preservation Act
NO_2	nitrogen dioxide
NOA	Notice of Availability
NOC	Notice of Completion
NOI	Notice of Intent
NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
OHP	Office of Historical Preservation
OHU	Outpatient Housing Unit
PFC	perfluorocarbon
PG&E	Pacific Gas & Electric
PM_x	particulate matter
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
RCNM	Roadway Construction Noise Model
RCRA	Federal Resource Conservation and Recovery Act
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SCCAB	South Central Coast Air Basin
SF_6	sulfur hexafluoride
SLO	San Luis Obispo
SLOAPCD	San Luis Obispo Air Pollution Control District
SLOCOG	San Luis Obispo Council of Governments
SO_2	sulfur dioxide
SR	State Route
SWP	State Water Project
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminants
TDS	total dissolved solids
Tg	teragram

THM	trihalomethane
TIA	Traffic Impact Analysis
TMDL	Total Maximum Daily Load
UBC	Uniform Building Code
USFWS	U.S. Fish and Wildlife Service
USGBC	U.S. Green Building Council
UV	ultraviolet
VdB	vibration velocity
VMT	Vehicle Miles Traveled
WBWG	Western Bat Working Group
WDR	Waste Discharge Requirements
WRCC	Western Regional Climate Center
WTP	water treatment plant
WWTP	wastewater treatment plant

SECTION 1: INTRODUCTION

1.1 - Introduction and Regulatory Guidance

The proposed project consists of the construction of a 50-bed mental health facility at California Men's Colony (CMC) in San Luis Obispo, California. The proposed Mental Health Crisis Beds (MHCB) facility would be licensed as a Correctional Treatment Center (CTC) for short-term inpatient care for inmates in mental health crisis. The two-story building would feature approximately 45,000 square feet of space for housing, treatment, and support and administrative services. Infrastructure improvements associated with the project would include installing additional inmate recreation yards, establishing connections to existing utilities, and extending the existing secure perimeter to include the new facility. In addition, an existing staff parking lot that is located in the proposed location of the MHCB facility would be removed, and additional parking would be built adjacent to existing lots to provide parking for the new facility. For the purposes of California Environmental Quality Act (CEQA) analysis, it is assumed that the project may directly and indirectly result in an increase of as many as 200 additional staff and 50 additional inmates. See Section 2 for complete project details.

The California Department of Corrections and Rehabilitation (CDCR) has been mandated to construct the proposed MHCB facility to comply with a federal court order. The U.S. District Court for the Eastern District of California, in a case known as *Coleman v. Schwarzenegger* (*Coleman* litigation), found CDCR to be in violation of the Eighth Amendment to the United States Constitution in relation to the care of inmates. Specifically, the court determined that CDCR was not providing adequate mental health care to inmates, and subsequently ordered CDCR to construct new mental health facilities at several prison sites, including CMC.

The proposed project would be funded through Assembly Bill 900 (AB 900), the Public Safety and Offender Rehabilitation Services Act of 2007. Construction would begin in 2010, with an estimated completion date of fall 2012. The new facility would be operational prior to 2013.

CDCR has completed this Initial Study/Proposed Mitigated Negative Declaration (IS/Proposed MND) for the proposed project in compliance with CEQA. This document shows that the proposed project will not have a significant adverse impact on the environment with the inclusion of proposed mitigation measures. CDCR is circulating the IS/Proposed MND for public comment to solicit the public's views on how CDCR can meet its obligation to provide adequate mental health care to inmates at CMC while minimizing the project's impacts on the environment.

1.2 - Purpose of this Document

Since the CDCR has been ordered by a federal court to construct the proposed project at CMC, the CDCR has little discretion about project specifics such as the location, capacity, space, security and staffing levels or other changes. However, CDCR believes it can meet its obligation to provide

adequate mental health care to inmates at CMC while minimizing the proposed project's potential impacts on the environment. As such, an IS/MND has been prepared by the CDCR to evaluate and mitigate any potential environmental effects of the proposed project at the CMC in San Luis Obispo County, California. This document has been prepared in accordance with CEQA (PRC Section 2100, et seq.), the State CEQA Guidelines (California Code of Regulations Section 1500, et seq.), and the Office of Planning and Research (OPR) - Proposed Changes to the Appendix G Checklist, requiring an analysis of global climate change under the Global Solutions Act known as Assembly Bill 32. An Initial Study (IS) is prepared by a lead agency to determine if a project may have a significant effect on the environment (State CEQA Guidelines Section 15063[a]), and thus to determine the appropriate level of environmental documentation to be written. In accordance with the State CEQA Guidelines Section 15070, a "public agency shall prepare . . . a proposed negative declaration or mitigated negative declaration . . . when: (a) The Initial Study shows that there is no substantial evidence…that the project may have a significant impact on the environment, or (b) The Initial Study identifies potentially significant effects but revisions to the project plans or proposal are agreed to by the project proponent (applicant) and such revisions would reduce potentially significant effects to a less-than-significant level." In this circumstance, the lead agency (CDCR) prepares a written statement describing its reason for concluding that the proposed project would not have a significant effect on the environment and, therefore, does not require the preparation of an Environmental Impact Report (EIR).

As described in this IS (Section 3), the proposed project would result in certain potentially significant environmental impacts, but those impacts would be reduced to a less than significant level by implementation of mitigation measures that have been agreed upon and would be implemented by CDCR. Therefore, an IS/Proposed MND is the appropriate document for compliance with the requirements of CEQA. This IS/Proposed MND conforms to these requirements and to the content requirements of State CEQA Guidelines Section 15071.

Technical data and studies used in determining the proposed project's potential impacts on the environment are included in the appendices to this IS.

Under CEQA, the lead agency is the public agency with primary responsibility for approval of the proposed project. The CDCR, as the lead agency for this project, has directed Michael Brandman Associates to prepare this IS/Proposed MND. The purpose of this document is to disclose to the public the environmental consequences of implementing the proposed project. This disclosure document is available to the public for review and comment.

The IS/Proposed MND is available for a 30-day public review period from October 1, 2009 to October 31, 2009. Formal comments regarding potential environmental impacts of the proposed project should be sent to:

John Sharp, Senior Environmental Planner
California Department of Corrections and Rehabilitation
Facilities Planning, Construction, and Management Division
Environmental Planning Section
9838 Old Placerville Road, Suite B
Sacramento, CA 95827
Phone: 916.255.3013

We welcome your comments. If you have questions regarding the proposed project, please call John Sharp (CDCR) at 916.255.3013. If you have comments, they must be emailed to John.Sharp@cdcr.ca.gov or postmarked by October 31, 2009.

This IS/Proposed MND is also available at the following locations:

San Luis Obispo City-County Public Library
P.O. Box 8107
San Luis Obispo, CA 93403

City of San Luis Obispo
Community Development Department
919 Palm Street
San Luis Obispo, CA 9340

1.3 - Summary of Findings

Section 3 of this document contains the analysis and discussion of potential environmental impacts of the proposed project. Based on the issues evaluated in Section 3, it was determined that the proposed project would have no impact related to the following issue areas:

- Agriculture and Forest Resources
- Mineral Resources

Impacts of the proposed project were determined to be less than significant for the following issue areas:

- Greenhouse Gas
- Hazards and Hazardous Materials
- Land Use and Planning
- Population and Housing
- Public Services
- Recreation
- Transportation/traffic

Impacts of the proposed project to the following issue areas were determined to be less than significant with the incorporation of mitigation measures as described in Section 4:

- Aesthetics
- Air Quality

- Biological Resources
- Cultural Resources
- Geology and Soils
- Hydrology and Water Quality
- Noise
- Utilities and Service Systems

CDCR has agreed to adopt each of the mitigation measures described in Section 4. A mitigation monitoring and reporting plan (MMRP) would be prepared and would include those mitigation measures that would reduce environmental impacts.

1.4 - Environmental Permits

The proposed project may be required to comply with applicable federal and state regulations:

- Erosion and surface water quality - Storm Water Pollution Prevention Plan (SWPPP), and associated Best Management Practices (BMPs)
- Air quality - San Luis Obispo Air Pollution Control District (SLOAPCD) permit to operate and compliance with related regulations.

1.5 - Document Organization

This IS is organized as follows:

Section 1: Introduction. This section provides an introduction and describes the purpose and organization of this document.

Section 2: Project Description and Background. This section describes the purpose of and need for the proposed project, identifies project objectives, and provides a detailed description of the proposed project.

Section 3: Environmental Thresholds and Discussion. This section presents an analysis of a range of environmental issues identified in the CEQA Environmental Checklist and determines if the proposed project would result in no impact, a less than significant impact, a less than significant impact with mitigation incorporated, or a potentially significant impact for each topic. If any impacts are determined to be potentially significant after incorporation of applicable mitigation measures, an EIR would be required. For this project, however, mitigation measures have been incorporated where needed, that would reduce all potentially significant impacts to a less than significant level.

Section 4: Summary of Mitigation Measures. This section summarizes the mitigation measures incorporated into the project and agreed to by CDCR as a result of the IS, as well as permits that may be required.

Section 5: References. This section lists the references used in preparation of this IS/Proposed MND.

Section 6: List of Preparers. This section identifies report preparers.

Section 7: IS/Proposed MND Distribution List. This section provides the names and addresses of all parties who received copies of this document.

SECTION 2: PROJECT DESCRIPTION AND BACKGROUND

2.1 - Introduction

The proposed project consists of the construction of a 50-bed MHCB facility that would be licensed as a CTC for short-term inpatient care for inmates in mental health crisis. The two-story building would feature approximately 45,000 square feet of space for housing, treatment, and support and administrative services. Infrastructure improvements associated with the project would include installing additional inmate recreation yards, establishing connections to existing utilities, and extending the existing secure perimeter to include the new facility. In addition, an existing staff parking lot that is located in the proposed location of the MHCB facility would be removed, and additional parking would be built adjacent to existing lots to replace the lost parking and to provide parking for the new facility. For the purposes of this CEQA analysis, it is assumed that the project may directly and indirectly result in an increase of as many as 200 additional staff and 50 additional inmates.

2.2 - Project Location

CMC is located in western San Luis Obispo County, California, approximately 1 mile north of the City of San Luis Obispo's northern boundary (Exhibit 2-1). The institution is located in a rural setting along State Route 1 (SR-1) and is situated immediately to the northeast of the intersection of SR-1 and Colony Drive, which provide regional and local access to the CMC (Exhibit 2-2). The CMC facility consists of approximately 356 acres and includes both an East Facility and West Facility, each of which has medical facilities, operations and maintenance buildings, and inmate recreation yards. The proposed project site is located within the CMC East Facility, in an area south of B Quad and east of the pedestrian sally port (Exhibit 2-3). This area is currently outside of the existing secure perimeter, but the perimeter would be expanded as part of the proposed project to include the proposed MHCB facility.

2.3 - Need for the Proposed Project

The U.S. District Court for the Eastern District of California, in the case known as *Coleman v. Schwarzenegger* (*Coleman* litigation) (Case No. 2:90-cv-00520-LKK-JFM), found CDCR to be in violation of the Eighth Amendment to the United States Constitution. The court determined that CDCR was not providing adequate mental health care to inmates and has subsequently ordered CDCR to provide constitutionally adequate mental health care. This includes, but is not limited to, having licensed facilities that provide 24-hour care for stabilization and treatment of inmates with a mental health diagnosis. CDCR inmates/patients presently receive mental health treatment via CDCR's Mental Health Services Delivery System (MHSDS). One important component of the MHSDS is the ability to provide mental health crisis care that is short-term (usually ten days or less), during which patients can be observed, monitored, and treated in a 24-hour licensed inpatient

treatment setting. CDCR typically provides services for this level of care using MHCBs located in facilities licensed as CTCs. CMC presently has no such licensed mental health facility.

In March of 2006, the *Coleman* court ordered CDCR to file a plan for providing MHCBs for all seriously mentally ill male and female inmates within 24 hours of clinical diagnosis that such mental health care is required. In response, CDCR submitted the *Supplementary Mental Health Bed Plan* in August of 2007, which was subsequently approved by the *Coleman* court in October 2007. Among other requirements, the court ordered that CDCR " . . . shall forthwith reopen the locked observation unit at the CMC as a thirty-six (36) bed Mental Health Crisis Bed facility on a temporary emergency basis." In addition, the court ordered that CDCR activate the locked observation unit at CMC as a temporary emergency MHCB facility (which the CDCR has subsequently done), referring to it as the "Outpatient Housing Unit" (OHU). The OHU will continue to be used in this capacity until such time that CDCR can mitigate the shortage of mental health beds.

The physical constraints of CMC's OHU prohibits licensing the space as a permanent MHCB facility, even if extensive and cost-prohibitive modifications were undertaken. CDCR is therefore proposing to construct a new CTC facility at CMC in order to provide a permanent solution to the need for a licensed MHCB facility. The proposed facility would be designed and constructed to meet all applicable CTC, Title 22, Title 24, and LEED certification (as required by executive Order S-20-04, which commits California to reduce electricity usage from State buildings) for 24-hour licensed care (including safety, space, and sanitary needs).

The urgency of the proposed MHCB project was recently highlighted on April 2, 2009, when Judge Lawrence Karlton, U.S. District Court, Eastern District, California, issued an order based on Special Master Matthew A. Lopes, Jr.'s report and recommendations for CDCR to complete all court-ordered construction projects posthaste. The order specifically requires CDCR to complete a 50-bed MHCB facility at CMC and to submit monthly status reports and a detailed activation schedule. Pursuant to the order, CDCR has selected the architect and engineering firm and has begun preparing CEQA documentation. Per the court order, CDCR is to report monthly to the Special Master on the status of implementing this project. On June 18, 2009, the court approved the activation schedule.

The proposed project would be funded through Assembly Bill 900 (AB 900), the Public Safety and Offender Rehabilitation Services Act of 2007. AB 900 authorizes CDCR (pursuant to Government Code 15819.40) to design, construct, or renovate prison housing units to add prison beds to relieve the current overcrowding at CDCR institutions and to renovate existing facilities and construct new facilities to provide support services and programming space, as well as medical, dental, and mental health care facilities at existing institutions. AB 900 authorizes the State Public Works Board to issue revenue bonds to finance this and other mental health, dental, and medical projects covered under AB 900.

2.4 - Project Objective

The proposed project's primary objective is to comply with the orders of the *Coleman* court by constructing a facility that will mitigate the systemic shortage of mental health beds and provide a permanent solution to the need for a licensed CTC mental health facility.

2.5 - Description of Proposed Facilities

The proposed 50-bed MHCB building would be similar in many regards to the 50-bed MHCB building recently completed at the California Medical Facility (CMF), Vacaville; however, the proposed project would be two stories high instead of one. The facility would feature approximately 45,000 square feet of space for housing, treatment, and support and administrative services. Infrastructure improvements associated with the project would include installing additional inmate recreation yards, establishing connections to existing utilities, and extending the existing secure perimeter to include the new facility. In addition, an existing staff parking lot that currently lies in the proposed location of the MHCB facility would be removed, and additional parking would be built adjacent to existing parking lots to replace lost parking and to provide parking for the new facility.

Housing, treatment, and support space would be built to CDCR design standards and would provide 50 single-occupancy cells. New outdoor recreation facilities associated with the proposed MHCB facility would total 3,500 square feet and include eight small management yards and two group yards. The southeast portion of the existing secure perimeter (including electrified fencing) would be "bumped out" to include the new facility; this would include the removal of a small portion of the existing perimeter and the addition of approximately 1,100 linear feet of new perimeter fencing configured to include the new facility. Three guard towers would be added as part of the extension of the secure perimeter. Existing vehicle access roads would be reconfigured and lengthened to parallel the new portion of the perimeter. Utility connections would be installed to the existing sanitary sewer system, existing storm drainage system, existing natural gas, and existing 4,160V transformer substation. Associated lighting and speaker system additions would be included as part of the proposed project.

2.5.1 - Site Demolition and Improvement

To accommodate the MHCB facility, a large staff parking lot that currently occupies most of the proposed MHCB site would be removed, which would involve the demolition and removal of approximately 150,000 square feet of existing asphalt. The proposed location for constructing the replacement parking consists of two undeveloped areas immediately south of the existing parking lots, on both the east and west sides of Colony Drive (Exhibit 2-3). The two new parking lots would total approximately 235,000 square feet, including 199,000 square feet of new asphalt parking and as many as 505 new parking spaces.

The proposed MHCB building site is located south of B Quad in the area of the existing parking lot. The construction site is relatively flat and slopes generally to the southwest. In general, slopes

specified in the proposed project's grading plan will require drainage to be directed away from the building and sloped toward a new drainage basin located adjacent and south of the new proposed parking lot. The new basin will be approximately 20 feet by 50 feet and have 87,000 gallons of storage capacity. In addition, an existing drainage channel east of the parking lot area would be widened by 20 feet, for 350 feet.

Construction would require the removal of approximately 150,000 square feet of existing asphalt parking area. Furthermore, site excavation would extend an average of 45 feet from the existing asphalt area into the adjacent hillside to the southeast. Where the hillside excavation ends, a 3:1 slope would be cut from the new grade to the existing grade. Preliminary investigations indicate that approximately 30,000 cubic yards of soils with rock formations would be removed to level the site; half of these soils would be hauled offsite.

2.5.2 - Lighting

Site lighting may be provided in the new parking lot and enclosed security area, in compliance with CDCR Design Criteria Guidelines (DCG). Photometric calculations would be provided in the design stage to ensure DCG requirements are followed. The following types and amounts of luminaries are estimated for planning and analysis purposes. Approximately ten light poles would be taken down in the existing parking lot during removal of the parking lot; these light poles would be replaced with approximately fifteen new light poles in the replacement lots. The replacement light poles would be 30-foot high poles with dual-head 250-watt, high-pressure sodium lamps. The new security perimeter fence would include 30-foot light poles, evenly spaced no further than 80 feet on centers, with 400-watt high-pressure sodium lamps. The new security perimeter fence would require approximately 14 new light poles. All overhead lighting will have directional shielding as required by the CDCR Design Criteria Guidelines. Lighting in the open area, within the new portion of the secure perimeter, may be provided via two new 100-foot-high poles, each of which would contain six 1,000-watt high-pressure sodium lamps. Power for site lighting would come from the new building service. Generator standby power would be provided to the secure perimeter lighting. Normal power would be provided for the parking lot lighting.

2.5.3 - Perimeter Security

The proposed project would be adjacent to B Quad, within the expanded secure perimeter of CMC. Extending the secure perimeter fence would require the removal of approximately 500 feet of existing fencing (including lethal electrified fence), and the addition of approximately 1,100 feet of new fencing (including lethal electrified fence). The perimeter patrol road would be extended in association with the new portion of fenceline.

2.5.4 - Utilities and Infrastructure

All required water and wastewater utilities are located in the general vicinity of the proposed project site. The proposed project would have separate service lines connecting to an existing 6-inch domestic water line and a 6-inch domestic water line, each located approximately 100 feet from the

proposed new building. The proposed project would increase current potable water and wastewater demands by an estimated 1 percent.

New transformers would be installed for power distribution to the new MHSB via overhead lines. A new 1200-HP generator would provide emergency power when necessary. The existing natural gas distribution system is approximately 200 feet away from the site and would be modified for the on-site distribution. The existing telephone and data distribution system, located approximately 300 feet from the project site, would be modified to include the new MHCB building.

2.5.5 - Faculty Staffing

The proposed facility would operate 24 hours a day, year-round, with three 8-hour shifts (watches). The facility would require correctional officers, mental health and medical staff, administrative staff, and other support staff. For the purpose of CEQA analysis, it is estimated that the project may directly and indirectly result in an increase of as many as 200 additional staff. This would potentially increase the total number of staff at CMC from approximately 2,135 to as many as 2,335 projected future staff. Table 1 provides a breakdown of present and proposed employees, by shift.

The estimated staff increase of 200 is intended to capture any possible increases resulting directly from the activation of the proposed MHCB facility, as well as any possible increases resulting indirectly when the existing OHU facility is re-purposed. Because the ultimate use of the existing OHU is not known at the present time, it is not possible to precisely predict possible future increases in either inmates or staffing. It is probable, however, that the number of new staff resulting directly and indirectly from activation of the MHCB would be less than 200 staff.

Table 1: CMC Current and Projected Future Prison Employment Level

Shift	Number of Employees at Existing Facility	Projected Employees for Proposed 50-Bed Facility	Total Projected Future Employees (Existing plus Proposed Project)
First watch 10:00 p.m. to 6:00 a.m.	187	37	224
Second watch 6:00 a.m. to 2:00 p.m.	837	102	939
Third watch 2:00 p.m. to 10:00 p.m.	555	36	591
Other Staff 7:00 a.m. to 4:00 p.m.	556	20	576
Other Staff 8:00 a.m. to 5:00 p.m.	—	5	5
Total All watches	2,135	200	2,335
Source: CDCR 2009.			

2.5.6 - Inmate Population

The current inmate population of CMC is approximately 6,586. The proposed facility could accommodate up to 50 new inmates after construction. For the purpose of CEQA analysis, it is estimated that the project may directly and indirectly result in an increase of no more than 50 inmates, including any increases resulting directly from the activation of the proposed MHCB facility, as well as any increases resulting indirectly when the existing OHU facility is re-purposed. Because the ultimate use of the existing OHU is not known at the present time, it is not possible to precisely predict possible future increases in either inmate or staffing levels. It is possible, however, that the number of new inmates resulting directly and indirectly from activation of the MHCB would be less than 50.

2.5.7 - Visitation

Visitors meeting with inmates temporarily housed in the MHCB building would be identified, screened, and searched at the visitor processing center at the CMC facility and then transported to the MHCB building. Current weekend visitation rates at the CMC facilities (East and West) are 0.019 visitor per inmate on Friday, 0.039 visitor per inmate on Saturday, and 0.032 visitor per inmate on Sunday. Based on current weekend inmate visitation rates, approximately five visitors would be expected at the MHCB building between Friday and Sunday.

2.5.8 - Emergency Contingency Plans

The CMC has an Emergency Operations Plan tailored to the specific site needs of the institution, in compliance with the California Emergency Services Act of 1970. The plan specifies measures to be implemented within the facility during certain types of emergencies such as fire, flood, earthquake, war, or civil disturbance. Employees are trained in the use of emergency equipment and medical aid for these situations. The proposed facility would operate under the terms of the existing CMC Emergency Operations Plan, which would be updated to reflect the elements of the proposed project.

2.6 - Project Construction

Construction is scheduled to begin in 2010, with activation scheduled to occur before 2013. Earth-moving equipment, including backhoes, front-end loaders, and dump trucks, would used during excavation for utilities and building foundations; concrete trucks and pumpers would be on-site during concrete pours for foundations and slabs; fork lifts would be used during erection of walls and delivery of materials from storage yards; and cranes would be operated for installation of columns, steel roof beams, metal decking, and mechanical systems on the roof. From five to 70 on-site workers would be involved in project construction at any given time. Construction work shifts would generally occur between 7 a.m. and 6 p.m.

The construction staging area for the proposed project would be located on vacant land, in the proposed parking lot expansion area directly south of existing parking (Exhibit 2-3). This site would be used until all other project components are constructed and the only remaining component is the

proposed parking lot. The staging area for the proposed parking lot and all equipment and storage needs for its construction would be relocated to a readily available existing parking area on the CMC property. Both staging areas would be used for construction vehicles, equipment, and materials storage. A small amount of fuels, lubricants, and solvents may be stored in theses areas. Parking for construction workers would be provided at the construction staging area and in the existing CMC visitor parking lot.

2.7 - Environmental Protection

The following section describes features that have been incorporated into the construction and operation of the proposed project to reduce potential environmental impacts. In addition to these features, mitigation measures outlined in Section 4 would be implemented and incorporated into project construction and design.

2.7.1 - Water Quality Protection

The construction of the proposed project would disturb approximately 7.35 acres of land, triggering State and federal regulations related to erosion and stormwater quality protection. As such, CDCR or its contractor would prepare a grading and erosion control plan consistent with the National Pollutant Discharge Elimination System (NPDES) permit required by the Central Coast Regional Water Quality Control Board (CCRWQCB). The plan shall include the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures; it shall include measures designed to control dust and stabilize construction site road and entrance; and it shall describe the location and methods for storage and disposal of construction materials. In addition, the plan shall include a SWPPP that identifies specific actions and BMPs to prevent stormwater pollution during construction activities. The SWPPP shall identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices may include but are not limited to:

- Bioswales and landscaped areas that promote percolation of runoff
- Pervious pavement
- Roof drains that discharge to landscaped areas
- Stenciling on storm drains
- Curb cuts in parking areas to allow runoff to enter landscaped areas
- Rock-lined areas along landscaped areas in parking lots
- Catch basins
- Regular sweeping of parking areas and cleaning of storm drainage facilities
- Employee training to inform personnel of stormwater pollution prevention measures

The SWPPP shall also contain information related to spill prevention countermeasures, measures to prevent or materials available to clean up hazardous material and waste spills, as well as emergency

procedures for hazardous spills. All construction contractors shall retain a copy of the approved SWPPP on the construction site.

In addition, CDCR would contract a registered civil engineer to design and implement a drainage plan that would safely retain, detain, and/or convey stormwater runoff. The plan shall describe existing and proposed runoff characteristics and any on-site upgrades or improvements necessary to prevent flooding on the project site, or on adjacent or downstream properties.

2.7.2 - Earthquake Resistant Design

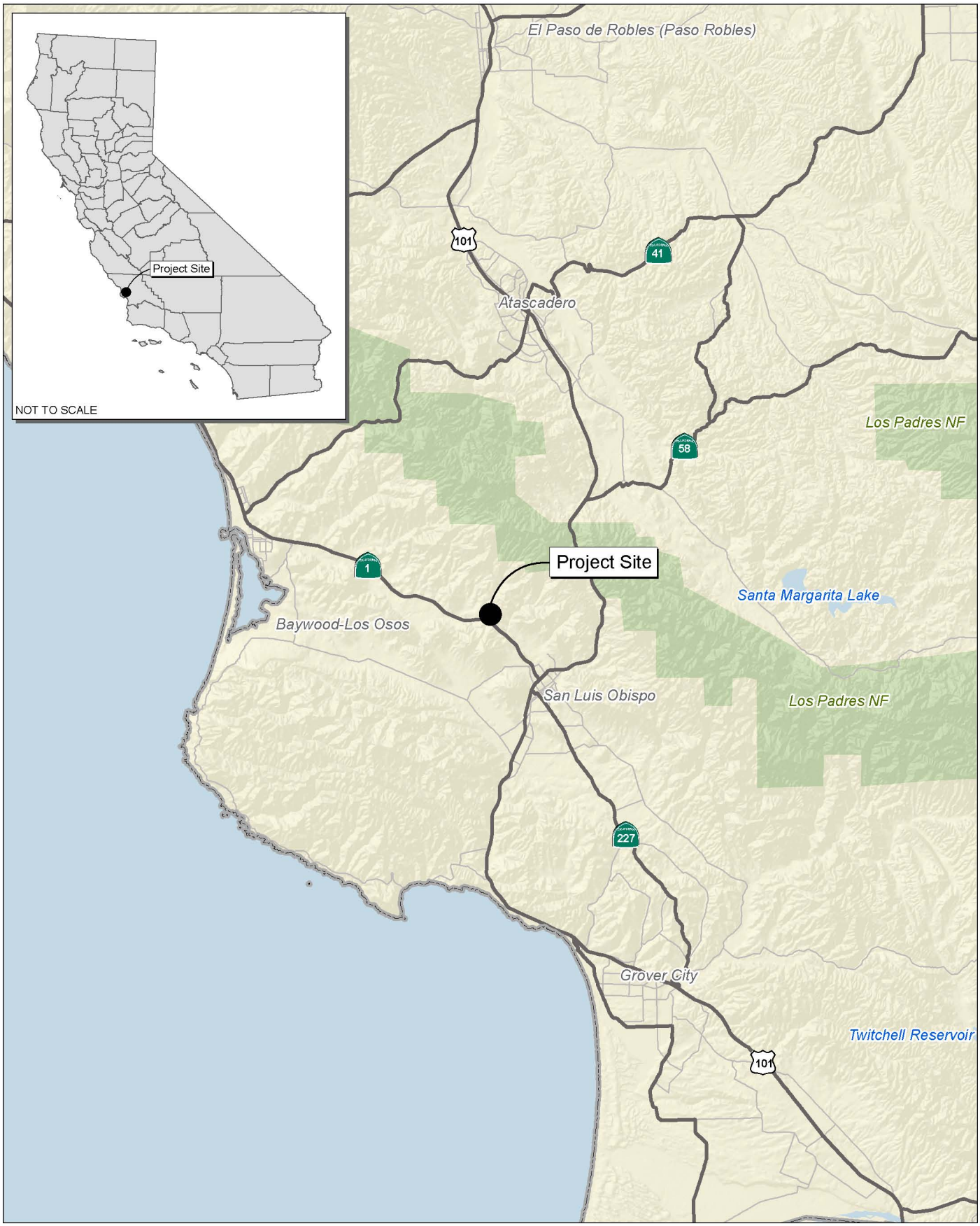
A geotechnical subsurface investigation would be prepared prior to the approval of grading plans. The report shall contain recommendations related to site preparation and earthwork, appropriate types of fill, structural foundations, grading practices, erosion, special geotechnical issues on-site, slope stability and road, pavement, and parking areas. The report shall determine which foundation designs would be appropriate for the site. All structures constructed at the project site would be consistent with the 2007 California Building Code (CBC).

2.7.3 - LEED Certification

Leadership in Energy and Environmental Design (LEED) is an internationally recognized green building certification system that provides third-party verification that a building or community was designed and built to meet the following goals: energy savings, water efficiency, CO_2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts.

Developed by the U.S. Green Building Council (USGBC), LEED provides building owners and operators a concise framework for identifying and implementing practical and measurable green building design, construction, operations, and maintenance solutions. LEED is flexible enough to apply to all building types – commercial as well as residential. It works throughout the building lifecycle – design and construction, operations and maintenance, tenant fitout, and significant retrofit.

The proposed project would be designed to meet and obtain the USGBC's LEED Certification for New Construction. This feature would promote sustainable building practices that would lead to decreased energy and natural resource usage. The USGBC indicates that LEED buildings perform 25-30 percent better in terms of energy efficiency than non-LEED buildings.



Source: Census 2000 Data, The CaSIL, MBA GIS 2009.

Michael Brandman Associates

NORTH

5 2.5 0 5

Miles

Exhibit 2-1
Regional Location Map

11540005 • 07/2009 | 2-1_regional.mxd

CDCR • 50-BED MHCB AT CALIFORNIA MEN'S COLONY
INITIAL STUDY AND PROPOSED MITIGATED NEGATIVE DECLARATION

Source: Google Earth Pro. MBA GIS Data, 2009.

Exhibit 2-2
Local Vicinity Map
Aerial Base

Michael Brandman Associates

NORTH

1,000 500 0 1,000 Feet

11540005 • 09/2009 | 2-2_local_aerial.mxd

Source: Google Earth Pro, 2005. MBA GIS Data, 2009.

Michael Brandman Associates

NORTH

160 80 0 160

Feet

11540005 • 09/2009 | 2-3_proj_elements.mxd

Exhibit 2-3
Key Project Elements

SECTION 3: ENVIRONMENTAL THRESHOLDS AND DISCUSSION

Project Information	
1. Project Title	50-Bed Mental Health Crisis Beds (MHCB) Facility at California Men's Colony, San Luis Obispo, California
2. Lead Agency Name and Address	California Department of Corrections and Rehabilitation 9838 Old Placerville Road, Suite B, Sacramento, CA 95827
3. Contact Person and Phone Number	John Sharp, Senior Environmental Planner (916) 255-3013
4. Project Location	State Route 1, San Luis Obispo, CA 93409
5. Project Sponsor's Name and Address	California Department of Corrections and Rehabilitation 9838 Old Placerville Road, Suite B, Sacramento, CA 95827
6. General Plan Designation	Public Facility
7. Zoning	Public Facility
8. Description of Project	See Section 2, Project Description and Background
9. Surrounding Land Uses and Setting	See Section 2, Project Description and Background
10. Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement)	Central Coast Regional Water Quality Control Board (CCRWQCB) San Luis Obispo Air Pollution Control District (SLOAPCD) State Department of Finance State Public Works Board Joint Legislative Budget Committee State Fire Marshal

Environmental Factors Potentially Affected					
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.					
☐	Aesthetics	☐	Agriculture Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Geology/Soils
☐	Hazards/Hazardous Materials	☐	Hydrology/Water Quality	☐	Land Use/Planning
☐	Mineral Resources	☐	Noise	☐	Population/Housing
☐	Public Services	☐	Recreation	☐	Transportation/Traffic
☐	Utilities/Services Systems	☐	Mandatory Findings of Significance	☒	None with Mitigation

Environmental Determination

On the basis of this initial evaluation:

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

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Nancy MacKenzie — Signature

9-30-09 — Date

Nancy MacKenzie — Printed Name

Supervising Environmental Planner — Title

California Department of Corrections and Rehabilitation — Agency

Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources CDCR cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project- specific screening analysis).

2. All answers must take account the whole action involved, including offsite as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once CDCR has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." CDCR must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration., per Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.

    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated

or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies (CDCR) are free to use different formats; however, lead agencies (CDCR) should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify the significance criteria or threshold, if any, used to evaluate each question and the mitigation measure identified, if any, to reduce the impacts to less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
1. Aesthetics *Would the project:*				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☒	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☒	☐	☐

The following analysis is based on descriptions of the proposed project in the 30-Day Letter for Project Legislative Approval and site reconnaissance performed by Michael Brandman Associates (MBA) in May 2009. High-resolution photographs were taken from representative viewpoints in the surrounding vicinity. A portion of the following discussion is based on that analysis.

3.1.1 - Environmental Setting

Visual Distance Zones

The following distance zones (foreground, middle ground, and background) can be used to characterize the dominant visual character from each vantage point and describe views in terms that can be analyzed and compared. The sensitivity of views, which have been modified from the existing environment are defined in order to establish thresholds for the analysis of potential visual impacts resulting from the implementation of the proposed project.

Foreground Views. These views include elements that can be seen at a close distance and that dominate the entire view. Impacted views at this distance are generally considered potentially adverse when viewed by a sensitive viewer group, such as surrounding residents, workers, pedestrians, or regular motorists.

Middle Ground Views. These views include elements that can be seen at a middle distance and that partially dominate the view. Impacted views at this distance are generally considered to be potentially adverse when viewed by a sensitive viewer group.

Background Views. These views include elements that are seen at a long distance and typically do not dominate the view although they are part of the overall visual composition of the view. Impacted

views at this distance are generally considered not to be an adverse impact when viewed by a sensitive viewer group.

Regional Setting

The CMC facility is located in San Luis Obispo County, approximately 3.5 miles northwest of the intersection of SR-1 and U.S. Highway 101, and 1 mile from the northwestern boundary of the City of San Luis Obispo. CMC is located visually against the Santa Lucia Mountain Range to the north, and the Seven Sisters mountain range is visible to the south of SR-1.

Visual Setting

The general terrain surrounding CMC consists of rolling hills, annual grasslands, and scattered oaks and other trees. Chorro Creek and several small tributaries drain to the area. CMC and the surrounding vicinity consist mainly of public uses. Immediately to the west of the CMC is Camp San Luis Obispo (CSLO), the headquarters for the California National Guard; Cuesta College is located approximately 2.5 miles to the west, south of SR-1. CMC's wastewater treatment plant, another prominent visual feature, is located to the southwest of the proposed project, beyond which are agricultural uses.

The proposed project site is within the current boundaries of the existing CMC property (Exhibit 2-3). Regional access to the facility is provided by SR-1 to the south, and local access to the facility is provided by Colony Drive. The MHCB facility would be constructed on the southeastern portion of CMC's existing East Campus. The existing parking lot would be relocated southwest of the proposed facility, and the new armory building would be located adjacent to one of the two sally port guard towers located in the northern portion of CMC.

The project site would be viewable by motorists traveling along SR-1, residents along Santa Cruz Road south of the CMC, and residents in surrounding hillside areas to the south and east of the site. Representative viewpoints offering relatively direct and publicly accessible views of the site were selected to characterize the visual changes that would occur with implementation of the proposed project. Based on a field reconnaissance survey, viewpoints from SR-1 and several surrounding residences were selected for detailed consideration. Exhibit 3-1 and Exhibit 3-2 provide example views of the project from adjoining land uses and SR-1, respectively.

State Route 1 Viewshed

The proposed project would be located to the south of existing structures. The project site is partially visible from areas along SR-1 to the southwest and southeast. Views from the south are generally limited by terrain, vegetation, and residences located on Santa Cruz Road.

Surrounding Residences

Two rural residences are located on Santa Cruz Road, north of SR-1 but south of the project site. The residences would be approximately 500 and 800 feet to the south of the proposed expanded parking lot. These residences would have prominent views of the proposed project.

South of SR-1, two residences are located 0.5 mile to the southwest and 0.3 mile to the southeast of the project site. These residences have limited views of the project site due to distance and vegetation. A single home and several storage buildings are located at a higher elevation approximately 0.25 mile east of the project site. Direct views of the existing facility's rooftops are visible from this area.

Scenic Highways

SR-1 has been designated a state scenic highway by the California Department of Transportation's (Caltrans) California Scenic Highway Program. The goal of the program is to protect the aesthetic value of land adjacent to and visible from designated highways. As allowed by the program, the County of San Luis Obispo has developed and implemented a scenic corridor protection program. Areas within 100 feet of SR-1 are protected under the County's Scenic Corridor Protection program and are subject to review by Caltrans's scenic highway coordinator.

3.1.2 - Discussion

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The 45,000 square-foot facility would extend the existing CMC facility to the southeast in an area that currently consists of a parking lot and vacant land. As a result, the proposed project would be approximately 350 feet from SR-1 and 50 feet from the nearest residence, which is the nearest sensitive receptor. No development would occur within the 100-foot Scenic Corridor Protection area. However, because of the scenic nature of the majority of the study area, it is anticipated that travelers through—and permanent viewers within—the CMC study area would consider changes within the study area to be important to the overall visual character. Therefore, all views (from potential travelers and from permanent viewers) within the study area are considered in this impact evaluation. Exhibit 3-1 and Exhibit 3-2 illustrate typical views from adjoining land uses.

Background views of the Santa Lucia Mountain Range, which are visible from SR-1, are considered part of a scenic vista. Since the proposed two-story building would be located in front of an existing three-story building, the project would not obstruct existing background views of the Santa Lucia Mountains. Similarly, views of the Santa Lucia Mountains from surrounding residences, both north and south of SR-1, would not be obstructed.

The proposed project would be visually consistent with existing CMC facilities, and background views of the scenic mountains would be largely unchanged. As such, the proposed project would not have a substantial adverse effect on a scenic vista, and the impacts would be less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?

Less than Significant Impact. SR-1 is a designated state scenic highway by Caltrans's California Scenic Highway Program. Lands within 100 feet of scenic highways are protected by San Luis Obispo County's Scenic Corridor Protection ordinance. Development of the proposed project would locate facilities approximately 350 feet north of SR-1, outside of the protected corridor, and would not damage scenic resources within view of SR-1. In consultation with Caltrans regarding the project's potential aesthetic impacts, it was determined that because of the distance from SR-1 to CMC and the obstructed views (Exhibit 3-2), the proposed project would not affect the scenic views from SR-1 (Kilmer, pers. comm.). Furthermore, as mentioned in Section a) above, the proposed buildings would be smaller than existing adjacent structures and would not obstruct views of the Santa Lucia Mountain Range. Accordingly, the proposed project would not substantially affect scenic resources within a state scenic highway; therefore, impacts would be less than significant.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less than Significant Impact with Mitigation Incorporated. The existing visual character of the project vicinity consists of largely open, rolling hills with a few isolated residences and groups of military barracks, warehouses, and storage buildings. Existing facilities can currently be seen from two residences on Santa Cruz Road; however, they are at a distance and vegetation partially obscures views of both the parking area and buildings. Implementation of the proposed project would significantly alter the existing views from these residences by decreasing the physical distance from their properties to CMC facilities. The new buildings would be smaller than adjacent existing structures and would be architecturally consistent with and directly adjacent to the existing CMC buildings, minimizing their visual impact. The proposed project would also include the construction of two parking lots (with a total of 505 new spaces) and a detention basin in a previously vacant area directly north of the residences on Santa Cruz Road. The construction of the proposed parking lot and detention basin in a previously undeveloped field would result in parked vehicles entering into the middle ground views of the residences on Santa Cruz Road; resulting in a potentially significant impact to nearby residences. However, impacts to the visual character and quality of the project site and vicinity would be reduced to a less than significant level with incorporation of mitigation measure MM AES-1.

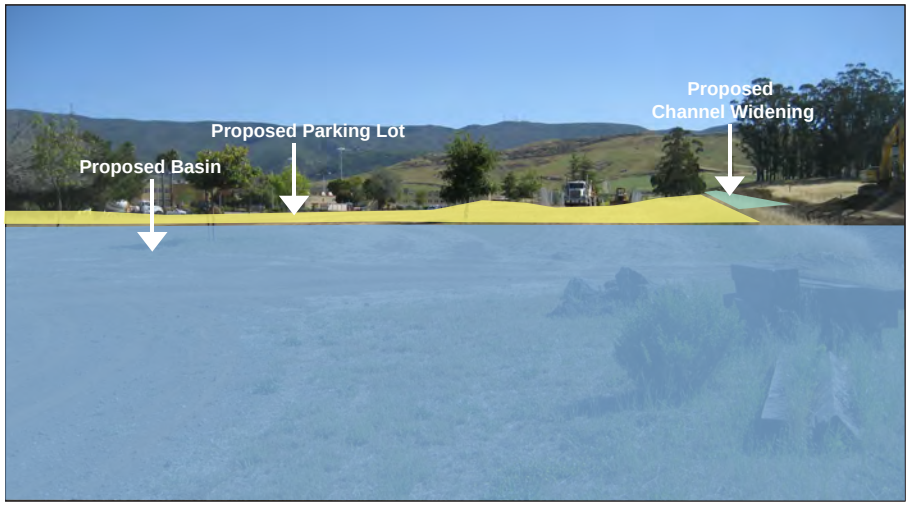
MM AES-1 Landscaping shall be planted along the southern/southwestern border of the proposed detention basin and parking lot until such time that the elevation of the adjacent hillside east of the facility obstructs the views of the facility to reduce visual impacts to the residences located on Santa Cruz Road. Landscaping shall consist of native 15-gallon minimum evergreen trees or shrubs planted at a maximum space of 15 feet in order to minimize views of the proposed parking lot to the maximum extent possible.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant Impact with Mitigation Incorporated. New site lighting would be provided in the new parking lot and enclosed security area. Lighting would meet DCG requirements. Photometric calculations would be used during final design to ensure DCG requirements are followed. The MCHB facility would replace an existing parking lot; as a result, approximately 10 light poles would be removed. Relocation of the current parking lot would require approximately 15 new light poles (30-foot-high poles with dual head 250 watt, high-pressure sodium lamps). Furthermore, the expansion of the security perimeter fence would require approximately 14 new light poles (30-foot light poles with a single 400-watt high-pressure sodium lamp). Lighting in the open areas of the new secure perimeter would be provided via two new 100-foot-tall high mast lights. Each pole would contain six 1,000-watt high-pressure sodium lamps.

The addition of approximately 21 freestanding light poles would increase nighttime lighting at the project site. Because of the existing nighttime lighting within and surrounding the CMC, nighttime views are already diminished. Accordingly, the proposed additional lighting would not be expected to adversely affect nighttime views for the CMC facility. However, additional lighting within the proposed parking lot would have the potential to spill onto private residences located south of Santa Cruz Road, resulting in adversely affected nighttime views. As such, mitigation is proposed that would require lighting located in the proposed parking lot to be directionally shielded in order to prevent light spillage onto neighboring land uses. Implementation of this mitigation would reduce impacts to less than significant.

MM AES-2 All lighting within the proposed parking lot shall be shielded, recessed, or directed downward to prevent illumination of private residences along Santa Cruz Road.



Photograph 1: View of proposed parking lot portion of project site from residence on Santa Cruz Road.

Photograph 2: View of project site from residence to the east.

Photograph 3: View of project site from residence to the southeast.

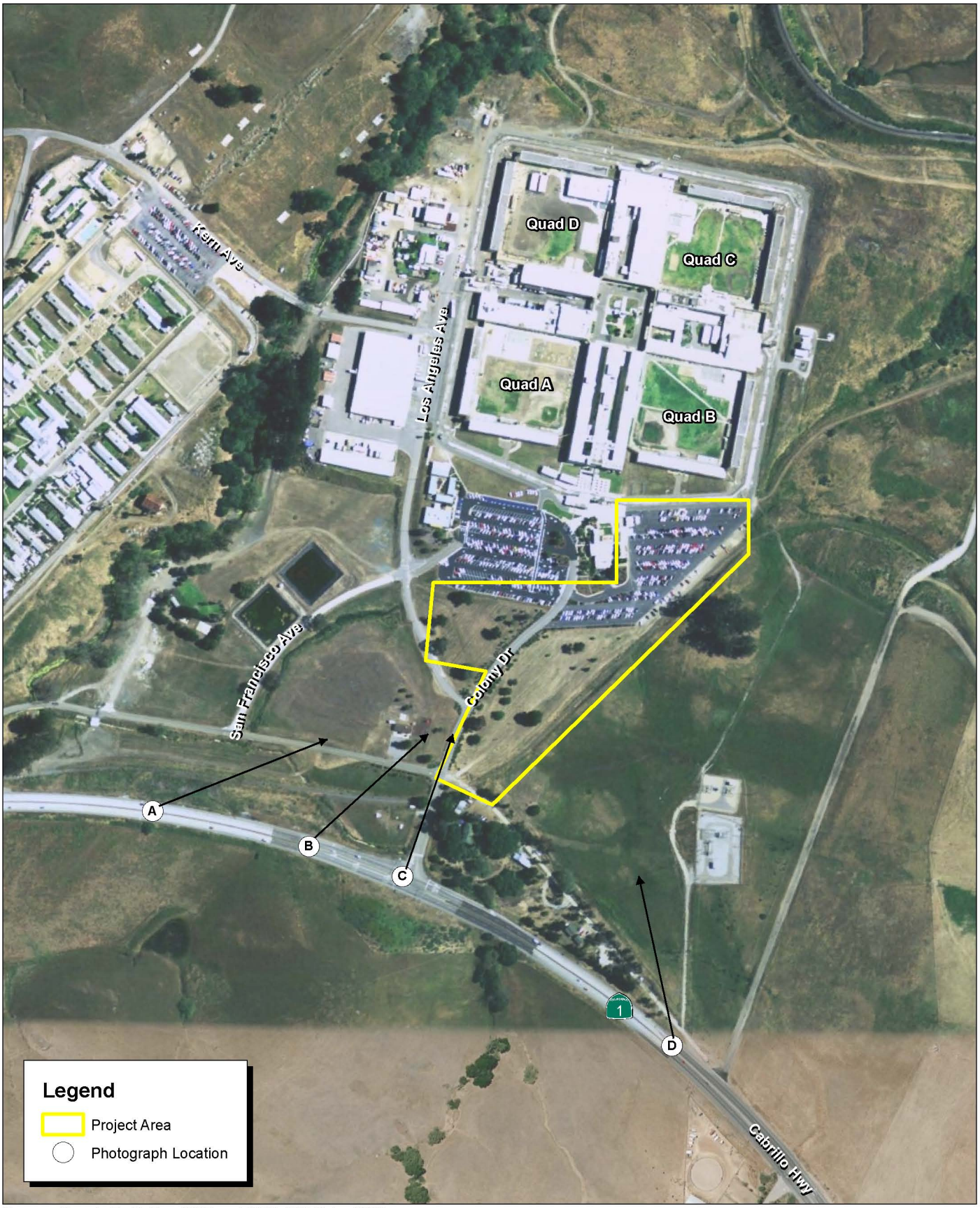
Photograph 4: View of project site from residence to the southwest.

Source: Michael Brandman Associates, 2009.

Michael Brandman Associates

11540005 • 09/2009 | 3-1_site_photographs.ai

Exhibit 3-1
Site Photographs



Source: Google Earth Pro, 2007 and MBA GIS Data, 2009.

Michael Brandman Associates

NORTH

500 250 0 500

Feet

Exhibit 3-2a
Photograph Location Map

Photograph A

Photograph B

Photograph C

Photograph D

Source: Michael Brandman Associates, 2009.

Michael Brandman Associates

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Exhibit 3-2b
Views from State Route 1

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
2. Agriculture and Forest Resources *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board.* *Would the project:*				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined in Public Resources Code Section 4526)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use?	☐	☐	☐	☒

3.1.3 - Environmental Setting

In San Luis Obispo County, agriculture production is a multi-million dollar industry. Through 1995, cropland and grazing land accounted for approximately 1,160,400 acres, or 55 percent, of the total county area; in 2008, the total production value of agriculture products produced in San Luis Obispo County was over $600 million. In 2008, wine grapes were the number one cash crop, with gross production totaling over $120 million, followed by broccoli with gross production totaling almost $70 million. Other leading agricultural products include strawberries, cattle and calves, vegetable transplants, head lettuce, cut flowers, head lettuce, indoor decoratives, and carrots.

3.1.4 - Discussion

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping

and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. Farming operations in the project area generally consist of medium- to large-scale inter-row cropping systems, grazing lands, orchards, and fallow or bare parcels formerly under agricultural use. Based on a review of maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, the project site is mapped as Urban and Built-up Land and does not contain any land designated as Prime Farmland or Unique Farmland (FMMP 2007). Therefore, no impact would occur.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. No Williamson Act land use contract exists for the CMC or the site. Based on a review of the California Department of Conservation Williamson Act Lands map for San Luis Obispo County, the project site is designated as Urban and Built-up Land. Non-Enrolled Land (land not enrolled in a Williamson Act contract) surrounds the facility on all sides. The nearest land enrolled in a Williamson Act land use contract is located approximately 0.7 mile to the southwest and is designated as Williamson Act-Non-Prime Agricultural land. The closest Williamson Act-Prime Agricultural land is just south of that, approximately 1.5 miles to the southwest of the project site (Department of Conservation 2007). The project site is designated "Public Facility" by the San Luis Obispo County General Plan and is not constrained by a Williamson Act land use contract. Since the proposed project is consistent with existing land use designations and is not expected to encourage the non-renewal or cancellation of other contracted lands, no impact would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined in Public Resources Code Section 4526)?

No Impact. Forest land in the Public Resources Code (PRC) is defined as " land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits;" additionally, timberland is defined as land ". . .which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products. . ." The project site is fully developed with a State correctional facility and only consists of non-native landscaping and groundcover; therefore, no forest land or timberland activity could be supported on the project site or in the vicinity of the project site, which precludes the possibility of changes to forest land or timberland zoning resulting from the proposed project. For these reasons, no impact would occur.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. See response to c), above. No forest land or timberland exists on the project site or in the vicinity of the project site. Therefore, no impact would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use?

No Impact. Indirect impacts on agricultural lands can occur under two types of conditions: (1) development (urban, residential) can place pressure on adjacent agricultural lands to convert to non-agricultural uses, or (2) land uses (urban, residential) adjacent to existing agricultural lands can create conflicts between the two types of uses which can, in turn, lead to the abandonment of agricultural uses in the area of conflict.

Construction of the MHCB facility would occur on approximately 7 acres of the 356-acre CMC facility; its only function would be to serve prison inmates and it does not include any residential development. The proposed land use is consistent with both the San Luis Obispo County General Plan and zoning designations. Land designated for agriculture as shown on the San Luis Obispo Department of Planning and Building Rural Land Use Category Map borders the facility to the north, east, and south (County of San Luis Obispo 2009). According to FMMP maps, the facility is bordered by land designated as Grazing Land and as Farmland of Local Potential. The closest farmland area of Unique Farmland is located approximately 0.6 mile to the southeast of CMC. The County's General Plan, Inland Planning Element does not include specific policies regarding land use surrounding the prison; however, the Agriculture and Open Space Element includes goals and policies—specifically, Goal AG3-b—which protect agricultural land from inappropriate conversion. The proposed project would not encroach on the surrounding lands, and future expansion of the facility is limited by available land, utility capacity, and other factors. The proposed project does not include any components that could encourage the conversion of existing farmland to non-agricultural uses. No forest land or timberland exists on or in the vicinity of the project site; moreover, the proposed project does not include components that would result in changes to surrounding land uses. For these reasons, no impact would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
3. Air Quality *Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:*				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

3.1.5 - Environmental Setting

The proposed project is located within the South Central Coast Air Basin (SCCAB). Regional and local air quality in the SCCAB is impacted by topography, dominant airflows, location, and season.

The U.S. Environmental Protection Agency (EPA) sets National Ambient Air Quality Standards (NAAQS), also known as federal standards. There are NAAQS for six common air pollutants, called criteria air pollutants, which were identified resulting from provisions of the Clean Air Act of 1970 (CAA). The six criteria pollutants are ozone, particulate matter (PM_{10} and $PM_{2.5}$), nitrogen dioxide (NO_2), carbon monoxide (CO), lead, and sulfur dioxide. The NAAQS were set to protect public health, including that of sensitive individuals; thus, the standards continue to change as more medical research is available regarding the health effects of the criteria pollutants.

The California Air Resources Board (CARB) administers California Ambient Air Quality Standards (CAAQS) for the ten air pollutants designated in the California Clean Air Act (CCAA). The ten state air pollutants consist of the six federal criteria pollutants listed above, plus visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride.

The SCCAB is nonattainment for the state ozone and PM_{10} standards. Therefore, the pollutants of concern for the SCCAB are primarily ozone and particulate matter (PM). Ozone, PM, and CO are seasonal in nature. Significant ozone formation generally requires an adequate amount of ozone

precursors in the atmosphere and several hours in a stable atmosphere with strong sunlight. Ozone precursors are primarily oxides of nitrogen (NO_x) and reactive organic gases (ROG). The conditions for ozone formation are prevalent during the summer when thermal inversions are most likely to occur. PM levels tend to be highest during the winter months when the meteorological conditions favor the accumulation of localized pollutants. This occurs when relatively low inversion levels trap pollutants near the ground and concentrate the pollution. In addition, CO concentrations are higher in winter.

Existing local air quality, historical trends, and projections of air quality are best evaluated by reviewing relevant air pollutant concentrations from near the project area. CARB operates an air monitoring station in San Luis Obispo on Higuera Street, approximately 5 miles south of the project site. The San Luis Obispo ambient air monitoring station (SLO-Higuera Station) measures 1 hour and 8-hour ozone, daily PM_{10}, daily $PM_{2.5}$, 8-hour CO, NO_2, and $PM_{2.5}$. Table 2 summarizes 2006 through 2008 published monitoring data from CARB's online Aerometric Data Analysis and Management (iADAM) System for the SLO-Higuera Station. The SCCAB experienced 24 days above the multiple exceedances of the state 1-hour and 8-hour ozone standards and the federal 8-hour ozone standard in 2008, according to the CARB's iADAM website (Table 3).

Table 2: Air Quality Monitoring Summary

Air Pollutant	Averaging Time	Metric State and Federal Standards	Year		
			2006	2007	2008
Ozone	1 Hour	Max 1 Hour (ppm)	0.070	0.071	0.109
		Days > CAAQS (0.09 ppm)	0	0	1
	8 Hour	Max 8 Hour (ppm)[1]	0.060	0.064	0.076
		Days > CAAQS (0.07 ppm)	0	0	2
		Days > NAAQS (0.075 ppm)	0	0	1
Carbon monoxide	1 Hour	Max 1 Hour (ppm) [2]	1.11	*	*
	8 Hour	Max 8 Hour (ppm)	0.78	*	*
		Days > CAAQS (9.0 ppm)	0	*	*
		Days > NAAQS (9 ppm)	0	*	*
Nitrogen dioxide	1 Hour	Max 1 Hour (ppm)[1]	0.035	*	*
		Days > CAAQS (0.18 ppm)	0	*	*
Particulate matter (PM_{10})	24 Hour	Est. Annual Average ($\mu g/m^3$) [1]	15.0	15.0	17.5
		Max 24 Hour ($\mu g/m^3$) [1]	72.0	32.0	42.2
		Est. Days > CAAQS (50 $\mu g/m^3$)	5.8	0.0	0.0
		Est. Days > NAAQS (150 $\mu g/m^3$)	0.0	0.0	0.0

Table 2 (Cont.): Air Quality Monitoring Summary

Air Pollutant	Averaging Time	Metric State and Federal Standards	Year		
			2006	2007	2008
Fine particulate matter ($PM_{2.5}$)	24 Hour	Annual Average ($\mu g/m^3$)[3]	7.0	6.8	*
		Max 24 Hour ($\mu g/m^3$)	24.2	19.2	18.4
		Measured Days > NAAQS (35 $\mu g/m^3$)	0	0	0

Abbreviations:
> = exceed ppm = parts per million $\mu g/m^3$ = micrograms per cubic meter
* = Insufficient/No Data Max = maximum Est. = Estimated
1. From the California Measurement
2. The CARB does not report 1-hour average CO concentrations in its database, only 8-hour CO concentrations. Therefore, the 1-hour CO concentration was derived by dividing the 8-hour concentration by 0.7 (UCD, 1997).
3. Federal Annual Average

Source: CARB 2009 (iADAM accessed June 9, 2009).

Table 3: Ozone Trends in the South Central Coast Air Basin

Agency	Averaging Time	Days > Standard		
		2006	2007	2008
State	1 Hour	23	9	24
	8 Hour	78	76	96
Federal	1 Hour	2	0	0
	8 Hour	59	35	63

Source: CARB 2009 (iADAM accessed June 9, 2009).

Sensitive Receptors

Certain populations, such as children, the elderly, and persons with preexisting respiratory or cardiovascular illness, are particularly sensitive to the health impacts of air pollution. For purposes of CEQA, sensitive receptors are locations that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Given that the proposed project involves the expansion of CMC, a correctional facility, the proposed project has the potential to impact the existing prison population. The existing prison inmates are considered sensitive receptors because they are long-term residents, some of whom have preexisting illnesses.

San Luis Obispo Air Pollution Control District (SLOAPCD) Thresholds of Significance

While the final determination of whether or not a project's emissions are significant falls within the purview of the lead agency, pursuant to CEQA Guidelines Section 15064(b), the SLOAPCD recommends using their air pollution thresholds to determine the significance of project emissions. These thresholds are contained in SLOAPCD's 2003 CEQA Air Quality Handbook (Handbook) and are discussed under each impact section below. As discussed in the Handbook, emissions from new,

modified, or relocated point sources are directly regulated by the APCD through the New Source Review program (Rule 204).

3.1.6 - Discussion

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact.

Threshold. The SLOAPCD's recommended criteria for determining consistency with the Clean Air Plan (CAP) vary by project type and level of review (program or project level review). Project-level review may be required of subdivisions, large residential developments and large commercial/ industrial developments. As stated in the 2001 CAP:

> *A consistency analysis is generally required for a Program Level Environmental Impact Report (EIR), and may be necessary for a Project Level EIR, depending on the project being considered. Examples of projects and programs requiring a consistency analysis include: General Plan Updates and Amendments, Specific Plans, Area Plans, large residential developments and large commercial or industrial developments.*

The proposed project would increase the existing prison population by up to 50 additional inmates. In addition, the project would increase the trips associated with CMC by up to 322 trips per day. The size and intensity of the proposed land use is minor, and it does not qualify as a large residential, commercial, or industrial development. In addition, the project does not include a General Plan Update, General Plan amendment, Specific Plan or Area Plan. Therefore, consistency analysis is not required and the project will result in no impact.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less than Significant Impact with Mitigation Incorporated. SLOAPCD's Handbook states that industrial and large commercial projects may be required to perform dispersion modeling to determine if a project would generate localized exceedance of state or federal ambient air quality standards. This project would not involve the construction of industrial or large commercial uses. In addition, construction and operation of the project would not generate significant quantities of pollutants after incorporation of mitigation, as shown in Impact c), below. The project's emergency generator is subject to SLOAPCD permitting requirements, including an Authority to Construct and Permit to Operate, emissions analysis, offsets requirements, and permitting conditions. In accordance with Rule 403 Section D:

> The APCO shall deny an applicant an Authority to Construct for any new, replacement, modified, or relocated emission unit which would cause the violation of any ambient air quality standard. In making this determination the APCO shall take

into account any offsets which were provided for the purpose of mitigating the emission increase.

Therefore, the emissions from the proposed generator must be less than significant for air quality impacts in order to be installed and operated, and they are not included in this analysis.

Localized high levels of CO (CO hotspot) are associated with traffic congestion and idling or slow-moving vehicles. The proposed project would generate an additional 322 trips per day. The Traffic Impact Analysis (TIA) report prepared by Kimley-Horn and Associates (Appendix E) shows that the proposed project would not significantly impact local intersections in the near term or under the cumulative plus project scenarios. Therefore, the proposed project would not require a CO hotspot analysis, resulting in a less than significant impact.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

Less than Significant Impact with Mitigation Incorporated.

Construction Emissions

Construction of the proposed project is anticipated to begin in 2010 and to be completed by the fall of 2012. However, the phasing of construction components is currently unknown. As shown in Table 4, the proposed project would generate less than significant levels of the ozone precursors ROG and NO_x, but potentially significant quantities of PM_{10} during the project's construction. The following project-specific assumptions and modeling parameters were incorporated into the analysis:

Parking Lot Removal

- Existing 3.44 acres of parking lot would be removed at a rate of approximately 7 days per acre (24 days total).
- Excavation depth would be approximately 1.5 feet (225,000 cubic feet total volume).
- The URBEMIS default on-road hauling assumptions were used.

Parking Lot Construction

- New 5.39 acres of parking would be constructed.
- Parking lot construction was assumed to occur over the course of 2 months.

MHCB Construction

- Approximately 30,000 cubic yards of soils and rock would be cut on-site.
- Approximately half of the cut soil will be moved offsite to an unknown location.

- The maximum volume of soil to be moved on any one day on-site was assumed to be approximately 938 cubic yards. Approximately half of the soil moved on-site would be transferred as fill to a state-approved off-site location.
- Construction would start in 2010.
- The default URBEMIS construction phase types, phase lengths, and equipment mixes were used.
- Emissions were not estimated for the proposed generator as discussed in Impact b), above.

Table 4: Construction Emissions

Phase	Lbs/day		Total Tons
	ROG	NO_x	PM_{10}
Parking Lot Removal	0.24	4.28	0.04
Parking Lot Construction	2.99	15.89	0.03
MCHB Site Grading	3.07	25.11	5.02
MCHB Building Construction	1.40	9.78	0.05
MCHB Architectural Coatings	45.94	0.06	0.00
Maximum Emissions[1]	53.64	55.12	5.14
SLOAPCD Threshold	**185**	**185**	**2.5**
Significant?	**No**	**No**	**Yes**

Notes:
[1] For daily rate emissions, assumes all construction activities would occur on the same day. For total PM_{10} emissions, assumes all construction activities would occur in the same quarter. Because of the phasing of the project, this worst-case scenario would not occur; actual maximum daily rate and quarterly emissions would be less than those shown in this table.
Source: URBEMIS 2007, Appendix A.

Operational Emissions

The operational emissions analysis used the daily trip generation rate provided in the TIA (Appendix E). Specifically, the daily trip generation provided in Exhibit C, CMC Trip Generation Rates, was used to estimate mobile emissions for the proposed project at full buildout. As shown in Table 5, the proposed project would generate less than significant levels of the ozone precursors ROG and NO_x and less than significant quantities of PM_{10} at the project's first full year of buildout, 2013. In addition, the project would generate fewer emissions than the SLOAPCD's thresholds for SO_2 and CO. As stated in the SLOAPCD's Handbook, projects that generate less than Tier I thresholds do not require mitigation. The URBEMIS Output for operational emissions is provided in Appendix A.

Table 5: Operational Emissions (Summer 2013)

Source	Emissions (lbs/day)				
	ROG	NO_x	SO_2	PM_{10}	CO
Areawide	0.40	0.32	0.00	0.01	1.80
Mobile	1.86	2.18	0.01	2.86	18.21
Total Emissions	2.26	2.50	0.01	2.87	20.01
Tier I Threshold	**10**	**10**	**10**	**10**	**<550**
Significant?	**No**	**No**	**No**	**No**	**No**
Source: URBEMIS 2007, Appendix A.					

Implementation of Mitigation Measure MM AIR-1 would reduce the construction-generated dust impact to a less than significant level.

MM AIR-1 The project construction contractor shall implement the following fugitive dust control measures during construction:

- Water exposed surfaces twice daily
- Reduce speed on unpaved roads to less than 15 mph
- Manage haul road dust by watering twice daily

d) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Rock formations containing naturally occurring asbestos are known to be present in San Luis Obispo County. The SLOAPCD has identified areas within San Luis Obispo County where naturally occurring asbestos may be present. According to SLOAPCD's map, CMC is located in an area where geologic analysis is required. A geologic analysis was performed at the CMC in 2004 by Fugro West, Inc. for the CMC Trunk Sewer Pipeline, located west of the proposed project. According to that analysis, Franciscan Formation bedrock is present at shallow depths approximately 0.5 mile west of the proposed project. Testing completed for the 2004 report indicate that the bedrock does not contain detectable quantities of asbestos. However, conditions may vary substantially between sites.

In July 2001, CARB approved an Air Toxic Control Measure (ATCM) for construction, grading, quarrying and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of BMPs to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The SLOAPCD has incorporated the ATCM requirements by reference.

The proposed project is required to provide notification to SLOAPCD and implement the BMPs provided in CARB's Final Regulation Order for Asbestos ATCM. Implementation of BMPs would

reduce the risk of adverse naturally occurring asbestos exposure to less than significant. The CDCR may request exemption from the ATCM BMP requirements by providing a site-specific geologic evaluation to SLOAPCD that fulfills the requirements of ATCM Section 93105 (c)(1). Therefore, compliance with the ATCM requirements reduces risk of naturally occurring asbestos exposure to less than significant.

Construction activities would also involve the use of diesel-powered construction equipment, which emit diesel particulate matter (DPM). Risk assessments for residential areas exposed to toxic air contaminants (TACs) are generally based on a 70-year period of exposure. Construction activities are expected to occur over 2 years. Fine grading activities would occur over approximately 2 acres for the MHCB and less than 6 acres for the new parking areas. Since the use of construction equipment would be temporary, the construction duration short, and the fleet relatively small, exposure of sensitive receptors to TACs would not be substantial. Emissions of DPM would not be substantial enough to be considered a significant health risk. Therefore, health risks from construction-related DPM would be less than significant.

As shown in Impact b), above, the proposed project would not create a localized exceedance of federal or state standards. Therefore, the proposed project would not expose sensitive receptors to substantial concentrations of these pollutants.

e) Create objectionable odors affecting a substantial number of people?

Less than Significant Impact. Diesel exhaust and ROG, which are objectionable to some individuals, would be emitted during construction of the project; however, emissions would disperse rapidly from the project site and should not be at a level to induce a negative response. Therefore, odor impacts are less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
4. Biological Resources *Would the project:*				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

3.1.7 - Environmental Setting

The project site is located in the Chorro Valley in the central portion of California's South Coast Range. Climate is strongly influenced by the Pacific Ocean, resulting in only moderate interseasonal variation in temperature. Temperatures range from September highs of 76.9 degrees Fahrenheit (°F) to January lows of 41.2°F. Average annual precipitation is 22.66 inches and falls as rain primarily between the months of November through April (Western Regional Climate Center [WRCC] 2009).

Vegetation Communities and Wildlife Habitats

Vegetation communities are assemblages of plant species that occur together in the same area and are defined by their structure and by the relative abundance of associated plant species. The vegetation

communities within the project site are classified according to the Guide to Wildlife Habitats (Mayer and Laudenslayer 1988). By using this classification system, it is possible to predict the wildlife species likely to occur within the project site using the California Wildlife Habitat Relationship System (CWHR). CWHR is based upon the Guide to Wildlife Habitats, a predictive model that lists species likely to occur in a given location under certain habitat conditions.

A majority of the project site has been previously developed, with the exception of the vacant land where the proposed parking lot would be constructed. Habitat types within the project site include urban (i.e., parking lot and landscaped areas) and annual grassland. Species observed within annual grassland portions of the site include wild oat (*Avena barbata*), yellow-star thistle (*Centaura solstitialis*), narrow-leaved plantain (*Plantago lanceolata*), field mustard (*Brassica nana*), bristly ox-tongue (*Picris echioides*), purple needlegrass (*Nasella pulchra*), coyote brush (*Baccharis pilularis*), rattail fescue (*Vulpia myuros*), salsify (*Tragopogon porrifolius*), coast live oak (*Quercus agrifolia*) sapling, California poppy (*Eschscholzia californica*), oxalis (*Oxalis corniculatus*), California sage (*Artemisia californica*), poison-oak (*Toxicodendron diversilobum*), Cambria morning-glory (*Calystegia subacaulis* ssp. *episcopalis*), and Parry's mallow (*Eremalche parryi* ssp. *parryi*), among others.

Sensitive Biological Resources

There is a drainage located at the northeastern corner of the existing parking lot where development of the new MCHB is proposed. This drainage flows southwest from the hills to the east, and it ponds beneath old abandoned railroad tracks east of the site. The drainage is isolated with water ponds in a low-lying area on either side of the abandoned railroad berm.

Special-Status Species

Special-status species are those wildlife and plant species that, in the judgment of the resource agencies, trustee agencies, and certain non-governmental organizations, warrant special consideration in the CEQA process. This includes the following species:

- Officially designated "threatened," "endangered," or "candidate" species federally listed by the United States Fish and Wildlife Service (USFWS) and protected under the Federal Endangered Species Act.
- Officially designated "rare," "threatened," "endangered," or "candidate" species state listed by the California Department of Fish and Game (CDFG) and protected under the California Endangered Species Act (CESA). CDFG also maintains a list of "Fully Protected" species as well as "California Special Concern" species that are also generally included as special-status species under CEQA.
- Taxa considered rare, threatened, or endangered under the conditions of Section 15380 of the CEQA Guidelines, such as plant taxa identified on lists 1A, 1B, and 2 in the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California.

- Bat species listed as Medium or High Priority by the Western Bat Working Group (WBWG).

3.1.8 - Methodology

This evaluation of biological resources includes a review and inventory of potentially occurring special-status species (including those officially designated as "endangered" or "threatened"), wildlife habitats, vegetation communities, and jurisdictional waters of the U.S. The setting descriptions provided in this section are based upon a combination of field reconnaissance, literature reviews, and database queries. The field reconnaissance was conducted by MBA botanist/ecologist Deborah Stout on May 7, 2009. A second visit was conducted on September 3, 2009 to assess the potential for the project to affect potential jurisdictional features. The reference data reviewed for this report include the following:

- San Luis Obispo, California, 7.5-minute topographic quadrangle (U.S. Department of the Interior, Geological Survey)
- CDFG California Wildlife Habitat Relationship System (CWHR) (CDFG 2005)
- California Natural Diversity Database (CNDDB), RareFind computer program for the San Luis Obispo, California 7.5-minute topographic quadrangle and the surrounding eight quadrangles (CDFG 2008)
- Inventory of Rare and Endangered Plants for the San Luis Obispo, California 7.5-minute topographic quadrangle and the surrounding eight quadrangles (CNPS 2004)
- Special Animals List (CDFG 2009a)
- Endangered and Threatened Animals List (CDFG 2009b)
- Special Plants List (CDFG 2009c)

Special-Status Plant Species

The special-status plant species reviewed for this document are listed in a table provided in Appendix B. This list was compiled from query results from CNDDB and the CNPS online inventory, as well as a list obtained from the U.S. Fish and Wildlife Service (USFWS).

Several regionally occurring species have no potential to occur within the project site, either because the distribution of the species does not extend into the vicinity or because the habitat and/or microsite conditions (e.g., serpentine soils) required by the species are not present.

Based on the results of the species review, there are two special-status plants with potential to occur within the project site: Cambria morning-glory (*Calystegia subacaulis* ssp. *episcopalis*) and San Luis Obispo owl's-clover (*Castilleja densiflora* ssp. *obispoensis*). Table 6 summarizes these species and their status, general habitat requirements, and potential for impacts. Recorded occurrences of special-status plant species within 5 miles of the project site are shown in Exhibit 3-3.

Table 6: Special-Status Plant Species with Potential to Be Impacted by the Project

Scientific Name Common name	Listing Status USFWS/CDFG/ CNPS	General Habitat Description	Potential for Impacts	Period of Identification
Calystegia subacaulis ssp. *episcopalis* Cambria morning-glory	—/—/1B.2	Chaparral, cismontane woodland, and coastal prairie habitats. 60 to 500 meters in elevation.	**High.** This species was observed in annual grassland habitat during reconnaissance-level surveys.	April to June
Castilleja densiflora ssp. *obispoensis* San Luis Obispo owl's-clover	—/—/1B.2	Meadows and seeps and valley and foothills grasslands, sometimes in serpentinite soils. 10 to 400 meters in elevation.	**High.** Although not observed during protocol-level surveys, this species is known to occur in grasslands around CMC (LSA 2006).	March to May
Notes: 1B.2 = Seriously Threatened in California				

Special-Status Wildlife Species

The special-status wildlife species reviewed for this document are listed in a table provided in Appendix B. This list was compiled from the USFWS list and query results from CNDDB and CWHR. The CWHR is a predictive model that lists species likely to occur in a given location under certain habitat conditions. It also predicts the suitability of those conditions for reproduction, cover, and feeding for each modeled species. Information fed into the model for this project includes location (San Luis Obispo County) and habitat type (annual grassland). The CWHR does not include any information on plants, fish, invertebrates, or rare natural communities.

Several regionally occurring species were determined not to have potential to occur within the expansion area, either because the distribution of the species does not extend into the project vicinity, or because the habitat or habitat elements (e.g., caves, tall snags) required by the species are not present.

Based upon results of the species review, there are two special-status wildlife species with at least a low potential to be impacted by the project: Cooper's hawk (*Accipiter cooperi*) and white-tailed kite (*Elanus leucurus*). Table 7 summarizes these species and their status, general habitat requirements, and potential for impacts. Recorded occurrences of special-status wildlife species within 5 miles of the project site are shown in Exhibit 3-4.

Table 7: Special-Status Wildlife Species with Potential to Be Impacted by the Project

Scientific Name Common name	Listing Status USFWS/ CDFG	General Habitat Description	Potential for Impacts	Period of Identification
Accipiter cooperi Cooper's hawk	—/—	Winter resident in the Central Valley and California deserts; year-round resident at higher elevations. Nests in densely foliaged conifer and deciduous hardwood trees. Commonly nests in urban areas where suitable trees available.	**Moderate.** The project site is suitable for foraging, and there are eucalyptus trees adjacent to the site suitable for nesting.	Year-round
Elanus leucurus White-tailed kite	—/CFP	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	**Moderate.** Eucalyptus trees in the eastern portion of the project site are suitable for nesting by this species.	January to August (breeding)
Notes: CFP = California Fully Protected				

3.1.9 - Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less than Significant Impact with Mitigation Incorporated. Construction of the project may result in impacts to Cambria morning-glory and San Luis Obispo owl's-clover. Cambria morning-glory was observed growing in annual grassland habitat in the eastern portion of the project site; this habitat is also suitable for San Luis Obispo owl's-clover. The proposed project would require cutting into the hillslope on the east where these species are present. However, the entire hillslope stretching north and south is suitable for these species, and the area of habitat removed for the proposed project represents a very small percentage of suitable habitat. Although individual plants would be lost, construction of the proposed project would not result in the loss of a significant local population. Therefore, impacts to Cambria morning-glory and San Luis Obispo owl's-clover are considered less than significant.

Construction of the proposed project may impact Cooper's hawk, white-tailed kite, and other nesting raptors. Implementation of Mitigation Measure MM BIO-1 would reduce these impacts to a less than significant level.

The proposed project includes expansion of the existing lethal electrified fence at CMC by approximately 1,100 linear feet. The proposed expanded lethal electrified fence would be operated in the same manner as the existing lethal electrified fence at CMC. The increase in lethal electrified fence line is relatively small and is not expected to substantially increase wildlife mortality rates. Lethal electrocution would result only when an animal touches two wires simultaneously or touches one wire and an electrical ground. Therefore, birds and other wildlife could come in contact with the fence without being electrocuted. However, based on monitoring data collected for the existing electrified fences at CMC and other CDCR facilities, a number of native birds and mammals have the potential to be killed from interaction with the lethal electrified fence. The species that may be killed by the operation of the expanded lethal electrified fence and the associated rate of mortality are expected to be similar to the species and mortality rates associated with the existing lethal electrified fence. Implementation of Mitigation Measure MM BIO-2 would reduce these impacts to a less than significant level.

MM BIO-1 If construction of the proposed project is initiated during the nesting season (February 15 through September 1), pre-construction surveys for nesting Cooper's hawk, white-tailed kite, and other raptors and migratory songbirds shall be conducted within 250 feet of the project site no more than 30 days prior to commencement of construction. If an active raptor nest is found, the nests shall be avoided until all juveniles have fledged and are capable of independent flight, as determined by a qualified biologist. Removal of construction activity (including staging areas) within a set distance from the nest, at the discretion of the monitoring biologist, shall also be considered avoidance of active nests.

MM BIO-2 Impacts to wildlife from the existing lethal electrified fence are mitigated through a Habitat Mitigation Plan (HMP) for the Six Prisons Project (EDAW 2001). Mortality to wildlife shall be avoided and minimized to the extent possible through continued implementation of the tiered mitigation program that was developed as part of the Statewide Electrified Fence Project and used by the Six Prisons Project. Habitat compensation is not proposed for this project because operation of the proposed expanded fence is unlikely to substantially increase wildlife mortality rates or kill different species than the existing fence. Formal consultation with USFWS and CDFG and permitting under ESA and CESA is not proposed; no state or federally listed species or candidates for listing are considered at risk of electrocution. In addition, CDCR is committed to implementing the avoidance and minimization measures outlined below that currently are implemented at the existing CMC lethal

electrified fence, to offset potential adverse effects to birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code.

- **Tier 1:** The first tier of mitigation measures are those designed to eliminate or reduce wildlife attractants near the prison perimeter by implementing specific maintenance and operation procedures. By making the perimeter less hospitable, wildlife would frequent this area less often, thus reducing their exposure to accidental electrocution. Tier 1 maintenance and operation procedures would be applied to the proposed facility.
- **Tier 2**: Second-tier mitigation measures consist of both exclusion and deterrent devices. Tier 2 measures to be installed on the proposed lethal electrified fence include a vertical netting system and anti-perching devices. CDCR would install 0.75-inch mesh vertical netting enveloping both sides of the lower section of the lethal electrified fence, which would otherwise present the greatest danger to wildlife species at risk of electrocution. Anti-perching wires, which consist of 2- to 4-inch pieces of stiff wire connected to an aluminum base, would be strategically attached to the tops of perching sites in and near the perimeter. Once installed, this wire would reduce the ability of birds to perch near the lethal electrified fence, thus reducing exposure to accidental electrocutions.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. Habitats within the project site include urban (developed), barren, and annual grassland. The existing drainage located on the northeastern corner of the existing parking lot would not be disturbed. As such, the proposed project would not alter any riparian habitat or other sensitive natural communities.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant Impact. Construction of the proposed project would not directly affect the drainage located at the northeastern corner of the project site, but may indirectly affect the feature through accidental fill or discharge. However, the required SWPPP, as described in the project description, identifies specific actions and BMPs to prevent stormwater pollution both during and after construction activities. As a result, impacts would be less than significant.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

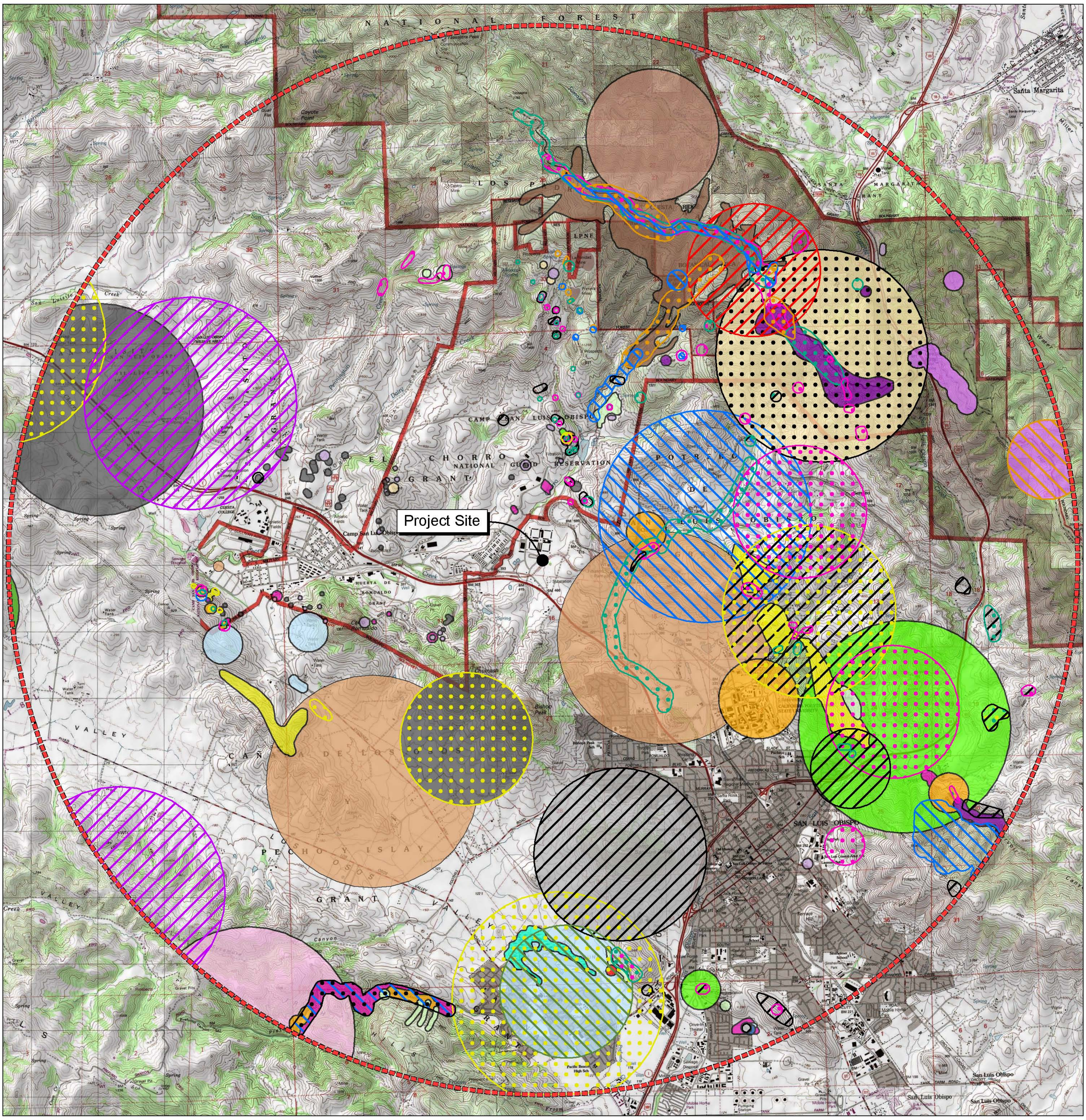
No Impact. All of the project site is developed, with the exception of a hillslope consisting of annual grassland habitat and open space for the parking lot expansion. There are no natural corridors (e.g., riparian corridors, wind rows) within the project site, and no existing development pattern that would cause wildlife to be channeled into the project site. Therefore, construction of the proposed project would not interfere with the movement of any fish or wildlife species.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. There are no trees on the site covered by the San Luis Obispo County zoning ordinance for trees. In addition, the proposed project would not conflict with any local policies or ordinances. As a result, no impact would occur.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. In 1999, the CDCR prepared a Habitat Conservation Plan (HCP) as part of a Statewide Electrified Fence Program. The HCP's proposed mitigation measures are designed to avoid and reduce wildlife mortality from lethal electrified fences. The proposed project's lethal electrified fence expansion will be consistent with the HCP; as such, the proposed project will not conflict with local, regional, or state habitat conservation plans.



Source: TOPO! Morro Bay North (1995), Atascadero (1995), Santa Margarita (1993), Morro Bay South (2002), San Luis Obispo (1995), Lopez Mountain (1995), Port San Luis (2002), Pismo Beach (2002), Arroyo Grande NE (1995) 7.5' DRG's. CDFG CNDDB data (June 2009).

- Project Site
- 5 Mile Radius

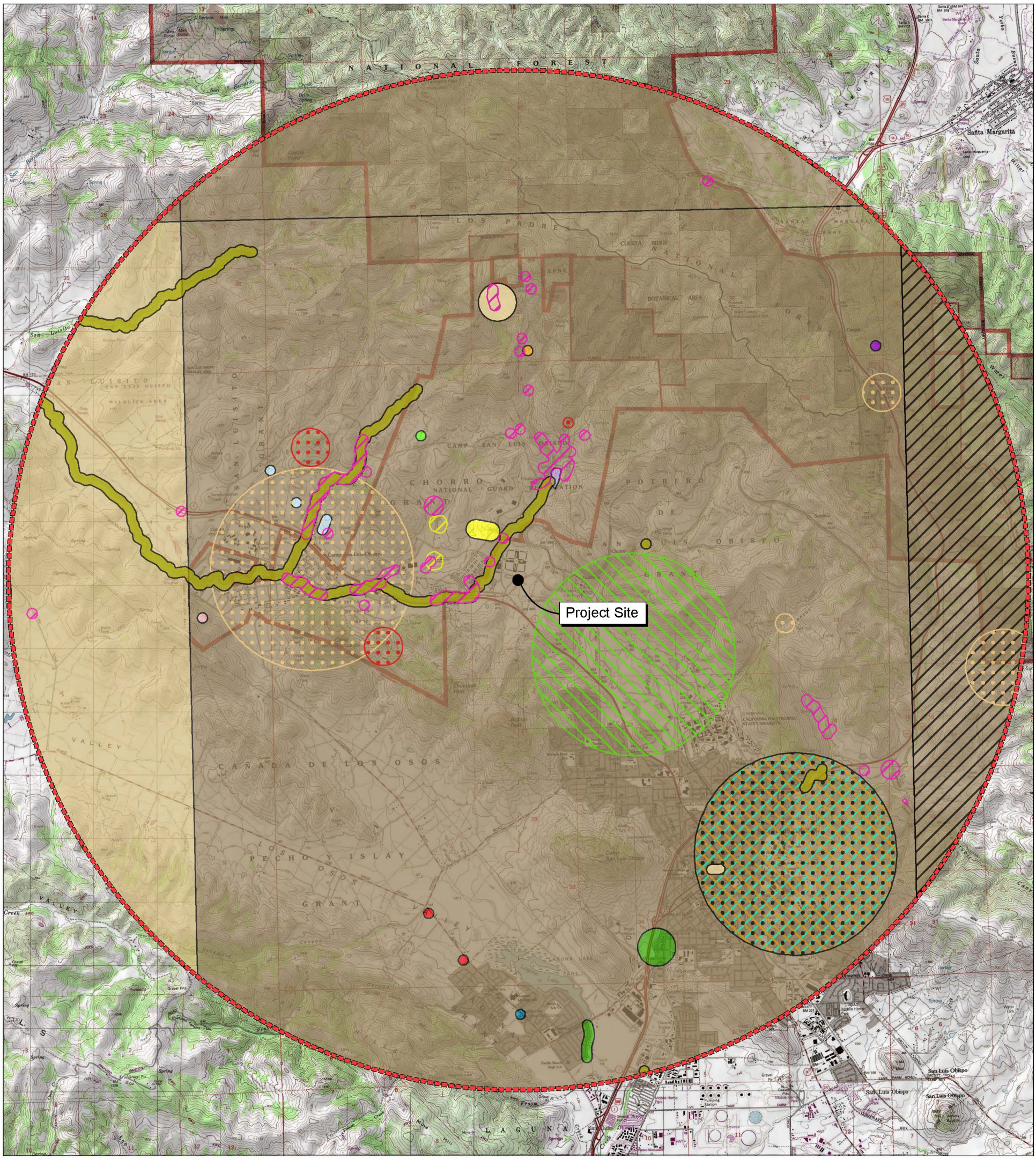
Common Name	Scientific Name
Arroyo de la Cruz manzanita	*Arctostaphylos cruzensis*
Betty's dudleya	*Dudleya abramsii ssp. bettinae*
Blochman's dudleya	*Dudleya blochmaniae ssp. blochmaniae*
Brewer's spineflower	*Chorizanthe breweri*
Cambria morning-glory	*Calystegia subacaulis ssp. episcopalis*
Coastal and Valley Freshwater Marsh	*Coastal and Valley Freshwater Marsh*
Congdon's tarplant	*Centromadia parryi ssp. congdonii*
Cuesta Pass checkerbloom	*Sidalcea hickmanii ssp. anomala*
Hoover's bent grass	*Agrostis hooveri*
Hoover's button-celeryi	*Eryngium aristulatum var. hoover*
Jones' layia	*Layia jonesii*
La Panza mariposa-lily	*Calochortus obispoensis*
Miles' milk-vetch	*Astragalus didymocarpus var. milesianus*
Morro manzanita	*Arctostaphylos morroensis*
Northern Interior Cypress Forest	*Northern Interior Cypress Forest*
Palmer's monardella	*Monardella palmeri*
Pecho manzanita	*Arctostaphylos pechoensis*
San Benito fritillary	*Fritillaria viridea*
San Luis Obispo fountain thistle	*Cirsium fontinale var. obispoense*
San Luis Obispo mariposa-lily	*Calochortus simulans*
San Luis Obispo owl's-clover	*Castilleja densiflora ssp. obispoensis*
San Luis Obispo sedge	*Carex obispoensis*
Santa Lucia manzanita	*Arctostaphylos luciana*
Serpentine Bunchgrass	*Serpentine Bunchgrass*
adobe sanicle	*Sanicula maritima*
chaparral ragwort	*Senecio aphanactis*
dwarf soaproot	*Chlorogalum pomeridianum var. minus*
hooked popcorn-flower	*Plagiobothrys uncinatus*
mesa horkelia	*Horkelia cuneata ssp. puberula*
most beautiful jewel-flower	*Streptanthus albidus ssp. peramoenus*
mouse-gray dudleya	*Dudleya abramsii ssp. murina*
saline clover	*Trifolium depauperatum var. hydrophilum*

Michael Brandman Associates

NORTH

1 0.5 0 1 Miles

Exhibit 3-3
Recorded Occurrences of Special-Status Plant Species within 5 Miles of the Project



Source: TOPO! Morro Bay North (1995), Atascadero (1995), Santa Margarita (1993), Morro Bay South (2002), San Luis Obispo (1995), Lopez Mountain (1995), Port San Luis (2002), Pismo Beach (2002), Arroyo Grande NE (1995) 7.5' DRG's. CDFG CNDDB data (June 2009).

	Common Name	Scientific Name
●	Project Site	
▭	5 Mile Radius	
	American badger	*Taxidea taxus*
	Atascadero June beetle	*Polyphylla nubila*
	California horned lark	*Eremophila alpestris actia*
	California linderiella	*Linderiella occidentalis*
	California red-legged frog	*Rana draytonii*
	California tiger salamander	*Ambystoma californiense*
	Coast Range newt	*Taricha torosa torosa*
	Morro Bay kangaroo rat	*Dipodomys heermanni morroensis*
	San Luis Obispo pyrg	*Pyrgulopsis taylori*
	Townsend's big-eared bat	*Corynorhinus townsendii*
	black legless lizard	*Anniella pulchra nigra*
	burrowing owl	*Athene cunicularia*
	coast (California) horned lizard	*Phrynosoma coronatum (frontale population)*
	ferruginous hawk	*Buteo regalis*
	monarch butterfly	*Danaus plexippus*
	pallid bat	*Antrozous pallidus*
	prairie falcon	*Falco mexicanus*
	silvery legless lizard	*Anniella pulchra pulchra*
	southwestern pond turtle	*Actinemys marmorata pallida*
	steelhead - south/central California coast ESU	*Oncorhynchus mykiss irideus*
	tricolored blackbird	*Agelaius tricolor*
	western mastiff bat	*Eumops perotis californicus*
	western yellow-billed cuckoo	*Coccyzus americanus occidentalis*
	white-tailed kite	*Elanus leucurus*

NORTH

1 0.5 0 1 Miles

Michael Brandman Associates

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Exhibit 3-4
Recorded Occurrences of Special-Status Wildlife Species within 5 Miles of the Project

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
5. Cultural Resources *Would the project:*				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

3.1.10 - Environmental Setting

Cultural Setting

Regional Prehistory

The archaeological record suggests that the coastal regions of California, including the San Luis Obispo area, have been occupied for at least 10,000 years. The general project vicinity lies within the historic territory of the Native American group known as the Chumash (Grant 1978).

Various chronological sequences have been developed for the Chumash territory including Wallace (1955), Grant (1978), Warren (1968), and King (1990). King suggests three major periods—Early, Middle, and Late—which he based on artifact typologies from numerous archaeological sites. King's Early Period (8000 to 3350 Before Present [B.P.]) was based on a subsistence economy consisting primarily of seed processing. The Middle Period (3350 to 800 B.P.) was characterized by a major shift from a plant and seed based economy to a more generalized hunting, marine resources, and gathering adaptation with a greater focus on acorn processing. During the Late Period (800 to 150 B.P.), Spanish colonization was in effect, and the Chumash culture changed from hunter/gatherers to agricultural laborers who were typically forced to work within the Spanish missions.

The key components of cultural sequences for the Central Coast have been re-evaluated and interpreted since the 1990s. The length and intricacies of the new interpretations for Central Coast cultures is beyond the scope of this report but can be found in California Prehistory (2007).

Ethnography

As mentioned above, the project vicinity was occupied by the Chumash tribe of California Native Americans, who occupied the region from San Luis Obispo County to Malibu Canyon on the coast and inland to the western edge of the San Joaquin Valley (Grant 1978). The Chumash tribe can be

separated into six groups based on distinct dialects. The Obispeño—whose name was derived from the local mission, San Luis Obispo de Tolosa—occupied the largest area of San Luis Obispo County, including the project area (Greenwood 1978).

A brief summary of the lifeways of the Obispeño follows. The Obispeño lived in small, round houses, with villages often located on opposite sides of streams, possibly reflecting the moiety system. There is evidence that the Obispeño exploited marine food resources harvested from tidal pools and shallow water using traps, poles, nets, and—later—hook and line. Artifactual evidence suggests the use of large stemmed and side-notched projectile points as well as the possible use of the atlatl. The mortuary customs of the Obispeño included cemeteries within villages, with internments in seated, flexed positions either on their backs or on their sides (Greenwood 1978). Grave goods typically included shell beads, whistles, unmodified whole shells, and bone tubes, among others. The Obispeño chiefs were reported to have numerous wives, because social rank was derived from wealth, the tribal members made offerings of food, beads, and other goods to the chief. The Obispeño trade system was based primarily with the Interior Chumash tribes, although steatite was traded from Catalina Island. It appears that the Yokuts traded pottery and possibly obsidian for Obispeño asphaltum and various types of shells, including abalone, clam, and limpets.

Historic Era

European contact within San Luis Obispo County occurred in 1595 when Sebastian Rodriguez Cermeno landed at Port San Luis. Little is known about this landing, including whether or not he made contact with the local Obispeño. Following Cermeno, Sebastian Vizcaino landed along the San Luis Obispo coast in 1602; once again, little is known about this landing. In 1769, an expedition led by Gaspar de Portola and Fray Crespi left San Diego with the objective of establishing five Spanish missions along their route to establish a port in Monterey. They noted present-day San Luis Obispo, but it was not until 1772 that Mission San Luis Obispo de Tolosa was established by Father Serra.

In 1821, Spanish rule in Alta California ended with Mexican Independence. In 1832, the Spanish missions were secularized and large cattle ranches began to dominate the San Luis Obispo area. With the signing of the Treaty of Guadalupe Hidalgo in 1848, control of California was transferred to the United States.

In 1850, San Luis Obispo County became one of California's original 27 counties. By 1860, with a population of 1,780, the land was used for extensive cattle ranches and some agricultural endeavors. The County continued to grow, and by 1894, with the completion of the Southern Pacific Railroad extension into the City of San Luis Obispo, the population reached well over 16,000. The early 1900s marked the opening of the California Polytechnic School and the first Union Oil pipeline to Avila Beach. In 1939, an airport was constructed outside the city limits that provided an additional means of transportation to and from the burgeoning City. The County continued to flourish, and by 1950, the population had grown to over 51,000 with an economic base of agriculture and oil production. Today the County of San Luis Obispo continues to expand because of its central location between

San Francisco and Los Angeles, its excellent climate for agricultural crops, and its beautiful setting that has always attracted tourists.

3.1.11 - Methodology

MBA evaluated the project site's cultural resources by requesting a cultural resources record search and conducting a site survey as described below.

Record Search

Central Coast Information Center

On April 28, 2009, staff at the Central Coast Information Center (CCIC) conducted a records search (CCIC #4806) to identify previously recorded historic resources within the project area and a 0.25-mile radius. The search included current inventories of the National Register of Historic Places, the National Register of Determined Eligible Properties, the California Register of Historic Resources, the California Historical Landmarks, the California Points of Historical Interest, the California Historic Resources Inventory, the California Office of Historic Preservation (OHP) Archaeological Determinations of Eligibility, and the Caltrans State and Local Bridge Surveys.

The results of the records search indicated that 11 previous surveys have been conducted within a 0.25-mile radius of the project site and at least two of the surveys have included the project area. In addition, five archaeological sites have been previously recorded within a 0.25-mile radius of the project site. All are prehistoric sites that are located northwest of the project and are on the opposite side of Chorro Creek.

Site Survey

On May 21, 2009, MBA Senior Project Archaeologist, Carrie D. Wills, conducted a pedestrian survey of the project site. The field survey included all visible ground surface and was conducted utilizing transects of 15 to 20 meters, depending on the built environment, pavement, vegetation, or other obstructions. The ground surface visibility of the project site was generally fair to nonexistent, depending on the conditions. The area that was of the most concern, in terms of prehistoric sensitivity, was the area within the project site that was east of Chorro Creek. This area was highly disturbed for the most part, with lay-down areas for water line pipes, a boiler building, and fill material covering the majority of the ground surface. The area immediately east of Chorro Creek was so densely covered with vegetation and sycamore trees that the creek bank was not visible, except for small patches of ground surface that revealed no cultural resources.

During the course of the field survey, no prehistoric or historic resources were observed within the project site boundaries.

3.1.12 - Discussion

a-b) Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in §15064.5?

Less than Significant Impact with Mitigation Incorporated. No recorded historic or archaeological resources are known to be present on the project site, nor were any encountered during the field survey. However, subsurface construction activities associated with the proposed project, such as trenching and grading, could potentially damage or destroy previously undiscovered historic or archaeological resources. Accordingly, Mitigation Measure MM CUL-1 is proposed to reduce this potentially significant impact to a level of less than significant.

MM CUL-1 If a potentially significant cultural resource is encountered during subsurface earthwork activities for the project, all construction activities within a 75-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. CDCR shall require a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist in consultation with CDCR and OHP. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; or features including hearths, structural remains, or historic dumpsites.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation Incorporated. No recorded paleontological resources are known to be present within the project site. However, five fossil localities have been identified within and near the same geologic setting as the project area, including the lower jaw of an American Mastodon 6 miles west of the project area. The nearby quaternary alluvium may contain Pleistocene vertebrate fossils. As such, subsurface construction activities associated with the proposed project, such as grading, could potentially damage or destroy previously undiscovered paleontological resources. Accordingly, Mitigation Measure MM CUL-2 is proposed to reduce this potentially significant impact to a level of less than significant.

MM CUL-2 In the event a fossil is discovered during construction for the proposed project, excavations within 75 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. CDCR shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify CDCR to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of

Vertebrate Paleontology standards. The plan shall be submitted to CDCR for review and approval. Upon approval, the plan shall be incorporated into the project.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact with Mitigation Incorporated. Subsurface construction activities associated with the proposed project, such as grading, could potentially damage or destroy previously undiscovered human remains. Implementation of Mitigation Measure MM CUL-3 would reduce this potentially significant impact to a level of less than significant.

MM CUL-3 If human remains are encountered during earth-disturbing activities for the project, all work in the adjacent area shall stop immediately and the San Luis Obispo County Coroner's office shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission shall be notified and the Most Likely Descendent (MLD) will be consulted for recommendations for treatment of the discovered remains. (CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code)

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
6. Geology/Soils *Would the project:*				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☒	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

The following analysis is based on descriptions of the project site under the Geotechnical Report prepared in November 1998 (Ninyo & Moore 1998) for a previous project on the CMC site, as well as the current geotechnical investigation prepared by Fugro West, Inc. in August 2009 (Appendix C). Additional information was obtained from the San Luis Obispo General Plan and the Natural Resources Conservation Service (NRCS).

3.1.13 - Environmental Setting

The proposed project is located in the Chorro Valley of the Coastal Range geomorphic province of California. Chorro Valley is flanked by the Santa Lucia Mountains to the north and east and by the Morro Range to the south. The Safety Element of the San Luis Obispo General Plan identifies the

geology of the project area as the Coastal Franciscan Domain consisting largely of Franciscan formation rocks. The project site is located on alluvial formations of the Chorro Valley.

According to the NRCS Web Soil Survey, surface soils at the project site are composed of Los Osos-Diablo complex of 5 to 9 percent slopes, Salinas silty clay loam of 0 to 2 percent slopes, and xererts-xerolls urban land complex of 0 to 15 percent slopes. All three soil types are well drained.

3.1.14 - Discussion

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. The project site is not located within an Alquist-Priolo Earthquake Fault Zone. Faults within the projects vicinity that are included in the most recent Alquist-Priolo Earthquake Fault Zoning Map include the San Andreas Fault (36 miles east), Hosgri-San Simeon Fault (35 miles north west), and Los Osos Fault (3.5 miles south west). Other faults near the project site, but not included in Alquist-Priolo Fault zones, include the West Huasna, Cambria, Oceanic, and Ednia faults. These faults are considered to be potentially active and present a moderate fault rupture hazard to developments in their vicinity. The proposed project's distance from these faults and the nearest Fault Zone precludes the occurrence of fault rupture on the project site. As such, no impact would occur.

ii) Strong seismic ground shaking?

Less than Significant Impact with Mitigation Incorporated. The proposed project is located in an area that has experienced historical seismic activity and is subject to potentially strong ground shaking. According to the San Luis Obispo General Plan, the County is categorized by the Uniform Building Code (UBC) as Seismic Zone IV, the most stringent category for seismic design. Because of the site's proximity to nearby faults, particularly the Los Osos Fault, severe ground shaking could occur on the project site. Implementation of all applicable standards of the 2007 CBC would help reduce potential impacts from seismic activity. Because of the high potential for seismic activity, mitigation is proposed that would require a site-specific geotechnical investigation to be completed prior to construction of the proposed project. Recommendations of the geotechnical report shall be incorporated into the site plans. With implementation of Mitigation Measure MM GEO-1, impacts related to strong seismic ground shaking would be less than significant.

MM GEO-1 The site-specific geotechnical investigation report (Fugro 2009) shall be finalized prior to final design of the proposed project. All recommendations from the geotechnical subsurface investigation report shall be incorporated into the project's site plans and construction techniques prior to construction implementation.

iii) Seismic-related ground failure, including liquefaction?

Less than Significant Impact with Mitigation Incorporated. Liquefaction occurs most frequently where unconsolidated sediments and a high water table coincide. The San Luis Obispo General Plan identifies that liquefaction hazards may occur in areas of the County underlain by young, poorly consolidated, saturated, granular alluvial sediments. According to the Liquefaction Hazards Map of the General Plan, the project site is located in an area of Moderate to High potential for liquefaction. However, the site-specific geotechnical report conducted in 1998, as well as the current geotechnical investigation (Fugro 2009) indicated that the potential for liquefaction at the site is very low, due to the clayey nature of the fill and topsoil on-site and the absence of shallow groundwater. Furthermore, project construction would comply with the CBC's seismic design requirements for Seismic Zone IV and implement recommendations included in the geotechnical report as required by Mitigation Measure MM GEO-1. As such, impacts from seismic related ground failure such as liquefaction would be less than significant.

iv) Landslides?

Less than Significant Impact. Landslides include many phenomena that involve the downslope displacement and movement of material, either triggered by static (gravity) or dynamic (earthquake) forces. Areas susceptible to landslides are typically characterized by steep, unstable slopes in weak soil or bedrock units. According to the Landslide Hazards map of the San Luis Obispo General Plan, the project site is located in an area of low landslide potential. The proposed project would be required to comply with Section 22 and Section 23.05.020, et seq., of the Land Use Ordinance and Coastal Zone Land Use Ordinance, and Titles 22 and 23 of the County Code, which contain the County's grading ordinance. Furthermore, implementation of recommendations of the geotechnical report would incorporate any site-specific recommendations for slope failure avoidance. As such, impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. According to the NRCS Web Soil Survey, surface soils at the project site are composed of Los Osos-Diablo complex of 5 to 9 percent slopes, Salinas silty clay loam of 0

to 2 percent slopes, and xererts-xerolls urban land complex of 0 to 15 percent slopes. All three soil types are well drained.

The proposed project would be constructed on land currently used as a parking lot and on previously undeveloped land. Construction would require the removal of approximately 150,000 square feet of existing asphalt parking area. Furthermore, site excavation would extend an average of 45 feet from the existing asphalt area into the adjacent hillside to the southeast. Where the hillside excavation ends, a 3:1 slope would be cut from the new grade to the existing grade. Preliminary investigations indicate that approximately 30,000 cubic yards of soils with rock formations would be removed to level the site.

Surfaces not paved would remain native soil. Erosion control measures would be implemented, including but not limited to perimeter protection (fiber rolls, silt fencing), drainage inlet protection, and hydroseeding for large graded areas.

Construction activities associated with the proposed project would involve grading and excavation activities that could expose barren soils to sources of wind or water, resulting the potential for erosion and sedimentation on and off the project site. NPDES stormwater permitting programs regulate stormwater quality from construction sites, which includes erosion and sedimentation. Under the NPDES permitting program, the preparation and implementation of a SWPPP is required for construction activities that would disturb an area of 1 acre or more. The SWPPP must identify potential sources of erosion or sedimentation that may be reasonably expected to affect the quality of stormwater discharge as well as identify and implement BMPs that ensure the reduction of these pollutants during stormwater discharges. Typical BMPs intended to control erosion include sand bags, detentions basins, silt fencing, storm drain inlet protection, street sweeping, and monitoring of water bodies. Preparation of an SWPPP would be completed as described in the project description. As such, impacts would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than Significant Impact with Mitigation Incorporated. The proposed project is located on alluvial soils, which are generally regarded as a stable geologic unit. The site-specific geotechnical investigation would indicate exact site conditions and prevalence of unstable soils. Implementation of Mitigation Measure MM GEO-1 would require recommendations regarding unstable soils from the geotechnical investigation to be incorporated into site design. As such, implementation of Mitigation Measure MM GEO-1 would reduce impacts from a geologic unit or soil that is unstable to less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Less than Significant Impact with Mitigation Incorporated. Expansive soils are mainly comprised of clay. According to the NRCS Web Soil Survey, surface soils at the project site are composed of Los Osos-Diablo complex and Salinas silty clay loam, which consist of 24 and 31 percent clay, respectively. Since clay is not the main component of these soils, risks from expansion would be low. The project site also contains soils classified under the xererts-xerolls urban land complex for which clay content information is not readily available. However, these soils are located beneath the existing CMC facility, indicating that expansive soil conditions are not a problem. Furthermore, the 1998 Geotechnical Report indicated that on-site soils encountered had relatively low expansion potential.

The site-specific geotechnical investigation, which would be conducted prior to construction commencement, would indicate the prevalence of expansive soils. Implementation of Mitigation Measure MM GEO-1 would require recommendations regarding expansive soils from the geotechnical investigation to be incorporated into site design if such conditions are present. As such, implementation of Mitigation Measure MM GEO-1 would reduce impacts from expansive soils to less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The proposed project does not include the installation or use of septic tanks or alternative wastewater disposal systems. Wastewater from the project would be directed to the existing wastewater disposal system. As such, no impact to soils or wastewater disposal would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
7. Greenhouse Gas Emissions *Would the project:*				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.1.15 - Environmental Setting

Briefly stated, climate change is a change in the average weather of the earth that may be measured by changes in wind patterns, storms, precipitation, and temperature. These changes are assessed using historical records of temperature changes that have occurred in the past, such as during previous ice ages. Many of the concerns regarding climate change use this data to extrapolate a level of statistical significance specifically focusing on temperature records from the last 150 years (the Industrial Age) that differ from previous climate changes in rate and magnitude.

Gases that trap heat in the atmosphere are greenhouse gases (GHGs). The effect is analogous to the way a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide, methane, nitrous oxides, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols. Natural processes and human activities emit GHG. The presence of GHGs in the atmosphere affects the earth's temperature. Without the natural heat trapping effect of GHG, the earth's surface would be about 34°C cooler (CAT 2006). However, it is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

The EPA currently does not regulate GHG emissions from motor vehicles. *Massachusetts v. EPA* (Supreme Court Case 05-1120) was argued before the United States Supreme Court on November 29, 2006, in which it was petitioned that EPA regulate four GHGs, including carbon dioxide, under Section 202(a)(1) of the CAA. A decision was made on April 2, 2007, in which the Supreme Court held that petitioners have a standing to challenge the EPA and that the EPA has statutory authority to regulate emissions of GHGs from new motor vehicles (549 U.S. 497). In April 2009, EPA published a Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act. EPA is proposing to find that the current and projected concentrations of the mix of six key GHGs—carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6)—in the atmosphere threaten the public health and welfare of current and future generations. EPA is further proposing to find that the combined emissions of CO_2, CH_4, N_2O, and HFCs from new motor vehicles and motor vehicle engines

contribute to the atmospheric concentrations of these key GHGs and hence to the threat of climate change. The proposed action does not itself impose any requirements on industry or other entities. However, the finding, if finalized by the EPA, is a key step in regulating GHGs under the CAA.

There have been significant legislative and regulatory activities that directly and indirectly affect climate change and GHGs in California. The primary climate change legislation in California is AB 32, the California Global Warming Solutions Act of 2006. AB 32 focuses on reducing GHG emissions in California. GHGs, as defined under AB 32, include CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. The CARB is the state agency charged with monitoring and regulating sources of emissions of GHGs that cause global warming in order to reduce emissions of GHGs.

The CARB Governing Board approved the 1990 GHG emissions level of 427 million metric tons of CO_2 equivalent ($MMTCO_2e$) on December 6, 2007. Therefore, in 2020, annual emissions in California are required to be at or below 427 $MMTCO_2e$.

The CARB Board approved the Climate Change Scoping Plan (Scoping Plan) in December 2008. The Scoping Plan "proposes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health" (CARB 2008). The measures in the Scoping Plan will be developed over the next two years through rule development at the CARB and other agencies and are expected to be in place by 2012.

As noted in the Scoping Plan, the projected total business-as-usual emissions for year 2020 (estimated as 596 $MMTCO_2e$) must be reduced approximately 30 percent to achieve the CARB's approved 2020 emission target of 427 $MMTCO_2e$. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors.

As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG target include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewable energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets;

- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation.

Emissions Inventories and Trends

California is the second largest contributor in the U.S. of GHGs and the sixteenth largest in the world (CEC 2006). In 2004, California produced 500 $MMTCO_2e$ (CEC 2007), including imported electricity and excluding combustion of international fuels and carbon sinks or storage. The 2004 California GHG inventory was approximately seven percent of U.S. emissions. The major source of GHGs in California is transportation, contributing 41 percent of the State's total GHG emissions (CEC 2006). Electricity generation (both in and out of state) is the second largest source, contributing 22 percent of the State's GHG emissions (CEC 2006). The statewide inventory of GHGs by sector for years 2000 through 2006 is provided in Table 8.

Table 8: California GHG Inventory 2000-2006

Main Sector*	Emissions $MMTCO_2e$						
	2000	2001	2002	2003	2004	2005	2006
Agriculture & Forestry	20.91	21.12	24.34	24.48	24.78	25.20	26.25
Commercial	12.98	12.58	14.46	13.07	13.15	12.97	13.25
Electricity Generation (Imports)	42.97	52.38	50.61	56.29	58.59	54.92	49.92
Electricity Generation (In State)	60.76	64.66	51.56	49.77	58.08	52.45	56.99
Industrial	107.93	105.47	107.44	106.41	100.99	100.51	103.00
Not Specified	8.75	9.60	10.47	11.33	12.20	12.90	13.52
Residential	32.20	30.45	30.22	29.88	31.54	30.94	31.12
Transportation	171.94	174.62	181.32	178.90	183.03	185.82	185.77
Total	458.45	470.89	470.42	470.12	482.35	475.70	479.80

Notes:
Excludes military sector
Source: CARB 2008.

Potential Environmental Effects

For California, climate change has the potential to incur/exacerbate the following environmental impacts (CAT 2006):

- Reduced precipitation
- Changes to precipitation and runoff patterns
- Reduced snowfall (precipitation occurring as rain instead of snow)
- Earlier snowmelt
- Decreased snowpack
- Increased agricultural demand for water
- Intrusion of seawater into coastal aquifers
- Increased agricultural growing season;
- Increased growth rates of weeds, insect pests, and pathogens
- Inundation of low-lying coastal areas by sea level rise
- Increased incidents and severity of wildfire events
- Expansion of the range and increased frequency of pest outbreaks

Although certain environmental effects are widely accepted to be a potential hazard to certain locations, such as rising sea level for low-laying coastal areas, it is currently infeasible to predict all environmental effects of climate change on any one location.

3.1.16 - Discussion

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact.

Project Emissions Inventory

The proposed project would support up to 50 additional inmates and would add up to 200 new employees.

The proposed project contributes to climate change impacts through its contribution of GHG. The proposed project would generate a variety of GHGs during construction and operation, including several defined by AB 32, such as CO_2, CH_4, and N_2O. The proposed project would emit GHGs such as CO_2, CH_4, and N_2O from the exhaust of equipment and the exhaust of vehicles for employees, visitors, and hauling trips.

The proposed project may also emit GHGs that are not defined by AB 32. For example, the proposed project may generate aerosols. Aerosols are short-lived GHGs, as they remain in the atmosphere for about one week. Black carbon is a component of aerosol. Some studies have indicated that black carbon has a high global warming potential; however, the Inter Governmental Panel on Climate Change (IPCC) states that it has a low level of scientific certainty (IPCC 2007). Water vapor could be emitted from evaporated water used for landscaping, but this is not a significant impact because water vapor concentrations in the upper atmosphere are primarily due to climate feedbacks rather than emissions from project-related activities. The proposed project would emit nitrogen oxides and volatile organic compounds, which are ozone precursors. Ozone is a GHG; however, unlike the other GHGs, ozone in the troposphere is relatively short-lived and can be reduced in the troposphere on a daily basis.

Certain GHGs defined by AB 32 would not be emitted by the project. PFCs and SF_6 are typically used in industrial applications, none of which would be used by the project. Therefore, it is not anticipated that the proposed project would emit PFCs or SF_6.

The project would emit GHGs during construction of the project from combustion of fuels in worker vehicles accessing the site, as well as from construction equipment. However, because of the small size of the project, its short duration, and the temporary nature of construction activities, GHGs were not estimated for construction. An upstream emission source (also known as life cycle emissions) refers to emissions that were generated during the manufacture of products to be used for construction of the project. Upstream emission sources for the project include but are not limited to the emissions from the manufacture of cement.

The upstream emissions were not estimated because they are not within the control of the project and to do so would be speculative at this time. Additionally, the California Air Pollution Control Officers Association's (CAPCOA) White Paper on CEQA & Climate Change supports this conclusion by stating: "The full life-cycle of GHG [greenhouse gas] emissions from construction activities is not accounted for … and the information needed to characterize [life-cycle emissions] would be speculative at the CEQA analysis level" (CAPCOA 2008). Therefore, pursuant to CEQA Guidelines Sections 15144 and 15145, upstream/life cycle emissions are speculative and no further discussion is necessary.

The primary concern for GHGs is the project's long-term operational emissions. GHG emissions from the proposed project during operation would result from natural gas consumption, motor vehicles, and air conditioning units. Indirect emissions would be generated from electricity generation, and water treatment and transport. The best available future electricity and water consumption of the project was estimated.

An inventory of operational GHG emissions for the proposed project is presented below. The emissions are estimated and are converted to $MTCO_2e$ using the following formula:

$$MTCO_2e = (\text{tons of gas}) \times GWP \times (0.9072 \text{ metric tons of gas})$$

Project operations would generate approximately 634 $MTCO_2e$ per year after full buildout in 2013 (Table 9). Project-generated emissions are expected to decrease over time. Project-generated area and mobile GHG emissions for year 2020 are calculated to be 304 $MTCO_2e$.

Table 9: Operational GHG Generation (Year 2013)

Source	Emissions (tons per year)			$MTCO_2e$ per year
	Carbon Dioxide	Nitrous Oxide	Methane	
Motor Vehicles	335	0	0	319
Natural Gas	64	0	0.03	58
Indirect Electricity	269	0	0	244
Water Transport	15	0	0	13
Total	683	0	0	634

Notes:
$MTCO_2e$ = metric tons of carbon dioxide equivalent, converted to tons per year by multiplying by the global warming potential (GWP) of the gas and by 0.9072. GWPs: carbon dioxide 1, nitrous oxide 310, and methane 21
The carbon dioxide emissions for motor vehicles were estimated using URBEMIS2007; the other emissions were estimated by methodology shown in the spreadsheets attached as Appendix A.
Source: Michael Brandman Associates 2009.

Significance Determination

With respect to global climate change as discussed above, this issue, which in turn can affect sea level rise, snow pack, wildfires, and other issues, is a dynamic, worldwide concern. The operational emissions resulting from the project reflect the very low levels of vehicle activity and area emissions associated with the project. The project would generate up to 322 trips per day. Area emissions are expected to be generated by natural gas consumption. In addition, emission from construction and operation of the facility (including emissions from traffic) are minimal and within limits established by applicable air quality attainment plans, as shown in the Air Quality Section, Impact a).

Governor Schwarzenegger signed executive Order S-20-04, which commits California to reduce electricity usage from State buildings. In addition to multiple sustainability measures, the order includes the following:

> *That state agencies, departments, and other entities under the direct executive authority of the Governor cooperate in taking measures to reduce grid-based energy purchases for state-owned buildings by 20% by 2015, through cost-effective efficiency measures and distributed generation technologies; these measures should include but not be limited to:*
> *2.1. Designing, constructing and operating all new and renovated state-owned facilities paid for with state funds as "LEED Silver" or higher certified buildings;. . .*

In accordance with S-20-04, the proposed project would be designed to meet and obtain the U.S. Green Building Council's LEED Certification for New Construction, assuring minimal energy use and, therefore, further minimizing emissions from operations. Given the minimal VMTs associated with the proposed project and the design elements to reduce emissions, the proposed project would not considerably contribute to GHG emissions and would therefore not significantly contribute to climate change.

b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impact. San Luis Obispo County is a member of the International Council for Local Environmental Initiatives (ICLEI), and the SLOAPCD participates in the California Climate Action Registry (CCAR). In addition, SLOAPCD adopted "Options for Addressing Climate Change in San Luis Obispo County" in 2005, which calls for development of a countywide emissions inventory, development of emission reduction targets, and additional measures to be developed to reduce the County's GHG impact. However, neither the SLOAPCD nor San Luis Obispo County has adopted plans, policies, or regulations for reducing GHG emissions. Therefore, the applicable adopted regulation is AB 32, and the applicable plan is the Scoping Plan adopted by CARB, as discussed in Environmental Setting, above.

The Scoping Plan states that "The 2020 goal was established to be an aggressive, but achievable, mid-term target, and the 2050 greenhouse gas emissions reduction goal represents the level scientists believe is necessary to reach levels that will stabilize the climate" (CARB 2008, page 4). The 2050 goal is in Executive Order S-3-05.

The year 2020 GHG emission reduction goal of AB 32 corresponds with the mid-term target established by S-3-05, which aims to reduce California's fair-share contribution of GHGs in 2050 to levels that will stabilize the climate.

Construction of the proposed project is estimated to generate CO_2. However, AB 32 requires that GHG emissions generated in California in year 2020 be equal to or less than California's statewide inventory from 1990. Construction emissions would occur before the year 2020; the project's construction would not contribute to year 2020 emissions. Therefore, construction emissions would not hinder or delay California's implementation of AB 32.

As noted in the Scoping Plan, the projected total business-as-usual emissions for year 2020 (estimated as 596 $MMTCO_2e$) must be reduced approximately 30 percent to achieve the CARB's approved 2020 emission target of 427 $MMTCO_2e$. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG target include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewable energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;

- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation.

The project area is currently in use as a prison facility. As an institutional facility (rather than a residential, energy sector, or commercial facility), the majority of the Scoping Plan's recommended measures do not apply to the proposed project. The Scoping Plan's recommended measures mainly target reductions in the transportation and electricity sectors. Implementation of certain Scoping Plan measures may obliquely affect the project, such as the low-carbon fuel standard and enactment of the Pavley standards, as part of California Assembly Bill 1493 (Pavley), enacted on July 22, 2002, which required the CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. The CARB estimates that the regulation would reduce climate change emissions from the light-duty passenger vehicle fleet by an estimated 18 percent in 2020 and by 27 percent in 2030 (CARB 2004). The only measure applicable to the project is energy efficiency. Consistent with the Scoping Plan, voluntary efficiency and green building targets beyond mandatory codes are a key energy efficiency strategy. In addition, water system and water use efficiency and conservation are key strategies.

In accordance with S-20-04 (discussed above), the proposed project would incorporate energy efficiency through water efficiency, recycling, and source reduction measures currently used by the CMC facilities. In addition, the project would be designed to meet and obtain the USGBC's LEED certification for new construction, assuring minimal energy use, further minimizing direct and indirect GHG emissions from project operations. All inmate water closet and lavatory combination fixtures have been converted to a water-efficient system that controls the number of flushes that can occur within an hour.

The proposed project would not significantly hinder or delay the State's ability to meet the reduction targets contained in AB 32, or conflict with implementation of the Scoping Plan because the proposed project would generate low levels of GHGs at project buildout (See Impact a), above). In addition, the project's year 2020 GHG inventory (from area-wide and mobile sources) is calculated as 304 $MTCO_2e$.

In addition, the proposed project would continue the water efficiency, recycling, and source reduction measures enacted by the CMC facility. In addition, the project would be designed to meet and obtain

the U.S. Green Building Council's LEED Certification for New Construction. Therefore, the project would enact the applicable Scoping Plan recommended measure of energy efficiency.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
8. Hazards/Hazardous Materials *Would the project:*				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

3.1.17 - Environmental Setting

The proposed project site has been a developed institutional facility since 1954. The proposed project site would be located within the northeastern portion of the existing 356-acre property.

A computerized database search of various agency lists was conducted for the project site and surrounding area to identify potential hazardous contamination sites. The CMC site is not listed as a Resource Conservation and Recovery Act (RCRA) generator of hazardous wastes, according to the EPA Envirofacts database (EPA 2009). In addition, the project site is not listed on the California Department of Toxic Substances Control (DTSC) Hazardous Waste and Substances List (DTSC 2009) or the EPA's Superfund National Priorities List (EPA 2009).

The project site is located in a geologic region of San Luis Obispo County that is commonly associated with naturally occurring asbestos. Asbestos is a naturally occurring silicate mineral with long, thin fibrous crystals. Both naturally occurring asbestos and Asbestos Containing Material (ACM) are toxic and the inhalation of asbestos fibers can cause serious illnesses. SLOAPCD has regulatory authority over naturally occurring asbestos and ACM. In 2004, a geologic evaluation was performed for the SLOAPCD at CMC to determine if there were areas of asbestos-containing serpentine rock materials. Typically, serpentine is contained in the Franciscan Formation. The geologic survey did find Franciscan Formation at the CMC site; however, tests of rock samples did not find any asbestos (Fugro West, Inc., 2004).

3.1.18 - Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. Construction and operation of the proposed project would involve the routine transport and handling of hazardous substances such as diesel fuels, lubricants, solvents, and asphalt. Handling and transport of these materials could result in the exposure of workers to hazardous materials. However, the proposed project would not create a significant hazard to the public or the environment, because project construction and operation would be in compliance with applicable federal, state, and local laws pertaining to the safe handling and transport of hazardous materials, including California Division of Occupational Safety and Health (Cal OSHA) requirements. For example, the California Hazardous Materials Release Response Plans and Inventory Law of 1985 (Business Plan Act) requires preparation of Hazardous Materials Business Plans and disclosure of hazardous materials inventories. A Business Plan includes an inventory of hazardous materials handled, facility floor plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee training in safety and emergency response procedures (California Health and Safety Code, Division 20, Chapter 6.95, Article 1). In addition, Cal OSHA's regulations for the use of hazardous materials in the workplace, as detailed in CCR Title 8, include requirements for safety training, availability of safety equipment, accidents and illness prevention programs, hazardous substance exposure warnings, and the emergency action and fire prevention plan preparation. Cal OSHA enforces hazard communication program regulations that contain training and information requirements, including procedures for identifying and labeling hazardous substances, communicating hazard information related to hazardous substances and their handling, and preparation of health and safety plans to protect workers and employees at hazardous

waste sites. The hazard communication program requires that Material Safety Data Sheets (MSDSs) be available to employees and that employee information and training programs be documented. Therefore, this impact would be considered less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

Less than Significant Impact. As previously indicated, the proposed project would involve the minor transport and use of hazardous materials, including diesel fuel and other motor lubricants used during construction and operation. The use of these substances is not expected to create a significant hazard to the public or the environment through reasonably foreseeable upset or accident.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. No schools are located within 0.25 mile of the CMC proposed project site. The closest school is Teach Elementary School, approximately 2.0 miles away from the project site. Based on the distance from the closest school and the proposed project components, no impact would occur related to emissions or handling of hazardous materials close to schools.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than Significant Impact. CMC lies just outside Camp San Luis Obispo Military Reservation. Camp San Luis Obispo is listed as a State response site by DTSC. A State response site is a location where DTSC is involved in remediation. As a former military installation, the property is known or suspected to contain military munitions and explosives of concern; therefore, it may present an explosive hazard. CMC itself is not listed as an RCRA generator of hazardous wastes, according to the EPA's Envirofacts database (EPA 2009). In addition, the CMC is not listed on the DTSC's Hazardous Waste and Substances List (DTSC 2009) or the EPA's Superfund National Priorities List (EPA 2009). Since CMC is outside the boundaries of Camp San Luis Obispo and DTSC is actively involved in remediation of that site, the impact from the CMC proposed project is less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working the project area?

No Impact. The San Luis Obispo County Airport Land Use Commission (ALUC) is a seven-member commission created under the authority of California State Aeronautics Act (Public Utility

Code Section 21670). The primary purpose of the commission is to ensure that new land uses around public use airports do not create excessive noise and safety hazards for the public. Development proposals in the vicinity of local airports are referred to the ALUC by governing jurisdictions. The nearest public airport to the proposed project is the San Luis Obispo County Regional Airport, located approximately seven miles away. The San Luis Obispo Airport has an adopted Airport Land Use Compatibility Plan; however, the project site is located outside the area of concern identified in the plan. Because of the distance from the airport, no safety hazards exist for people residing or working in the project area, and no impacts would occur.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The project site is not located within the vicinity of an FAA-approved landing facility; therefore, no safety hazards exist for people residing or working in the project area, and no impacts would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. The proposed project would not result in interference with any adopted emergency response plans or evacuation plans. During construction, road access may be disrupted temporarily on CMC, but alternative routing would be provided for emergency access. Therefore, implementation of the proposed project would not physically interfere with or impair implementation of the emergency response plan.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Less than Significant Impact. The proposed project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, because there are no wildlands surrounding the project site. The site currently consists of an existing prison facilities and supporting structures. The project site is not located within or adjacent to a State Responsibility Area managed by the California Department of Forestry (CDF); therefore, the site is not ranked by the CDF. The project site, following construction, would consist primarily of concrete structures and paving materials, which are not associated with the generation or spread of wildland fire. According to the California Fire Alliance's Fire Planning and Mapping Tools database, the project is in an area dominated by fuels classified as low to moderate in terms of wildland fire risk (USGS 2009). In summary, risk of wildland fire would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
9. Hydrology/Water Quality *Would the project:*				
a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

3.1.19 - Environmental Setting

Climate

Temperatures range from September highs of 77 degrees °F to January lows of 41°F. Average annual precipitation is 22.6 inches and falls as rain primarily between the months of November through April (WRCC 2009).

Regional Hydrology

The project site is located in Chorro Valley and is approximately 1,200 feet east of Chorro Creek. Chorro Creek is a perennial stream that flows westward to Morro Bay and feeds the Chorro Creek groundwater basin. The upper portion of the creek is dammed and serves as part of the water supply infrastructure for the CMC and other nearby facilities.

Groundwater

The Chorro Valley Groundwater Basin underlies Chorro Valley (and the proposed project site) in west-central San Luis Obispo County. The basin is bounded by the Pacific Ocean on the west and by impermeable rock formations on all other sides. Chorro Creek drains this valley into Morro Bay. Natural recharge to the basin is by percolation of stream flow, precipitation, stormwater runoff, and underflow from bedrock along basin edges (DWR 2004). Additional artificial recharges occur from irrigation return flows, wastewater percolation, stormwater retention, and reservoir releases.

Flood Mapping

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the site (Community Panel Number 06079C 1055F), the proposed project would not be within the 100-year floodplain.

Surface Water Bodies and Quality

Chorro Creek flows in a southeasterly direction between the East and West facilities of CMC. Chorro Creek drains the Chorro Creek watershed and the northern half of the Morro Bay watershed, and it flows through the Morro Bay Salt Marsh into the bay. The Chorro Creek watershed drains approximately 27,670 acres, including the project site (CCW 2009).

Under Section 303(d) of the 1972 Clean Water Act, states, territories, and authorized tribes are required to develop a list of waters that do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. The law requires that these jurisdictions establish priority rankings for water on the lists and develop action plans, called Total Maximum Daily Loads (TMDL), to improve water quality.

Chorro Creek is listed on the 303(d) List of Impaired Water Bodies because of its high nutrient (nitrates and phosphate) and sediment loads (SWRCB 2009).

Existing On-site Drainage and Hydrology

The project site consists of an existing parking lot and vacant land within the existing CMC facility. CMC has an existing stormwater drainage system on-site that discharges into Chorro Creek. The elevation of the project site ranges from 200 to 400 feet above mean sea level. In general, the project site is relatively flat with the exception of the adjacent hillside.

Regulatory Setting

Federal

Clean Water Act

Section 303 of the Clean Water Act requires states to adopt water quality standards for all surface waters of the United States. Water quality standards consist of beneficial uses of the waters to be protected, water quality objectives to protect the designated beneficial uses, and a program of implementation needed for achievement of water quality objectives. Beneficial uses are the types of activities for which the receiving water may be protected, and include, but are not limited to, municipal supply, agricultural and industrial supply, recreation, and preservation and enhancement of fish, wildlife, and other aquatic resources. Water quality objectives are the numeric or narrative water quality levels established for the reasonable protection of the beneficial uses and the prevention of nuisance. (See further description of State Porter-Cologne Water Quality Control Act, below.)

Section 402 of the Clean Water Act establishes the NPDES permit program, and section 301 of the Clean Water Act prohibits discharges of pollutants to waters of the United States without first obtaining an NPDES permit. Section 402(p) prescribes requirements for certain types of storm water discharges, and the California State Water Resources Control Board (SWRCB) implements these requirements in NPDES storm water permits. Construction activities that disturb land equal to or greater than 1 acre must comply with the SWRCB's General Permit for Discharges of Storm Water Associated with Construction Activity, SWRCB Order No. 99-08-DWQ, ("General Permit"), which was revised by the SWRCB on September 2, 2009, and reissued as a wholly new General Permit (the specific SWRCB Order No. is still pending). Implementation and enforcement of the General Permit is overseen by the nine Regional Water Quality Control Boards (RWQCBs). The project site is within the boundaries of the Central Coast RWQCB.

Where construction activity disturbs one or more acres, the General Permit requires all dischargers of storm water associated with construction activity to take the following measures:

1. Develop and implement a SWPPP, which specifies BMPs that will minimize or prevent pollutants associated with construction activity from contacting stormwater and with the intent of minimizing sediment from moving offsite into receiving waters.
2. Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the United States.
3. Perform inspections of all BMPs.

To obtain coverage, the landowner must file a Notice of Intent (NOI) with the SWRCB, and certify compliance with the requirements listed above. When project construction is completed, the landowner must file a notice of termination.

Federal and State Anti-Degradation Policies

The federal anti-degradation policy directs the State to develop and adopt a statewide anti-degradation policy, consistent with the following principles:

1. Existing instream water use and level of water quality necessary to protect the existing uses shall be maintained and protected.

2. Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located.

   In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources, and all cost-effective and reasonable best management practices for non-point source control.

3. Where high-quality waters constitute an outstanding national resource, such as waters of National and State Parks and wildlife refuges and waters of exceptional recreational or ecological significance, water quality shall be maintained and protected.

In accordance with the federal anti-degradation policy principles excerpted above, the SWRCB adopted SWRCB Res. No. 68-16, setting forth California's anti-degradation policy. Resolution 68-16 states, in part,

> Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.

Where high quality waters exist, the State anti-degradation policy requires discharges to meet waste discharge requirements that will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with the maximum benefit to the people of the State will be maintained.

State

Porter-Cologne Water Quality Control Act

The California Porter-Cologne Water Quality Control Act of 1969 authorized the SWRCB to provide comprehensive protection for California's waters through water allocation and water quality protection. The Porter-Cologne Act was later amended to authorize the SWRCB and nine RWQCBs to issue NPDES permits under the Clean Water Act via authority delegated from the EPA. The SWRCB implements the requirements of the Clean Water Act and the Porter-Cologne Act by adopting statewide water quality control plans that prescribe applicable water quality standards to specified water bodies. The Porter-Cologne Act also established the responsibilities and authorities of the nine RWQCBs, which include preparing regional water quality control plans, promulgating regional water quality standards, and issuing NPDES permits and the state-equivalent Waste Discharge Requirements (WDRs), among other regulatory orders. Discharges from the CMC WWTP are currently regulated by Central Coast Regional Board Order No. R3-2006-032, NPDES Permit No. CA0047856.

3.1.20 - Discussion

a) Violate any water quality standards or waste discharge requirements?

Less than Significant Impact with Mitigation Incorporated. Short-term impacts to water quality standards may occur during project construction due to excavation of the site. Grading and construction activities may potentially allow surface water to carry sediment from on-site erosion and small quantities of pollutants into the stormwater system and local waterways. Control measures, such as perimeter protection (fiber rolls, silt fencing), drainage inlet protection, and hydroseeding would be utilized to protect water quality. Because the area of ground disturbance affected by construction of the proposed project would exceed 1 acre, the proposed project site would be subject to the requirements of the General Permit (please see Section 2.7, "Environmental Protection"). Post-construction runoff would consist largely of rainfall runoff from the roof of the proposed 50-bed MHSB and the new parking lots. Runoff from the new 50-bed MHSB would be conveyed into the existing stormwater drainage system; however, with the construction of the required parking lots and the addition of 6.3 acres of additional impervious surfaces, expansion of the existing drainage system is required. Therefore, the proposed project would include the construction of an 87,000-gallon storm water detention basin and the expansion of an existing drainage channel that would capture the increased runoff and meter it into the existing storm drainage system. Because preparing and implementing a SWPPP is part of the proposed project and would sufficiently lessen the impact of water quality degradation from project-related construction activities, and because post-construction runoff would ultimately be conveyed into the existing storm water drainage system, these impacts would usually be considered less than significant.

However, for the reasons that follow, CDCR is presuming this impact to be potentially significant (but mitigated to a less than significant level). Wastewater from the CMC WWTP is treated and discharged to Chorro Creek in accordance with the CMC's NPDES permit (Central Coast Regional

Board Order No. R3-2006-032). Currently, the WWTP treats an average of 1.13 million gallons per day (mgd). As discussed in Section 3.17, "Utilities/Service Systems," the WWTP for CMC is currently in violation of concentration-based trihalomethanes (THMs) and chloride residual requirements. On July 16, 2009, CDCR received a Findings of Violation and Order for Compliance from the EPA, EPA Docket No. CWA 309(a)-09-028, (EPA Order) addressing the WWTP's non-compliance with the THM and chlorine residual requirements.

The chemical characteristics of the additional wastewater flows from the proposed project would be expected to be similar to existing flows and are not anticipated to exacerbate the status of CMC's current violation, or interfere with efforts to comply with the EPA Order. Furthermore, the project's increase of additional wastewater flow is small relative to the total (please see Section 3-17, "Utilities and Service Systems," for additional information). However, CDCR is implementing a new treatment system consistent with the EPA Order (see Section 3-17, "Utilities and Service Systems," for additional information) and is treating any additional wastewater flows generated by the proposed project as potentially significant. As such, implementation of mitigation measure MM PU-1 will address the potential significance related to wastewater permit requirements, resulting in a less than significant impact.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?

Less than Significant Impact. The CMC operates and receives water from the Chorro Valley Water System (CVWS) whose water entitlements include surface water supplies only. Groundwater is not utilized for potable water supplies. Additionally, no new wells are being proposed as part of the project. As such, groundwater levels would not impacted by the proposed project.

The proposed project would result in an increase in impervious surface area due to the roof of the proposed 50-bed building and the expanded parking lots. The runoff that would otherwise percolate to the groundwater below the project site would be directed to the existing stormwater system and the new unlined stormwater detention basin and drainage channel; both would ultimately be connected to the existing outfall into the creek, resulting in little net effect upon groundwater recharge. Furthermore, as discussed below, there would be no changes or alterations to Chorro Creek, which is a groundwater recharge area for the Chorro Valley Groundwater Basin. As such, the proposed project would not substantially interfere with groundwater recharge.

Since existing entitlements are dependent upon surface water and no groundwater wells are proposed, groundwater supplies would not be significantly depleted, nor would local groundwater table levels

be lowered. In addition, the proposed project would not interfere with groundwater recharge. As such, impacts related to groundwater supplies would be less than significant.

c-e) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on- or off-site erosion, siltation, or flooding – or create or contribute to runoff water which would exceed the capacity of existing of planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. The proposed project would not physically alter Chorro Creek or the existing drainage course at the site in a manner that would result in substantial on- or offsite erosion or siltation. Construction of the proposed project would alter approximately 6.3 acres of land, introducing changes in the absorption rate, drainage patterns, and rate and amount of surface water runoff on the CMC site. Although the proposed project would be expected to result in an increase in the current peak rate of stormwater runoff, capture of the runoff in an additional on-site detention expanded drainage channel would reduce this increase such that it would not result in substantial erosion or siltation. In addition, as discussed under Impact (a), implementation of an SWPPP would ensure that stormwater would be directed to designated facilities, thereby inhibiting any erosion or flooding on- or offsite. As such, impacts would be less than significant.

f) Otherwise substantially degrade water quality?

Less than Significant Impact. Based on the discussion provided regarding the preceding checklist questions, the project does not include any actions that are expected to substantially degrade water quality, and any impact would be less than significant.

g-h) Place housing or structures within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. According to the FEMA Flood Insurance Map entitled Community Parcel Number 06079C 1055F, the proposed project is not located within a 100-year flood hazard area and, therefore, would not situate housing or structures in such a way that flood flows would be impeded or redirected. No impacts would occur.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less than Significant Impact. The General Plan Dam Inundation Map indicates that the proposed project is not located in an area at risk of water inundation due to dam failure. A small reservoir used to provide potable water to City of Morro Bay is located upstream from the project site on Chorro

Creek; however, because of the small size of the reservoir and Chorro Creek's deep banks, impacts from dam failure to the project site would be less than significant.

j) Inundation by seiche, tsunami, or mudflow?

No Impact. Chorro reservoir is located on Chorro Creek upstream of the project site. It is conceivable that seismic activity could trigger a seiche within this reservoir causing waves to extend beyond the reservoir's shores. However, because of the reservoir's small size, it is unlikely that the project site would be inundated by seiche waters.

The General Plan indicates that tsunami hazards in San Luis Obispo County are greatest at elevations below 39 feet and close to the mouths of coastal streams. The project site is located approximately 9 miles inland from the Pacific Ocean and at elevations ranging from 420 to 460 feet. Furthermore, the project site is more than 4.5 miles from the nearest tsunami inundation area as designated by County's Interactive GIS Mapping database. These conditions preclude inundation by a tsunami.

Mudflows generally require large amounts of water and unstable soils on steep terrain. Since there are no large bodies of water upstream from the project site and the project site is located on relatively even topography, mudflows are not likely to occur.

As indicated by the above discussions, site conditions preclude the occurrence of seiche, tsunami, or mudflow at the project site and no impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
10. Land Use/Planning *Would the project:*				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	☐	☐	☒	☐

3.1.21 - Environmental Setting

This section describes the existing land use and potential effects from project implementation on the site and its surrounding area. As a state agency, the CDCR must consider federal or state land use policies, but it is exempt from local plans, policies, and regulations. However, because the project site lies within the unincorporated portion of San Luis Obispo County, the County's land use policies have been taken into consideration. The current County designation for the project site is Public Facility.

Site and Vicinity Setting

The project site (CMC) is within western San Luis Obispo County, California, approximately 1 mile north of the City of San Luis Obispo's northern boundary. CMC is located in a rural setting immediately to the north of the intersection of SR-1 and Colony Drive. Surrounding land uses consist mainly of public uses. Immediately to the west of CMC is CSLO, the headquarters for the California National Guard, and Cuesta College is located approximately 2.5 miles to the west, south of SR-1. CMC's wastewater treatment plant is located to the southwest of these uses, beyond which land uses are agricultural.

3.1.22 - Discussion

a) Physically divide an established community?

No Impact. The CMC's West and East Facility opened in 1954 and 1961, respectively, and the facilities remain surrounded by vacant land, scattered rural residential development, and SR-1. The proposed project is located on the existing CMC grounds. Thus, the project would not divide an established community, and no impact would occur.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The project site is designated "Public Facility" by the San Luis Obispo County General Plan. The Inland Framework Element of the General Plan outlines that land designated as a public facility is for the use of the public and public agencies or is publicly owned. The CMC is operated by the CDCR, and is therefore considered a public facility. The addition of the MHCB facility within the existing CMC property remains consistent with the Public Facilities designation. Further, as a state project, CDCR is exempt from local general plan and zoning restrictions. As such, no impact would occur.

c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?

Less than Significant Impact. The proposed project includes expanding the existing lethal electrified fence on-site. In 1999, the CDCR prepared an HCP as part of a Statewide Electrified Fence Program. As discussed further in Section 3.4, Biological Resources, CDCR has considered the mitigation and requirements of the Statewide Electrified Fence HCP and shall conform to applicable mitigation measures. No other local, regional, or state habitat conservation plans that include the project site have been adopted. As such, impacts would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
11. Mineral Resources *Would the project:*				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

3.1.23 - Environmental Setting

The San Luis Obispo County General Plan designates areas containing mineral resources with the zoning overlays EX (Energy or Extractive Resource Area) or EX_1 (Extractive Resource Area). The proposed project site is not located in an area designated as EX or EX_1.

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. According to the San Luis Obispo County General Plan, the project site and surrounding vicinity is not designated as either EX or EX_1. As such, there are no known mineral resources within or near the project site. No impacts would occur.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. No proposed, existing, or abandoned mines exist on the project site or immediate vicinity. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
12. Noise *Would the project result in:*				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

3.1.24 - Environmental Setting

The CMC is located in western San Luis Obispo County, California, approximately 1 mile north of the City of San Luis Obispo's northern boundary. The institution is located in a rural setting along SR-1, and it is situated immediately to the northeast of the intersection of SR-1 and Colony Drive, which provide the regional and local access to the project site. The nearest offsite sensitive receptors are single-family residences located approximately 50 feet south of the proposed basin and 160 feet south of the expanded parking lot areas of the proposed project.

Sound levels are presented in logarithmic decibels (dB). The dB is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. A-weighted decibels (dBA) approximate the subjective response of the human ear and are adjusted to reflect only those frequencies that are audible to the human ear. The equivalent sound level (L_{eq}) represents a steady-state sound level containing the same total energy as a time varying signal over a given sample period. The peak traffic hour L_{eq} is the noise metric used by Caltrans for all traffic noise impact analysis. The Day-Night Average Level (L_{dn}) is the weighted average of the intensity of

a sound, with corrections for time of day, and averaged over 24 hours. Community Noise Equivalent Level (CNEL) is similar to the L_{dn}, except that it has another addition of 4.77 dB to sound levels during the evening hours between 7 p.m. and 10 p.m.

The County of San Luis Obispo General Plan and County of San Luis Obispo Municipal Code contain noise standards for evaluating the compatibility of proposed new development with the existing or anticipated noise environment. For transportation noise sources, the County of San Luis Obispo (County) has established exterior and interior residential noise standards of 60 L_{dn}/CNEL,dB and 45 L_{dn}/CNEL,dB, respectively. For stationary (non-transportation) noise sources, the County has established hourly and maximum noise level standards for both daytime and nighttime hours. Specifically, noise-sensitive land uses shall not be exposed to stationary hourly daytime and nighttime noise levels exceeding 50 dB and 45 dB, respectively; maximum noise levels exceeding 70 dB and 65 dB for daytime and nighttime hours, respectively; and maximum-level, daytime and nighttime dB-impulse noise of 65 dB and 60 dB, respectively.

To determine the existing noise at and adjacent to the project site, field monitoring was conducted on Thursday, July 2, 2009. An acoustical impact analysis report was prepared for the proposed project and is included in its entirety in Appendix D. Short-term noise measurements were taken at three locations in the project study area. Results of the field monitoring indicate that noise within the proposed project area is generally characterized by vehicular traffic on Santa Rosa Avenue (SR-1), as well as communications over the prison loudspeakers. Only high-altitude aircraft over-flights were observed during the noise measurements, with minimal noise impact. The results of the short-term noise level measurements are presented in Table 10. The noise level measurements were monitored for a minimum period of 30 minutes. The existing noise level measurements ranged from 49.3 to 68.0 dBA L_{eq}, with the highest noise measurement at Site 3.

Table 10: Existing Short-Term Noise Level Results

Site No.	Site Description	Primary Noise Source	Start Time and Measurement (minutes)	Noise Level (dBA L_{eq})
1	Located approximately 5 feet east of the northeastern corner of the prison parking lot	Loudspeaker noise from the prison and parking lot noise.	3:30 p.m. (32:40)	49.3
2	Located approximately 100 feet south of Santa Rosa Street (SR-1) on Bridle Ridge Trail, approximately 5 feet southeast of the centerline	Traffic noise from SR-1.	4:10 p.m. (30:30)	65.7
3	Located approximately 100 feet south of Santa Rosa Street (SR-1) on Mainini Ranch Road, approximately 5 feet west of the centerline	Traffic noise from SR-1	4:52 p.m. (33:30)	68.0
Source: MBA 2009.				

3.1.25 - Discussion

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant With Mitigation Incorporated. The County has established noise standards for residential and non-residential land uses in the Noise Element of the County's 1992 General Plan. The standards apply to noise-sensitive land uses within the existing noise environment, and to noise created by proposed development. The General Plan establishes acceptable interior and exterior noise levels from noise sources generated from transportation sources and acceptable daytime and nighttime noise levels from stationary sources. Maximum allowable noise exposure from transportation and stationary noise sources are shown in Table 11 and Table 12, respectively.

Table 11: Maximum Allowable Noise Exposure-Transportation Noise Sources

Noise Sensitive Land Use	Outdoor Activity Areas L_{dn}/CNEL, dB	Interior Spaces	
		L_{dn}/CNEL, dB	L_{eq9} dB[2]
Residential (except temporary dwellings and residential accessory uses)	60[3]	45	—
Bed and Breakfast Facilities, Hotels and Motels	60[3]	45	—
Hospitals, Nursing and Personal Care	60[3]	45	—
Public Assembly and Entertainment (except Meeting Halls)	—	—	35
Offices	60[3]	—	45
Churches, Meeting Halls	—	—	45
Schools-Preschool to Secondary, College and University, Specialized Education and Training Libraries and Museums	—	—	45
Outdoor Sports and Recreation	70	—	—

Notes:
[1] Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.
[2] As determined for a typical worst-case hour during periods of use.
[3] For other than residential uses, where an outdoor activity area is not proposed, the standard shall not apply. Where it is not possible to reduce noise in outdoor activity areas to 60 dB L_{dn}/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.
Source: MBA 2009.

Table 12: Maximum Allowable Noise Exposure Stationary Noise Sources

	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly L_{eq9}, dB	50	45
Maximum level, dB	70	65
Maximum level, dB-Impulsive Noise	65	60

Notes:
Stationary noise sources are determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.
Source: MBA 2009.

Chapter 22.10, Section 22.10.120 of the County of San Luis Obispo Municipal Code establishes standards for acceptable exterior and interior noise levels and describes how noise shall be measured.

Exterior hourly equivalent sound levels shall not exceed 50 L_{eq},dB during daytime hours and 45 L_{eq},dB during nighttime hours; in addition, maximum sound levels shall not exceed 70 L_{eq},dB during daytime hours and 65 L_{eq},dB during nighttime hours. Interior hourly equivalent sound levels shall not exceed 40 L_{eq},dB during daytime hours and 35 L_{eq},dB during nighttime hours, and maximum sound levels shall not exceed 60 L_{eq},dB during daytime hours and 55 L_{eq},dB during nighttime hours. Section 22.10.120 also includes exceptions and allowances to the noise standards, which are included in the Noise Impact Analysis available in Appendix D of this document. Exceptions that apply to the proposed project are as follows:

- Noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 9 p.m. on any day except Saturday or Sunday, or before 8 a.m. or after 5 p.m. on Saturday or Sunday.
- Traffic on public roadways, railroad line operations, aircraft in flight, and any other activity to the extent regulation thereof has been preempted by state or federal law.

Short-Term Construction Impacts

Short-term noise impacts could occur during construction activities either from (1) the noise impacts created from the transport of workers and movement of construction materials to and from the project site, or from (2) the noise generated on-site during ground clearing/excavation, grading, and building construction activities. Table 13 shows noise generated by typical construction equipment.

Table 13: Construction Noise Emissions and Usage Factors

Equipment Description	Impact Device?	Acoustical Use Factor (%)	Spec 721.560 L_{max} @ 50 ft (dBA, slow)	Actual Measured L_{max} @ 50 ft (dBA, slow)	No. of Actual Data Samples (Count)
All Other Equipment > 5 HP	No	50	85	—	0
Auger Drill Rig	No	20	85	84	36
Backhoe	No	40	80	78	372
Bar Bender	No	20	80	—	0
Blasting	Yes	—	94	—	0
Boring Jack Power	No	50	80	83	1
Chain Saw	No	20	85	84	46
Clam Shovel (dropping)	Yes	20	93	87	4
Compactor (ground)	No	20	80	83	57
Compressor (air)	No	40	80	78	18
Concrete Batch	No	15	83	—	0
Concrete Mixer Truck	No	40	85	79	40
Concrete Pump	No	20	82	81	30
Concrete Saw	No	20	90	90	55
Crane	No	16	85	81	405
Dozer	No	40	85	82	55
Drill Rig Truck	No	20	84	79	22
Drum Mixer	No	50	80	80	1
Dump Truck	No	40	84	76	31
Excavator	No	40	85	81	170
Flat Bed Truck	No	40	84	74	4
Front End Loader	No	40	80	79	96
Generator	No	50	82	81	19
Generator (<25 KVA, VMS signs)	No	50	70	73	74
Gradall	No	40	85	83	70

Table 13 (Cont.): Construction Noise Emissions and Usage Factors

Equipment Description	Impact Device?	Acoustical Use Factor (%)	Spec 721.560 L_{max} @ 50 ft (dBA, slow)	Actual Measured L_{max} @ 50 ft (dBA, slow)	No. of Actual Data Samples (Count)
Grader	No	40	85	—	0
Grapple (on backhoe)	No	40	85	87	1
Horizontal Boring Hydraulic Jack	No	25	80	82	6
Hydra Break Ram	Yes	10	90	—	0
Impact Pile Driver	Yes	20	95	101	11
Jackhammer	Yes	20	85	89	133
Man Lift	No	20	85	75	23
Mounted Impact Hammer (hoe ram)	Yes	20	90	90	212
Pavement Scarafier	No	20	85	90	2
Paver	No	50	85	77	9
Pickup Truck	No	40	55	75	1
Pneumatic Tools	No	50	85	85	90
Pumps	No	50	77	81	17
Refrigerator Unit	No	100	82	73	3
Rivit Buster/chipping gun	Yes	20	85	79	19
Rock Drill	No	20	85	81	3
Roller	No	20	85	80	16
Sand Blasting (Single Nozzle)	No	20	85	96	9
Scraper	No	40	85	84	12
Shears (on backhoe)	No	40	85	96	5
Slurry Plant	No	100	78	78	1

Table 13 (Cont.): Construction Noise Emissions and Usage Factors

Equipment Description	Impact Device?	Acoustical Use Factor (%)	Spec 721.560 L_{max} @ 50 ft (dBA, slow)	Actual Measured L_{max} @ 50 ft (dBA, slow)	No. of Actual Data Samples (Count)
Slurry Trenching Machine	No	50	82	80	75
Soil Mix Drill Rig	No	50	80	—	0
Tractor	No	40	84	—	0
Vacuum Excavator	No	40	85	85	149
Vacuum Street Sweeper	No	10	80	82	19
Ventilation Fan	No	100	85	79	13
Vibrating Hopper	No	50	85	87	1
Vibratory Concrete Mixer	No	20	80	80	1
Vibratory Pile Driver	No	20	95	101	44
Warning Horn	No	5	85	83	12
Welder/Torch	No	40	73	74	5
Source: MBA 2009.					

Impacts from construction noise have been calculated according to the equipment noise levels listed above in Table 13 and through the use of the Roadway Construction Noise Model (RCNM).

For the purposes of this noise impact analysis, a construction-related noise impact would be considered significant if construction activities are undertaken between the hours of 9 p.m. and 7 a.m. Monday through Friday, or between the hours of 5 p.m. and 8 a.m. on Saturday and Sunday.

The greatest noise impacts to nearby residential homes would be anticipated to occur during construction of the new parking lots and MCHB facility, since the demolition equipment produces the highest noise levels. Construction noise has been modeled on the equipment assumption from the Air Quality and Climate Change Analysis, prepared by MBA in July 2009: that the simultaneous operation of four cement mixers, one paver, two paving equipment one roller, one tractor, two graders, one loader, and one water truck would occur during construction of the proposed project. The equipment was placed 100 feet apart starting at the edge of the area to be graded in order to create the worst-case noise levels at the nearby sensitive receptors. This would result in a noise level of 75.9 dBA L_{eq} and 78.8 dBA L_{max} at the nearest single-family residences. The RCNM printouts are

provided in Appendix D. With compliance of the limitation in construction hours detailed in Section 22.10.120 of the Municipal Code, the construction-related noise associated with the proposed project would not generate noise levels in excess of standards. However, construction activities may expose nearby sensitive receptors to significant noise levels. The estimated construction noise levels represent a potentially significant impact. Mitigation Measure MM NOI-1 is provided below to reduce construction noise to less than significant levels.

Long-Term Operational Noise

The proposed project would generate additional vehicular trips on roadways in the project vicinity. Noise from motor vehicles is generated by engine vibrations, the interaction between tires and the road, and the exhaust system.

Offsite Long-Term Vehicular Noise Impacts

The proposed project's offsite traffic noise impacts have been analyzed, consistent with the near term and cumulative conditions identified in the TIA (Appendix E). Each scenario is discussed below in further detail.

For the purposes of this noise impact analysis, a traffic-related noise impact would be considered significant if the proposed project increases the noise levels for a noise-sensitive land use by:

- 5 dBA CNEL, where the without project noise level is less than 60 dBA CNEL;
- 3 dBA CNEL, where the without project noise level is 60 to 65 dBA CNEL; or
- 1.5 dBA CNEL, where the without project noise level is greater than 65 dBA CNEL.

Near Term Conditions

As shown in Table 14 for the near term conditions, the noise level contributions from the proposed project to the study area roadways would range from 0.0 to 0.3 dBA CNEL. A 0.3 dBA noise increase would be below the thresholds of significance discussed above. Therefore, based on thresholds of significance defined above, no significant near-term, offsite noise impacts from project-related vehicle noise would occur along the study area roadways segments.

Table 14: Near-Term Project Noise Contributions

Roadway	Segment	CNEL at 100 feet			
		No Project	With Project	Project Contribution	Potential Significant Impact?
Colony Drive	North of Santa Cruz Road	50.5	50.8	0.3	No
Colony Drive	North of State Route 1	50.7	51.0	0.3	No
Highland Drive	North of State Route 1	55.9	56.0	0.1	No
Highland Drive	South of State Route 1	51.5	51.5	0.0	No

Table 14 (Cont.): Near-Term Project Noise Contributions

Roadway	Segment	CNEL at 100 feet			
		No Project	With Project	Project Contribution	Potential Significant Impact?
Santa Rosa Street (SR-1)	West of Highland Drive	68.6	68.6	0.0	No
Santa Rosa Street (SR-1)	East of Highland Drive	66.4	66.5	0.1	No
Source: MBA, 2009.					

Cumulative Conditions

As shown in Table 15, the noise level contributions from the proposed project to the study area roadways would range from 0.0 to 0.3 dBA CNEL. A 0.3 dBA noise increase would be below the thresholds of significance discussed above. Therefore, based on the thresholds of significance defined above, no significant cumulative offsite noise impacts from project-related vehicle noise would occur along the study area roadways segments.

Table 15: Cumulative With Project Noise Contributions

Roadway	Segment	No Project	With Project	Project Contribution	Potentially Significant Impact?
Colony Drive	North of Santa Cruz Road	50.5	50.8	0.3	**No**
Colony Drive	North of SR-1	50.7	51.0	0.3	**No**
Highland Drive	North of SR-1	56.6	56.6	0.0	**No**
Highland Drive	South of SR-1	52.4	52.5	0.1	**No**
Santa Rosa Street (SR-1)	West of Highland Drive	69.5	69.6	0.1	**No**
Santa Rosa Street (SR-1)	East of Highland Drive	67.3	67.4	0.1	**No**
Source: MBA 2009.					

Offsite Stationary Noise Impacts

Stationary noise impacts associated with the ongoing operations of the proposed project have been analyzed separately from the offsite vehicular noise impacts, since on-site noise sources may be directly regulated by local jurisdictions and are typically defined by stationary source noise regulations. The proposed project would result in potential stationary noise impacts to the nearby residences from the expanded prison speaker system, additional HVAC units, parking lot areas, and on-site vehicular traffic.

According to Policy 3.3.5 of the General Plan, a stationary exterior noise impact would be considered significant if the noise levels created on-site exceed 50 dBA L_{eq} during the daytime (7 a.m. to

10 p.m.) and 45 dBA L_{eq} during the nighttime (10 p.m. to 7 a.m.), when measured on the property line of any nearby residential property.

Noise Measurement Site 1 described above (Table 10) was taken at the northern edge of the existing prison parking lot in order to determine the noise level created by the ongoing operations of a prison facility. Noise Measurement Site 1 recorded a noise level of 49.3 dBA L_{eq}. During the noise measurement the primary sources of noise was from the prison speaker system and vehicles operating in the parking lot.

According to Table 13, above, a generator would create a noise level of 82 dB at 50 feet. The proposed backup generator would be located in the southeast corner of the new secure perimeter area. The nearest sensitive receptors to the proposed backup generator are the single-family homes located as near as 1,150 feet to the south. Based on the noise attenuation rate for "hard sites" of 6 dB per doubling of distance, the anticipated stationary noise impact created by the operations of the proposed backup generator at the single-family residences to the south would be 54.8 dBA L_{eq}. A noise level of 54.8 dBA L_{eq} would exceed both the daytime and nighttime residential stationary noise standards by 4.8 dB and 9.8 dB, respectively. Therefore, operation of the backup generator would create a potentially significant impact. Mitigation Measure MM-NOI-2 is provided to reduce the generator noise to a less than significant impact.

The noise created from the expanded prison speaker system, additional HVAC units, parking lot areas, and on-site vehicular traffic are all existing noise sources on the project site that will move closer to the existing single-family homes to the south due to the proposed construction. Noise Measurement Site 1 was taken at the northern edge of the existing prison parking lot and captured the noise created from all of these sources. Noise Measurement Site 1 recorded a noise level of 49.3 dBA L_{eq}. The nearest sensitive receptors are the single-family homes located as near as 160 feet south of the expanded portion of Parking Lot B. Based on the noise attenuation rate for "hard sites" of 6 dB per doubling of distance, the anticipated stationary noise impact created by the operations of the proposed project at the single-family residences to the south would be 25.2 dBA L_{eq}. An operational noise level of 25.2 dBA L_{eq} would be within the residential exterior noise thresholds for both daytime and nighttime. Therefore, a less than significant stationary noise impact is anticipated to occur from the expanded prison speaker system, additional HVAC units, parking lot areas, and on-site vehicular traffic to the occupants of any of the existing nearby residential uses.

MM NOI-1 The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:

- Construction activities shall be limited to between the hours of 7 a.m. and 9 p.m. on weekdays and between the hours of 8 a.m. and 5 p.m. on Saturdays and Sundays.

- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest offsite building, unless safety or technical factors take precedence.
- Stationary combustion equipment such as pumps or generators operating within 300 feet of the nearest single-family residence shall be shielded with a noise protection barrier.

MM NOI-2 The project applicant shall require that a minimum 10 dB of attenuation is provided for the backup generator. This may be achieved through placing the backup generator in an enclosure with a roof. The enclosure shall not have any cutouts on the south side.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Groundborne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero. The effects of groundborne vibrations typically only cause a nuisance to people, but at extreme vibration levels, damage to buildings may occur. Construction activities can produce vibration that may be felt by adjacent uses. The short-term and long-term groundborne vibration impacts associated with project construction and operation are discussed separately below.

Short-Term Construction Impacts

The construction of the proposed project would not require the use of equipment such as jackhammers and pile drivers, which are known to generate substantial construction vibration levels. The primary source of vibration during construction would be from a large bulldozer. The ground vibration levels associated with various construction equipment are depicted in Table 16.

Based on the data provided in Table 16, a large bulldozer would produce a vibration level of 0.089 peak particle velocity **(**PPV) or 87 vibration velocity (VdB) at 25 feet. For the purposes of this noise impact analysis, construction-related and operations-related vibration impacts would be considered significant if they involve any construction or ongoing operations activities that would create a vibration in excess of 0.2 inch per second or 94 VdB at the nearby sensitive receptors.

Table 16: Vibration Source Levels for Construction Equipment

Equipment	Peak Particle Velocity (inches/second)	Approximate Vibration Level (VdB) at 25 feet
Pile driver (impact)	1.518 (upper range) 0.644 (typical)	112 104
Pile driver (sonic)	0.734 upper range 0.170 typical	105 93
Clam shovel drop (slurry wall)	0.202	94
Hydromill (slurry wall)	0.008 in soil 0.017 in rock	66 75
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
Large bulldozer	0.089	87
Caisson drill	0.089	87
Loaded trucks	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58
Source: MBA 2009.		

The closest vibration-sensitive land uses are the single-family residential homes located approximately 50 feet south of the proposed storm drain basin. It is anticipated that the vibration levels caused by a large bulldozer operating on the southern edge of the project site at the nearest home will be approximately 0.02 inches per second PPV or 81 VdB, which is below the 0.2 inch per second or 94 VdB vibration threshold. Therefore, construction-related vibration would not create a significant impact.

Long-Term Operational Impacts

The proposed project would result in the development of a 50-bed MHCB facility. The ongoing operations of the proposed project would require additional truck deliveries to the project site, which may create vibration impacts. The nearest sensitive receptors are single-family residences located as near as 160 feet south of the expanded portion of Parking Lot B. According to the attached noise study, a truck on a paved surface would typically produce a vibration level of 63 VdB at 50 feet. This would result in a vibration level of 0.0008 inches per second PPV or 53 VdB at the nearest residence, which is below the 0.2 inch per second PPV or 94 VdB vibration threshold. Therefore, the vibration impacts caused by the ongoing operations of the proposed project onto the existing nearby homes would be less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant Impact. The CEQA Guidelines and the County's General Plan provide no definition of what constitutes a substantial noise increase; however, Caltrans provides guidance that can be used to define substantial changes in noise levels that may be caused by a project. The thresholds below generally apply to transportation noise that is usually expressed in terms of average noise exposure during a 24-hour period, such as the L_{dn} or CNEL. Project-generated increases in noise levels that exceed those outlined in the thresholds below and that affect existing noise-sensitive land uses (receptors) are considered substantial; therefore, they would constitute a significant noise impact. The proposed project will create a significant noise-related impact if it would:

- Increase noise levels by 5 dB or more where the without project noise level is less than 60 dB.
- Increase noise levels by 3 dB or more where the without project noise level is 60 to 65 dB.
- Increase noise levels by 1.5 dB or more where the without project noise level is greater than 65 dB.

As discussed in Impact a), and as shown in Table 14 and Table 15, the long-term operational noise associated with offsite traffic for the near-term and cumulative conditions would not be anticipated to result in a noticeable increase (i.e., 3 dB or greater) in average daily ambient noise levels along any roadway segment in the project area. Therefore, the long-term operational noise associated with offsite traffic is not anticipated to result in a substantial permanent increase in ambient noise levels in the proposed project area; thus, ambient noise level impacts from increased offsite traffic would be less than significant.

As previously mentioned in Impact a), noise from the expanded speaker system, additional HVAC Units, parking lot areas, and on-site vehicular traffic would not result in an increase in ambient noise levels form stationary sources based on the noise attenuation rate and distance to nearby noise-sensitive receptors (single-family residences 50 feet south of the project site). According to the acoustical analysis, the anticipated stationary noise impact created by the operations of the proposed project at the single-family residences to the south would be 25.2 dBA L_{eq}. An operational noise level of 25.2 dBA L_{eq} would be within the residential exterior noise thresholds for both daytime and nighttime. Impacts resulting from an increase in ambient noise levels because of stationary sources would be less than significant.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Less than Significant with Mitigation Incorporated. As discussed in Impact a), the greatest noise impacts to the nearby residential homes would occur during the simultaneous construction of the new parking lots and MCHB facility of the project site, since the demolition equipment produces the highest noise levels. The worst-case noise levels would be 75.9 dBA L_{eq} and 78.8 dBA L_{max} at the nearest single-family residences. Compliance with the limitation in construction hours detailed in Section 22.10.120 of the Municipal Code would ensure that project construction would not generate noise levels in excess of standards. Nevertheless, short-term construction noise may expose nearby

sensitive receptors to significant noise levels. Mitigation Measure MM NOI-1, which limits when construction activities can take place, requires noise reduction features and barriers, and stipulates minimum distances for maintenance activities, would reduce short-term impacts to less than significant and would therefore reduce short-term ambient noise levels to less than significant levels.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project site is not located within two miles of an airport land use plan or in the vicinity of a public airport. The nearest public airport to the proposed project is the San Luis Obispo County Regional Airport, located approximately 7 miles to the south. Thus, the proposed project would not result in the exposure of people residing or working in the project area to excessive airport noise levels. As a result, the proposed project would have no impact with respect to airport noise.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project site is not located within the vicinity of an airport land use plan or in the vicinity of a private airstrip. Thus, the proposed project would not result in the exposure of people residing or working in the project area to excessive airstrip noise levels. As a result, the proposed project would have no impact with respect to airstrip noise.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
13. Population/Housing *Would the project:*				
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

3.1.26 - Environmental Setting

The project site is contained within the existing CMC facility and is designated Public Facility in the San Luis Obispo General Plan. The current prison population consists of 6,586 inmates and 2,135 personnel. The proposed project may directly or indirectly result in an increase of up to 200 additional staff. Zip code data provided by CDCR indicate that the current prison employees reside in over 60 different jurisdictions. The main jurisdictions are listed below in Table 17. Jurisdictions representing less than 5 percent of the total employees have been grouped as "other."

Table 17: Current and Project Population and Housing for CMC Employees

Jurisdiction	Current Employee Residence		Expected Distribution of Transferred Employees		Number of New Households [c]		Transferred Employees and Family Population [d]	
	Number	Percentage	75%[a]	100%[b]	75%	100%	75%	100%
Atascadero	384	18	27	36	24	32	72	96
Paso Robles	363	17	25	34	22	30	66	90
San Luis Obispo	214	10	15	20	13	18	39	54
Santa Maria	149	7	11	14	10	12	30	36
Los Osos	128	6	9	12	8	11	24	33
Arroyo Grande	128	6	9	12	8	11	24	33
Other [e]	769	36	54	72	47	63	141	189
Total	2,135	100	150	200	132	177	396	531

Table 17 (Cont.): Current and Project Population and Housing for CMC Employees

Jurisdiction	Current Employee Residence		Expected Distribution of Transferred Employees		Number of New Households [c]		Transferred Employees and Family Population [d]	
	Number	Percentage	75%[a]	100%[b]	75%	100%	75%	100%

Notes:
[a] Assumes 75% of all 200 new employees would relocate to the region.
[b] Assumes 100% of the all 200 new employees would relocate to the region.
[c] Assumes a household size of 1.14 employees per household
[d] Assumes a household size of 3.00 persons.
[e] Other includes jurisdictions that represented 5% or less of total employee population.
Source: Population and demographic information has been provided by CDCR 2009.

3.1.27 - Discussion

a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?

Less than Significant Impact. For the purpose of CEQA analysis, it is assumed that the project may directly or indirectly result in an increase of up to 50 additional inmates and 200 additional staff. This would potentially increase CMC's inmate population from approximately 6,586 to as many as 6,636. The number of staff at the facility would potentially increase from approximately 2,135 to as many as 2,335. It is important to note that the estimated addition of as many as 50 inmates and 200 staff is intended to capture any possible increases resulting *directly* from the activation of the proposed MHCB facility, as well as any possible increases resulting *indirectly* when the existing OHU facility is re-purposed. Because the ultimate use of the existing OHU is not known at the present time, it is not possible to precisely predict possible future increases in either inmates or staffing. It is probable, however, that the number of new inmates and staff resulting directly and indirectly from activation of the MHCB would in reality prove to be fewer than 50 inmates and fewer than 200 staff.

While the proposed project would create an estimated additional 200 jobs, it is not expected to attract substantial population growth to the area. The new jobs range from custodial, administrative, and food service, to medical personnel. Based on historical data, the CDCR conservatively estimates that approximately 75 percent of the employees needed for these positions would come from outside the local area. It is also assumed that new employees would be relocating to the area with their families. Based on CDCR zip code data for existing CMC employees, future employees are likely to live in the following cities: Atascadero, Paso Robles, San Luis Obispo, Santa Maria, Los Osos, or Arroyo Grande, though 36 percent of current employees live throughout 50 different surrounding cities. Based on employee data from other CDCR institutions, it is assumed the average household size for CDCR employees is 3.0 persons, and that each employee household has an average of 1.14 people in that household who work at the correctional facility (CDCR 1995). As show in Table 17, if 75 percent of new employment positions at the project site are filled by personnel located outside the

local area, implementation of the proposed project would result in an increase of 396 persons and 132 households in the communities listed above. If 100 percent of new project-related employees and their families relocated to the area from outside the region, implementation of the project would result in an increase of 531 persons and 177 households. It is assumed that persons and households would be distributed throughout the various locations similar to current conditions.

The 200 new employees and associated families are expected to relocate to the area between 2010 and 2013. According to the Department of Finance, San Luis Obispo County population grew by approximately 23,748 persons between 2000 and 2009, experiencing approximately a 1 percent annual growth rate. Assuming the same growth rate, the population of San Luis Obispo County is expected to grow by 2,784 persons (from 278,418 persons to 281,202 persons) from 2012 to 2013. If 75 percent of new project-related employees and their families relocate to the County during this time, the proposed project would represent 14 percent of the anticipated population growth in the County (396 persons divided by 2,784 persons). If 100 percent of new employees and their families relocate to the area, the proposed project would represent 19 percent of anticipated population growth (531 persons divided by 2,784 persons).

The available housing stock in the County would be able to support the possible 165 new households that the proposed project may require. According to Census data, between 2005 and 2007, San Luis Obispo had an estimated 114,020 total housing units with a homeowner vacancy rate of 1.7 percent and a rental vacancy rate of 2.8 percent. In addition, the San Luis Obispo Council of Governments (SLOCOG) allotted 4,885 additional units from 2009 to 2014 for the County. As such, the proposed project's potential need for up to 177 new households in San Luis Obispo County would account for a small fraction of existing and expected housing stock and would not constitute substantial population growth.

The infrastructure improvements associated with the implementation of the proposed project consist of tie-ins to existing infrastructure. Proposed infrastructure would serve only the on-site inmates and staff and would not be available for the general population. As such, the proposed project would not have a significant impact on indirect population growth.

In conclusion, the proposed project would not contribute to substantial population growth in the region as a result of the creation of 200 new jobs associated with the MHCB facility. New employees and their families would account for only a small fraction of forecasted regional population growth. In addition, new households would be distributed throughout the region and would account for a small fraction of existing and anticipated regional housing stock. As such, project-related regional population increases are not considered substantial enough to necessitate new homes or infrastructure, and impacts would be considered less than significant.

b-c) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project site is located at the existing CMC Facility. The only facility that is displaced by the proposed project is a parking lot. As such, the proposed project would not displace any people or public housing facilities. The purpose of the proposed project is to provide a new MHCB facility for inmate-patients within the CDCR system. Potential environmental impacts associated with the construction of the new MHCB have been identified in this document and have been assigned corresponding mitigation measures to lessen potential impacts to less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
14. Public Services *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*				
a) Fire Protection?	☐	☐	☒	☐
b) Police Protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

3.1.28 - Environmental Setting

Fire Services

CMC has an on-site fire department that serves the facility. The CMC Fire Department is located in front of the East Vehicle sally port on the north side of Los Angeles Avenue and is staffed with one Fire Chief, four Fire Captains, one Associate Hazardous Material Specialist, and 12 inmate firefighters. The station is equipped with two Type 2 fire engines, one quick attack, one emergency transport vehicle-ambulance, one hazardous material truck, and one chief's vehicle.

Average response time of the fire department on institutional grounds is 3 to 5 minutes, which meets adopted response time standards. For the year 2008, the Fire Department had 1,516 medical responses, 29 fire responses, 8 hazardous material responses, 100 mutual aid responses, and 38 public assist responses for a total of 1,691 responses.

Police Services

CMC provides law enforcement within its boundaries. There are currently 1,142 correctional officers employed at the CMC facility.

School Services

Twelve school districts serve the local vicinity of the project site (San Luis Obispo County).

Parks

San Luis Obispo County maintains several parks around the vicinity of CMC. Cuesta Park and El Chorro Regional Park are to the north of the site near the City of San Luis Obispo; Los Osos Community Park is to the west of the facility, in the City of Los Osos; and to the south near Pismo Beach are the Bob Jones Bike Trail, Avila Beach Park, and Oceano Park. To the east of the facility are the Lopez Lake Recreation Area and Biddle Regional Park. These parks would serve the needs of the employees. Within the secure perimeter of CMC, inmates have access to recreational activities.

3.1.29 - Discussion

a) Fire Protection?

Less than Significant Impact. The project site is served by the existing CMC Fire Department on-site and the CDF under a mutual aid agreement. The building would be in compliance with the Uniform Fire Code. In the event of a construction accident, emergency medical services would be provided through fire services. This situation, were it to occur, would not pose a significant impact on existing services. As such, the proposed project would not generate a significant need for additional fire protection services.

b) Police Protection?

Less than Significant Impact. The proposed project site is within the existing CMC facility. The CDCR staffs correctional facilities, including the CMC, with fully armed officers and handles all law enforcement needs at its facilities. Therefore, the proposed project would not interfere with law enforcement services. Approximately 80 additional custody staff have been included in the proposed project to address the additional security needs of the proposed project. As such, impacts to police services would be less than significant.

c) Schools?

Less than Significant Impact. New relocating employees would bring school-age children to the cities in which they relocate. Given the expected wide distribution of employee residences (see Section 3.13, Population and Housing), new residences are not expected to result in the demand for a full classroom in any school district. Any homes that are constructed in communities are subject to school impact fees, which state legislation (SB 50) has deemed fully mitigates school impacts under CEQA. Given the wide distribution of expected new employee residences and required school impact fees associated with housing, impacts to schools would be less than significant.

d) Parks

Less than Significant Impact. As discussed in Section 3.13, Population and Housing, the proposed project would generate an estimated 200 new employment opportunities and thus has the potential for growth-induced population increases and associated demands on public services. However, based on zip code data for the current operations, all new employees would be distributed over approximately 60 different cities throughout the region, so increased demand related to parks or any other public services in any one area would be low. Additionally, assuming 100 percent of new project-related employees and their families relocate to the area from outside the region, implementation of the proposed project would bring 531 people to the region. With a population of approximately 271,000, they would increase the population of the County by less than 0.2 percent. As such, demand for public services that may result from the increase would not be expected to result in the need for new or physically altered governmental facilities. Therefore, this impact would be less than significant.

e) Other Facilities

Less than Significant Impact. The proposed project has the potential to attract new employees from surrounding medical facilities. CEQA and the CEQA Guidelines do not require analysis of sociological or economic effects unless those effects would result in a significant impact on the physical environment. No substantial evidence has been identified that would indicate sociological or economic effects that would have an impact on the physical environmental. Conversely, the proposed project would provide as many as 200 additional jobs including custody, support, and medical positions of different types and skill levels. As such, impacts related to surrounding medical facilities are less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
15. Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

3.1.30 - Environmental Setting

The project site is designated as a public facility in the General Plan, as described in Section 3.10, Land Use. The closest recreational facility to the project site is El Chorro Regional Park, located approximately 1.5 miles to the northwest. El Chorro Regional Park includes a golf course, baseball diamonds, camping facilities, day use area, botanical gardens, and hiking trails. Other recreational facilities in the project vicinity include the Laguna Lake Park and Nature Reserve in the town of San Luis Obispo and the Morro Bay State Park located southwest of the town of Morro Bay.

3.1.31 - Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less than Significant Impact. Operation of the MHCB facility would require approximately 200 additional staff at the CMC. As discussed in Section 3.13, Population/Housing, the addition of 200 new staff would not be expected to cause substantial population growth and would therefore not cause a substantial increase in the use of local recreational facilities. As such, substantial physical deterioration of existing neighborhood and regional parks or other recreational facilities would not take place, and impacts would be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

No Impact. The proposed project does not include recreational facilities, nor would it require the construction or expansion of such facilities. As such, no adverse physical effect would occur to the environment. No impacts would occur.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
16. Transportation/Traffic *Would the project:*				
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?	☐	☐	☐	☒

The following discussion is based on the Traffic Impact Analysis (TIA) prepared for the proposed project (KHA 2009) (Appendix E).

The project study area for the TIA was determined though consultation with the County of San Luis Obispo, Caltrans, and CDCR. The study area was evaluated under the Near Term (Existing Conditions + Approved Developments), Near Term Plus Project (Existing Conditions + Approved Developments + Project), Cumulative (2030) Without Project, and Cumulative (2030) Plus Project scenarios. Scenarios were analyzed for the following intersections (Exhibit 3-5):

- Colony Drive and SR-1
- Colony Drive and Santa Cruz Road
- SR-1 and Highland Drive

3.1.32 - Environmental Setting

CMC is located in a rural setting along SR-1 and is situated immediately to the northeast of the intersection of SR-1 and Colony Drive, which provide the regional and local access to the facility. Streets near CMC and the surrounding area are described below.

- **State Route 1 (SR-1)** travels north-south through the City of San Luis Obispo and provides regional access to the CMC. The posted speed limit along SR-1 is 65 mph near Colony Drive, 55 mph north of Highland Drive, and 45 mph south of Highland Drive. SR-1 is a Caltrans facility.
- **Colony Drive** is a two-lane roadway operating similar to a collector street that travels east-west within the study area. Colony Drive provides local access to abutting property and serves as the primary entrance to the CMC, where the road terminates. The posted speed limit along Colony Drive is 25 mph.
- **Santa Cruz Road** is a two-lane roadway operating similar to a collector street that travels north-south within the study area, generally located between Colony Drive and Kern Avenue to the north. Santa Cruz Road provides direct access to the West facility.
- **Los Angeles Avenue** is a two-lane roadway operating similar to a local street that travels north-south within the study area, adjacent to the existing facility. Los Angeles Avenue provides secondary access to the visitor parking lot and maintenance facilities.
- **Highland Drive** is a two-lane roadway that travels east-west through the study area. It is classified by the City of San Luis Obispo as an arterial east of SR-1 and as a collector west of SR-1. Highland Drive serves as one of the primary entrances to the Cal Poly campus. The posted speed limit along Highland Drive is 30 mph east of SR-1 and 25 mph west of SR-1.

All study intersections currently operate at acceptable levels of service for Near Term Scenario (Existing Conditions + Approved Developments). The Near Term scenario includes the traffic expected to be generated by approved and planned projects prior to completion of the proposed project; which include the Cal Poly Technology Park and the Student Housing North projects.

3.1.33 - Discussion

a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Less than Significant Impact. The proposed project would employ an estimated 200 people and would generate approximately 322 daily trips, of which 69 are peak-hour trips: 40 are projected for the AM peak hour (37 in, 3 out) and 29 are projected for the PM peak hour (2 in, 27 out). Trip

generation rates for the proposed project were based on the Institute of Transportation Engineers Trip Generation Manual supplemented with site-specific traffic counts that were used to calculate existing trip generation. Estimation of future trip generation is based on the number of employees at the facility. Detailed trip generation calculations are provided in Appendix E.

According to the City of San Luis Obispo level of service (LOS) standards, an acceptable LOS is defined as LOS D or better at all intersection during the peak hours. However, Caltrans has established the cusp of LOS C/D as the minimum acceptable standard for the intersection for Highland Drive and SR-1. For the purposes of this analysis, a traffic impact is significant if the addition of project traffic causes a signalized or all-way stop-controlled intersection's LOS under existing conditions to deteriorate from an acceptable LOS (LOS D for City facilities or C/D for Caltrans facilities) to an unacceptable LOS.

All study intersections would operate acceptably or better with the addition of project traffic during the AM and PM peak hours; therefore, traffic impacts from the addition of project-related trips to intersections would be less than significant. In addition, under cumulative year 2030 baseline no-project and with-project conditions, all of the study intersections would operate at an acceptable level of service, resulting in a less than significant impact.

Given CMC's rural location, it is unlikely that employees or visitors will walk to the facility. Currently, there is no scheduled bus stop at the facility, but those who use transit can access the bus (through a flag stop) within the facility. It is expected that the proposed project would generate negligible increases in pedestrian, bicycle, and bus demand; therefore, it would have a less than significant impact to these alternative modes of transportation.

Project construction would result in short-term traffic increase on local roadways during off-peak hours. Proposed project construction work shifts would occur from 7 a.m. to 4 p.m., Monday through Friday, and construction activities could require up to 60 daily vehicle trips. Because construction workers would arrive and depart during off-peak hours and would avoid conflicts with adjacent street peak hour conditions, construction impacts would be less than significant.

b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

No Impact. As discussed above under Impact a), all of the study area intersections analyzed are expected to continue operating acceptably under Caltrans and City of San Luis Obispo standards. Cumulative traffic volumes at the study intersections were estimated for year 2030 by using growth rates derived from the SLOCOG travel demand forecasting model. Land use data is included in the model on a traffic analysis zone level of detail. Model output files received from SLOCOG were utilized to develop future traffic projections. As a result of modeling the proposed project in year

2030 conditions, all study intersections are projected to continue to operate at acceptable LOS during the AM and PM peak hours, resulting in no impact.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. The proposed project does not contain any uses that could alter air traffic patterns. Therefore, no impact would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

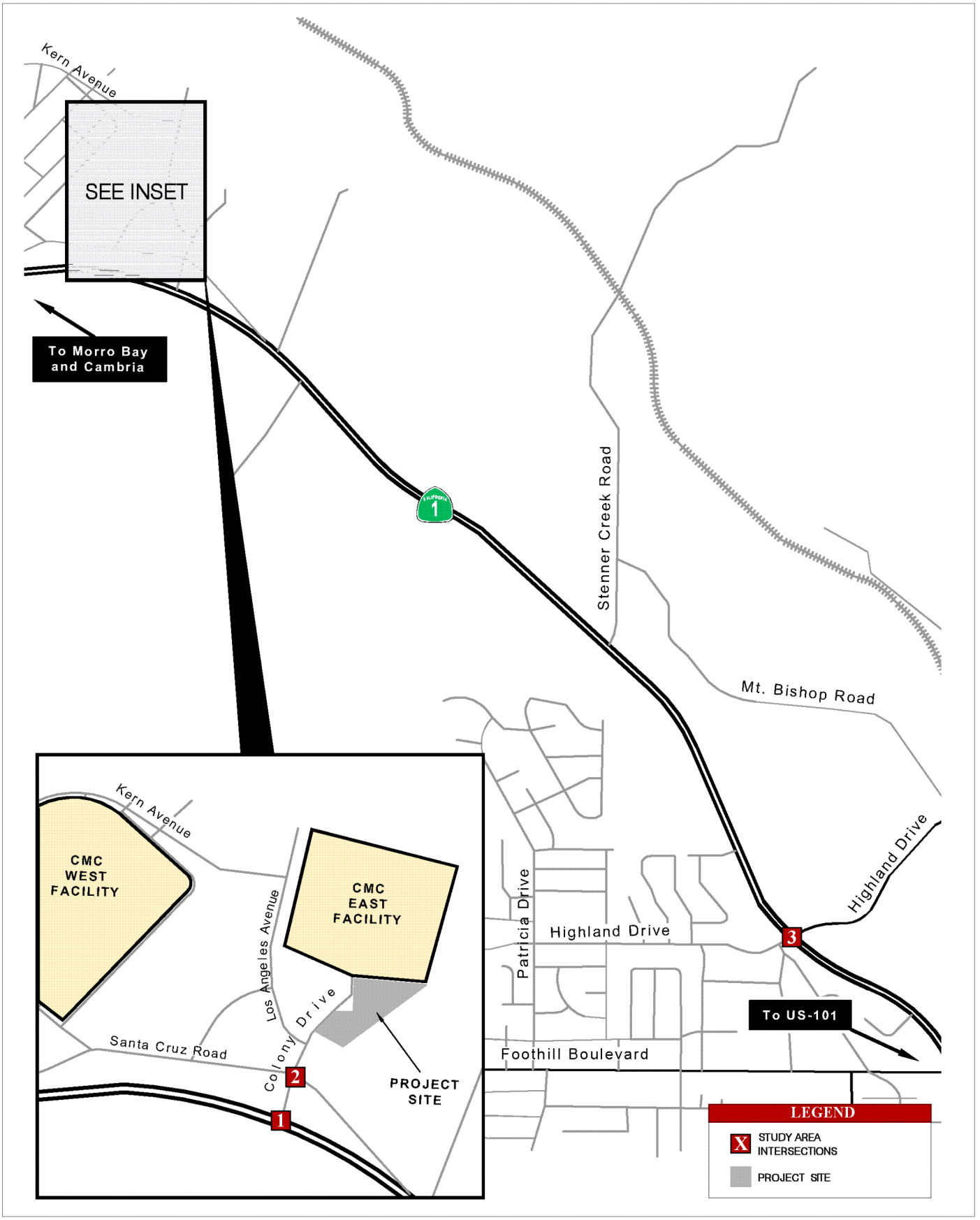
No Impact. The proposed project is located on the grounds of the existing CMC property. Existing roadways on CMC were designed to safely serve the facility, and proposed project construction would employ a standard design that is consistent with new CDCR structures as well as the existing CMC. Because project construction and operation would not increase hazards that are due to a design feature or incompatible use, there would be no impact.

e) Result in inadequate emergency access?

No Impact. Existing emergency access to the CMC is adequate. Proposed project construction activities would occur entirely on the CMC property and would not change or impair emergency vehicles access to the facility. Project operation would result in the generation of 322 daily trips and would not hamper emergency access. Because emergency access would remain adequate, no impact would occur.

f) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

No Impact. As discussed above under Impact a), the proposed project is expected to generate negligible increases in pedestrian, bicycle, and bus demand. These negligible increases would not require increased service, facilities, or support, nor would they require alteration to existing adopted policies, plans, or programs supporting alternative transportation.



Source: Kimley-Horn and Associates, Inc., June 2009.

NORTH Not to scale

Michael Brandman Associates

Exhibit 3-5
Study Area and Intersection Locations

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
17. Utilities/Service Systems *Would the project:*				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☒	☐	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

3.1.34 - Environmental Setting

For the purposes of CEQA analysis, it is assumed that the project may directly or indirectly result in an increase up to 50 additional inmates and 200 additional staff that would place additional demands on public utilities.

Water Conservation Devices

CDCR is currently implementing a program to install water conservation devices (also called flush control valves or flushometers) at CMC as well as other facilities throughout the State. The incorporation of these devices began in December of 2007; to date, 650 of 2,425 planned devices have been installed in the CMC facility. Installation of the remaining 1,775 devices is ongoing and is expected to be completed by April 2010, prior to the construction of the proposed project. Based on CDCR available flow data from state facilities, wastewater and water flows have been reduced by 10

to 30 percent after installation of the devices. For the purpose of this analysis, a conservative 10 percent water and wastewater reduction is assumed upon completion of the installations.

Potable Water

CMC operates the CVWS and provides water to CMC facilities and other agencies, including the County of San Luis Obispo, Camp San Luis Obispo, and Cuesta Community College. Existing water supply comes from State Water Project (SWP), Whale Rock Reservoir and Chorro Reservoir entitlement contracts. The SWP provides treated water to CMC's distribution system, while waters received from the Whale Rock and Chorro reservoirs are treated at CMC's water treatment plant (WTP). Table 18 summarizes CMC's water entitlements.

Table 18: Water Supply Entitlements for Chorro Valley Water System

Water Source	Existing Water Supply Entitlement Contracts (acre-feet per year [afy])	Firm Water Supply Entitlement Volumes[1]
State Water Project	400	400
Whale Rock Reservoir	420	420
Chorro Reservoir	(140) First right to water exceeding safe yield of reservoir	0
Total Entitlement Supplies	960	820 (approximately 730,000 gallons per day [gpd])

Notes:
The Chorro Reservoir water supplies are unreliable and unpredictable and are therefore not included in the total reliable water supply.
Source: EDAW 2004.

Based on historical water use for CMC from January 2003 until May 2009, daily water consumption per inmate (including staff and irrigation use) is conservatively estimated at 140 gallons of water per inmate per day (gpid) (CDCR 2009). Annual average consumption since 2003 has been approximately 891,000 gallons per day (gpd).

Wastewater

Existing Wastewater Treatment Plant

A WWTP owned by CDCR and operated by CMC is located approximately 5 miles west of CMC. The WWTP and associated trunk sewer convey and treat domestic wastewater from both campuses of the CMC and provide conveyance and wastewater treatment for various County of San Luis Obispo facilities (including the County Jail; Juvenile Services; and County Education, Engineering, Maintenance and Support Services), Camp San Luis Obispo, and Cuesta College. The current permitted capacity of the WWTP is 1.2 mgd (average dry weather flow), 2.4 mgd (peak dry weather flow), and 5.2 mgd (peak wet weather flow). The April 2009 average daily flow was 1.174 mgd.

Historical data dated back to 2003 indicate the wastewater flows averaged approximately 1.13 mgd over the past 6 years.

CMC's WWTP underwent an extensive upgrade and reconstruction from 2004 to 2007, when a new WWTP was constructed and the old WWTP was decommissioned. Design parameters of the upgrades were originally established by the NPDES permit (1999) in effect at the time, but on July 14, 2006, during the process of upgrades, the CCRWQCB placed further compliance restraints upon the WWTP by way of a renewed NPDES permit (Central Coast Regional Board Order No. R3-2006-0032), including final effluent limitations for THMs (by-products formed by chlorine reacting with organic matter in water).

Disinfection of the CMC WWTP effluent is required to meet effluent coliform requirements, as well as Title 22 water recycling requirements for disinfection. The CMC WWTP currently disinfects filtered effluent with liquid sodium hypochlorite. The disinfected effluent is then discharged to Chorro Creek and a portion is reclaimed for irrigation. The effluent discharged to the creek is dechlorinated with sodium bisulfite prior to discharge to remove the chlorine residual. In addition to disinfection requirements, the effluent must meet all requirements of the NPDES Permit, Central Coast Regional Board Order No. R3-2006-032. THMs, which are chlorine disinfection by-products, have been a compliance issue for the WWTP, as discussed above in Section 3.9, Hydrology and Water Quality.

Regulatory Compliance

Since 2004, the RWQCB has issued several penalty orders against CDCR for violations of effluent limitations at the WWTP of dissolved oxygen, chlorine residual, pH, dry weather flow rate, THMs, total coliform, sulfate and copper. The total coliform, sulfate, and dissolved oxygen issues were resolved when the new WWTP went on-line and the old WWTP was decommissioned; copper has not been detected in the last three quarters. The THM and chlorine residual violations are a result of chlorination practices, and are the subject of the EPA Order that CDCR received on July 16, 2009 (see Section 3.9, above). To address the violations and to comply with the EPA Order, CDCR is moving forward with the design and installation of an alternative disinfection technology, ultraviolet [UV] disinfection, for the CMC WWTP as described in detail below.

Ultraviolet Treatment

During a THM compliance study conducted in April 2008, UV disinfection was selected as the most suitable disinfection technology for the CMC WWTP to concurrently meet coliform and THM permit limits while also meeting Title 22 disinfection requirements and reducing total dissolved solids (TDS).

The proposed location of the new UV disinfection system (including a stand-by generator and an electrical building) would be adjacent to the oxidation ponds at the WWTP. The area to the southwest of the oxidation ponds is not currently used and does not have any existing structures. This location would not disrupt daily plant operations or disinfection during construction. The benefits of

this location are that the UV system can be designed to provide optimal flow conditions and disinfection efficacy without disrupting plant operations during construction. The proposed UV disinfection system would occupy an area of approximately 100 feet by 30 feet. An electrical building approximately 15 feet by 15 feet and an enclosed standby generator approximately 10 feet by 5 feet would be located adjacent to the UV disinfection system. The generator would be located near an existing access road to allow for fire access.

Stormwater

A stormwater drainage system, including two stormwater basins, exists on-site and discharges to Chorro Creek. As part of the proposed project, an additional stormwater detention basin and the widening of an existing drainage channel would be provided to accommodate the proposed increase in impervious surfaces.

Electricity, Natural Gas, and Solid Waste

Electricity is provided by Pacific Gas & Electric Company (PG&E) and natural gas is provided by Southern California Gas Company. Solid waste service is provided by San Luis Garbage. Solid waste is disposed of at the Cold Canyon Landfill, approximately 6 miles south of the City of San Luis Obispo. Cold Canyon Landfill is owned by Corral de Piedra Land Co. and is operated by Cold Canyon Land Fill, Inc.

3.1.35 - Discussion

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less than Significant Impact with Mitigation Incorporated. The chemical characteristics and concentration of the additional wastewater flows would be similar to existing flows. However, due to the existing violation of regulatory requirements (EPA Docket No. CWA 309(a)-09-028), the proposed project could be considered to have a potentially significant impact related to water discharge requirements. CDCR has completed a State Project Budget Package for the WWTP, and implementation of the following mitigation measure will reduce the potential impact to less than significant.

MM PU-1 CDCR, in conjunction with CMC , shall be required to meet effluent standards outlined in the 2006 NPDES permit and the July 16, 2009 EPA Order, Docket No. CWA 309(a)-09-028. CDCR shall actively manage the prison population of CMC East to insure the population will not increase and exacerbate the current violation conditions. To accomplish this, CMC will work closely with CDCR Population Management to maintain the inmate population at the baseline conditions identified in this IS/Proposed MND (6,586) until such time that CMC is in compliance with water quality requirements.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than Significant Impact. Based on CMC historical data (from 2003 to present), average daily water demand is conservatively estimated at 891,000 gpd, or 140 gpid (including staff and irrigation demand). Post-project water demand would increase by 7,000 gpd (50 inmates x 140 gallons per day), which would represent a less than 1 percent increase in the total daily water use at CMC.

The WWTP is currently permitted to treat 1.2 mgd. Historically, from 2003 to May 2009, CMC's annual wastewater flow averaged 1.13 mgd or approximately 178 gpid. Using 178 gpid, the proposed project is expected to increase the wastewater production by an estimated 8,900 gpd (0.7 percent increase), which when combined with current totals remains below the allotted 1.2 mgd.

Additionally, during the facility planning process for the upgrade of the WWTP, future maximum wastewater flows were projected for the WWTP based on the expansion of the CMC to a maximum inmate population of 7,500 (Carollo 1998). After the proposed project, the inmate population will be 6,636, including the additional 50 inmates. Therefore, the proposed project would remain within the rated and permitted capacity of the WWTP.

Furthermore, the continued installation of water conservation devices such as flushometers, scheduled for completion in April of 2010, is anticipated to lessen both the water and wastewater demands by 10 percent (conservatively). With the proposed project adding less than 1 percent new demand on the water and wastewater systems, and with the flushometers conserving approximately 10 percent of the original demands, the proposed project would not result in the construction or expansion of water or wastewater facilities.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less than Significant Impact. Two stormwater detention basins are located on-site that accommodate runoff from CMC. Because the proposed project would introduce an estimated 275,000 square feet of new impervious surfaces, minor modifications to the existing stormwater drainage infrastructure, including the addition of a new on-site detention basin and widening of an existing drainage channel, are required. However, as described in Section 3.8, Hydrology, the proposed project would not result in substantial on- or offsite erosion or siltation or flooding, and the grading and drainage conveyances associated with proposed project construction would be designed in accordance with applicable standards. The additional stormwater detention basin and expanded drainage channel would provide the additional capacity necessary for the proposed project. The construction of the new basin and widening of the channel has been included in this analysis, and

mitigation measures have been prescribed where necessary. As such, impacts would be less than significant.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less than Significant Impact. As discussed in Impact b), above, CMC has sufficient supply to accommodate the increase in water demand resulting from the proposed project. Therefore, impacts relating to sufficient water supplies would be less than significant.

e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact. CMC's WWTP has a design capacity of 1.2 mgd. As discussed in Impact b), above, the proposed project's demands would not exceed this limitation. As such, the proposed project can be adequately served by the wastewater treatment provider.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less than Significant Impact. Solid waste is disposed of at the Cold Canyon Landfill, approximately 6 miles south of the City of San Luis Obispo. As of July 1, 2006, the remaining capacity of Cold Canyon Landfill was approximately 2.8 million cubic yards (mcy) according to Integrated Waste Management Board Website (IWMP 2009). Cold Canyon can accept up to 1,200 tons/day of solid waste and, as of June 2009, averages approximately 650 tons/day of solid waste (Astor 2009). The permitted maximum capacity of the landfill is 10.9 mcy and the landfill has an estimated closure date of January 2012. However, an EIR has been prepared for an expansion of the landfill that would extend the closure date by 35 years, to 2047 (Martin 2009). Based on CDCR estimates, the average solid waste generation is approximately 2,880 tons per year, or 15,780 pounds per day at a rate of 2.4 pounds per inmate per day (including staff and administrative office waste). As such, the proposed project has been estimated to generate an additional 120 pounds per day. The increased solid waste production represents a small increase (less than 0.8 percent) relative to overall existing production, and the Cold Canyon Landfill has adequate capacity to serve projected waste disposal needs of the community until its estimated closure date of 2047. Therefore, the impacts related to the solid waste disposal would be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less than Significant Impact. Solid waste from operations would be collected on a regular basis and would be disposed at a landfill permitted to receive the solid waste generated by the proposed

project. As part of standard procedure, the proposed project would be required to abide by all applicable local, state, and federal solid waste disposal regulations. As such, impacts related to solid waste regulation compliance would be less than significant.

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
18. Mandatory Findings of Significance				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

3.1.36 - Discussion

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact with Mitigation Incorporated. As evaluated in this IS/Proposed MND, the proposed project would not substantially degrade the quality of the environment; substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife population to drop below self-sustaining levels; threaten to eliminate a plant of animal community; reduce the number or restrict the range of an endangered, rare, or threatened species; or eliminate important examples of the major periods of California history of prehistory. Mitigation measures have been included herein to lessen potential impacts on Cooper's hawks, white-tailed kites and other raptors and migratory songbirds, and unknown cultural resources. The CDCR has agreed to implement all required mitigation measures; therefore, less than significant impacts from project implementation would occur.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less than Significant Impact with Mitigation Incorporated. Cumulative air quality and traffic impacts are considered in Section 3.3 (Air Quality), Section 3.7 (Greenhouse Gases), and Section 3.16 (Transportation).

As described in the impact analyses in Sections 3.1 through 3.17 of the IS/Proposed MND, any significant impacts of the proposed project would be reduced to a less than significant level following incorporation of the mitigation measures included herein. In no instance would the project combine with impacts of related development to add considerably to any cumulative impacts in the region. Impacts are therefore considered less than significant.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact. As discussed in the analysis above, the proposed project would not have environmental effects that would cause substantial adverse direct or indirect effects on human beings.

SECTION 4: SUMMARY OF MITIGATION MEASURES

4.1 - Aesthetics

MM AES-1 Landscaping shall be planted along the southern/southwestern border of the proposed detention basin and parking lot until such time that the elevation of the adjacent hillside east of the facility obstructs the views of the facility to reduce visual impacts to the residences located on Santa Cruz Road. Landscaping shall consist of native 15-gallon minimum evergreen trees or shrubs planted at a maximum space of 15 feet in order to minimize views of the proposed parking lot to the maximum extent possible.

MM AES-2 All lighting within the proposed parking lot shall be shielded, recessed, or directed downward to prevent illumination of private residences along Santa Cruz Road.

4.2 - Air Quality

MM AIR-1 The project construction contractor shall implement the following fugitive dust control measures during construction:

- Water exposed surfaces twice daily
- Reduce speed on unpaved roads to less than 15 mph
- Manage haul road dust by watering twice daily

4.3 - Biological Resources

MM BIO-1 If construction of the proposed project is initiated during the nesting season (February 15 through September 1), pre-construction surveys for nesting Cooper's hawk, white-tailed kite, and other raptors and migratory songbirds shall be conducted within 250 feet of the project site no more than 30 days prior to commencement of construction. If an active raptor nest is found, the nests shall be avoided until all juveniles have fledged and are capable of independent flight, as determined by a qualified biologist. Removal of construction activity (including staging areas) within a set distance from the nest, at the discretion of the monitoring biologist, shall also be considered avoidance of active nests.

MM BIO-2 Impacts to wildlife from the existing lethal electrified fence are mitigated through a Habitat Mitigation Plan (HMP) for the Six Prisons Project (EDAW 2001). Mortality to wildlife shall be avoided and minimized to the extent possible through continued implementation of the tiered mitigation program that was developed as part of the Statewide Electrified Fence Project and used by the Six Prisons Project. Habitat compensation is not proposed for this project because operation of the proposed expanded fence is unlikely to substantially increase wildlife mortality rates or kill

different species than the existing fence. Formal consultation with USFWS and CDFG and permitting under ESA and CESA is not proposed; no state or federally listed species or candidates for listing are considered at risk of electrocution. In addition, CDCR is committed to implementing the avoidance and minimization measures outlined below that currently are implemented at the existing CMC lethal electrified fence, to offset potential adverse effects to birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code.

- **Tier 1:** The first tier of mitigation measures are those designed to eliminate or reduce wildlife attractants near the prison perimeter by implementing specific maintenance and operation procedures. By making the perimeter less hospitable, wildlife would frequent this area less often, thus reducing their exposure to accidental electrocution. Tier 1 maintenance and operation procedures would be applied to the proposed facility.
- **Tier 2**: Second-tier mitigation measures consist of both exclusion and deterrent devices. Tier 2 measures to be installed on the proposed lethal electrified fence include a vertical netting system and anti-perching devices. CDCR would install 0.75-inch mesh vertical netting enveloping both sides of the lower section of the lethal electrified fence, which would otherwise present the greatest danger to wildlife species at risk of electrocution. Anti-perching wires, which consist of 2- to 4-inch pieces of stiff wire connected to an aluminum base, would be strategically attached to the tops of perching sites in and near the perimeter. Once installed, this wire would reduce the ability of birds to perch near the lethal electrified fence, thus reducing exposure to accidental electrocutions.

4.4 - Cultural Resources

MM CUL-1 If a potentially significant cultural resource is encountered during subsurface earthwork activities for the project, all construction activities within a 75-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. CDCR shall require a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria by a qualified archaeologist in consultation with CDCR and OHP. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramic, wood, or shell artifacts; or features including hearths, structural remains, or historic dumpsites.

MM CUL-2 In the event a fossil is discovered during construction for the proposed project, excavations within 75 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. CDCR shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify CDCR to determine procedures to be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The plan shall be submitted to CDCR for review and approval. Upon approval, the plan shall be incorporated into the project.

MM CUL-3 If human remains are encountered during earth-disturbing activities for the project, all work in the adjacent area shall stop immediately and the San Luis Obispo County Coroner's office shall be notified. If the remains are determined to be Native American in origin, the Native American Heritage Commission shall be notified and the Most Likely Descendent (MLD) will be consulted for recommendations for treatment of the discovered remains. (CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code)

4.5 - Geology/Soils

MM GEO-1 The site-specific geotechnical investigation report (Fugro 2009) shall be finalized prior to final design of the proposed project. All recommendations from the geotechnical subsurface investigation report shall be incorporated into the project's site plans and construction techniques prior to construction implementation.

4.6 - Noise

MM NOI-1 The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:

- Construction activities shall be limited to between the hours of 7 a.m. and 9 p.m. on weekdays and between the hours of 8 a.m. and 5 p.m. on Saturdays and Sundays.
- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 300 feet from the nearest offsite building, unless safety or technical factors take precedence.

- Stationary combustion equipment such as pumps or generators operating within 300 feet of the nearest single-family residence shall be shielded with a noise protection barrier.

MM NOI-2 The project applicant shall require that a minimum 10 dB of attenuation is provided for the backup generator. This may be achieved through placing the backup generator in an enclosure with a roof. The enclosure shall not have any cutouts on the south side.

4.7 - Utilities/Service Systems and Hydrology/Water Quality

MM PU-1 CDCR, in conjunction with CMC , shall be required to meet effluent standards outlined in the 2006 NPDES permit and the July 16, 2009 EPA Order, Docket No. CWA 309(a)-09-028. CDCR shall actively manage the prison population of CMC East to insure the population will not increase and exacerbate the current violation conditions. To accomplish this, CMC will work closely with CDCR Population Management to maintain the inmate population at the baseline conditions identified in this IS/Proposed MND (6,586) until such time that CMC is in compliance with water quality requirements.

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Appendices A through E are located on CD

Appendix A: Air Quality Output Modeling

Appendix B: Biological Resources Information

Appendix C: Geotechnical Investigation Report

Appendix D: Noise Impact Analysis

Appendix E: Traffic Impact Analysis