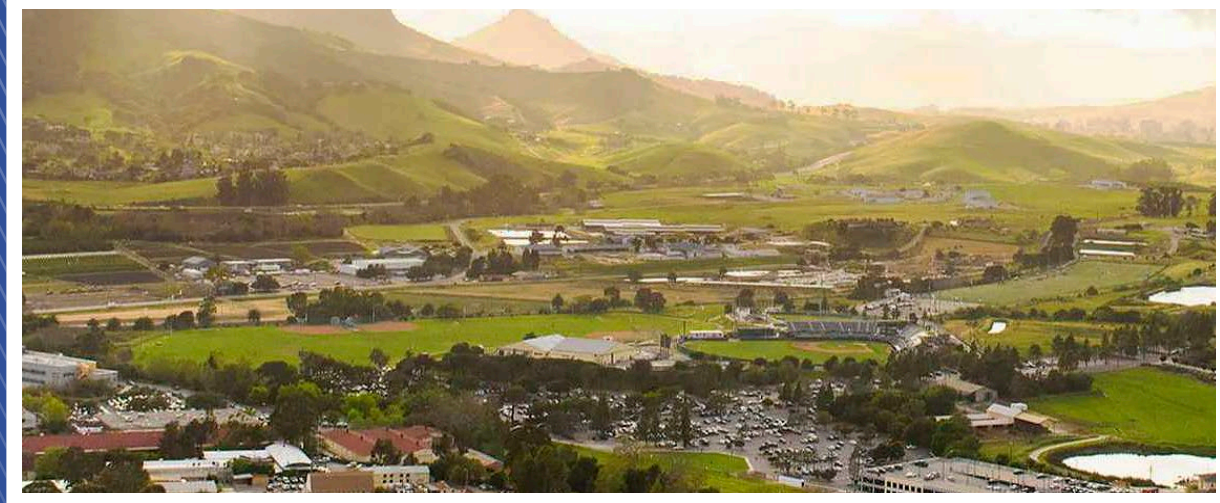
CEQA Findings of Fact for the Cal Poly Water Reclamation Facility Project



State Clearinghouse No. 2022090231

Prepared for:

California Polytechnic State University, San Luis Obispo

January 2024

CEQA Findings of Fact for the

Cal Poly Water Reclamation Facility Project

SCH Number 2022090231

Prepared for:

California Polytechnic State University, San Luis Obispo
1 Grand Avenue, Building 70, Room 221
San Luis Obispo, CA 93407

Contact:

Marcus Jackson
Project Manager
805.756.6797
mjackson@calpoly.edu

Prepared by:

Ascent Environmental
455 Capitol Mall, Suite 300
Sacramento, CA 95814

Contact:

Andrea Shephard, PhD
Project Manager
916.842.3179

January 2024

TABLE OF CONTENTS

TABLES

This page intentionally left blank.

1 INTRODUCTION

1.1 PURPOSE AND SUMMARY

This statement of Findings of Fact (Findings) addresses the environmental effects associated with the California Polytechnic State University, San Luis Obispo (Cal Poly) Water Reclamation Facility (WRF) Project (project or WRF Project) located in the County of San Luis Obispo. The Cal Poly campus covers approximately 3,385 acres abutting the City of San Luis Obispo (City) to the south and west, and open space, ranchland, and public land to the north and east. These Findings are made pursuant to the California Environmental Quality Act (CEQA) Sections 21081, 21081.5, and 21081.6 and Sections 15091 and 15093 of the CEQA Guidelines, Title 14, California Code Regulations (CCR) 15000, et seq (CEQA Guidelines). The potentially significant impacts were identified in both the Draft Environmental Impact Report (EIR) and the Final EIR, as well as additional facts found in the complete record of proceedings.

CEQA Section 21081 and Section 15091 of the CEQA Guidelines require that the lead agency prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The California State University (CSU) Board of Trustees is the lead agency responsible for preparation of the EIR in compliance with CEQA and the CEQA Guidelines. Section 15091 of the CEQA Guidelines states, in part, that:

a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

    1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

    2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

    3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with CEQA Section 21081 and Section 15093 of the CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to consider the benefits of a project in light of its adverse impacts when considering project approval. If the agency decides the impacts are acceptable, it may prepare and adopt a Statement of Overriding Considerations, pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines states that:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the project identified potentially significant effects that could result from project implementation. However, the CSU Board of Trustees finds that the inclusion of certain mitigation measures as part of the project approval will reduce all of those effects to less-than-significant levels. Therefore, a Statement of Overriding Considerations is not required.

In accordance with CEQA and the CEQA Guidelines, the CSU Board of Trustees adopts these Findings as part of its certification of the Final EIR for the project. Pursuant to CEQA Section 21082.1(c)(3), the CSU Board of Trustees also finds that the Final EIR reflects the Board's independent judgment as the lead agency for the project. As required by CEQA, the CSU Board of Trustees, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The CSU Board of Trustees finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of CEQA Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

1.2 ORGANIZATION AND FORMAT OF FINDINGS

Section 1 contains a summary description of the project and background facts relative to the environmental review process.

Section 2 discusses the CEQA findings of independent judgment. Subsection 2.1 describes the environmental effects determined not to be significant during the scoping process, and therefore, were not discussed in detail in the EIR. Section 2.2 identifies the project's potential environmental effects that were determined not to be significant and, therefore, do not require mitigation measures. Subsection 2.3 identifies the potentially significant effects of the project that would be mitigated to a less-than-significant level with implementation of the identified mitigation measures. Subsection 2.4 of these Findings explains that no significant impacts of the project have been identified that cannot be mitigated to a less-than-significant level and there are no significant and unavoidable impacts.

Section 3 identifies the feasibility of the project alternatives that were evaluated in the EIR.

Section 4 discusses findings with respect to mitigation of significant adverse impacts, and adoption of the MMRP.

Section 5 describes the certification of the Final EIR.

1.3 SUMMARY OF PROJECT DESCRIPTION

The project involves construction of an on-campus WRF and a recycled water storage and distribution system to produce and deliver disinfected tertiary recycled water that meets the requirements of California Code of Regulations Title 22 for unrestricted reuse, including safe application to agricultural crops, pastures, and athletic fields on campus.

The proposed project would include the following components:

- WRF collection system, including an upper and lower lift station and two force mains,
- WRF,
- recycled water storage and distribution system, and
- utility improvements to support operation of proposed facilities.

The project would also include conversion of the existing Cal Poly dairy wastewater lagoons to a co-digester to treat both dairy and swine waste. Sending the swine waste to the dairy ponds would allow the proposed WRF recycled water storage reservoir to be located at the site of the existing swine wastewater lagoons. The co-digester would support management of manure wastewater from the Dairy and Swine units for the production of energy via a cogeneration unit and reusable by-products for the Cal Poly composting enterprise.

The proposed WRF, recycled water storage reservoir, and co-digester, along with most of the recycled water distribution system improvements, would be sited in the West Campus subarea. A portion of the proposed force

mains and lower lift station would be sited in the Academic Core subarea. Portions of the proposed recycled water distribution system also would be sited in the North Campus subarea.

Under the adopted Campus Master Plan, the WRF was anticipated to be located just north of the Dairy Unit and west of the Rodeo Facilities, and a new recycled water storage reservoir was not identified. However, as part of design of the proposed project, the location of the WRF has been adjusted and a new recycled water storage reservoir and dairy and swine waste co-digester have been proposed. Other proposed features, including the collection system, lift stations, and recycled water distribution system, would be small or linear.

The nonpotable water demands of the campus that are currently met through a portion of the existing Whale Rock Reservoir water allocation would be transitioned over time to be met by nonpotable recycled water supplied by the on-campus WRF. The campus would then use Whale Rock Reservoir water freed up by operation of the WRF to meet the additional potable water needs of the campus under buildout of the Campus Master Plan. Cal Poly would continue to pump up to 120 afy of groundwater for agricultural irrigation purposes. Because Cal Poly would not increase agricultural operations as part of the Campus Master Plan, nonpotable water demands associated with agriculture are not anticipated to increase.

1.4 PROJECT OBJECTIVES

Consistent with, and in furtherance of, the Campus Master Plan, the objectives of the WRF project are to:

- maximize use of Whale Rock Reservoir water supply allocation to meet potable water demand associated with Campus Master Plan buildout;
- provide reliable, scalable, high-quality recycled water to serve existing and planned on-campus agricultural irrigation and meet other nonpotable campus water demands;
- supply water in a manner that aligns with Cal Poly's climate action plan and promotes the use of recycled water in support of California State University's (CSU's) 2022 Sustainability Policy;
- maximize Cal Poly water supply resilience to drought conditions;
- provide additional wastewater treatment capacity to accommodate increased wastewater generation associated with Campus Master Plan buildout;
- provide wastewater treatment and recycled water storage facilities that minimize odor issues, minimize energy demand, and limit disturbance to natural lands;
- maximize cost-effectiveness of water supply, wastewater and recycled water services required to serve Campus Master Plan buildout; and
- provide students with additional hands-on learning environments and opportunities.

1.5 ENVIRONMENTAL REVIEW PROCESS

1.5.1 Notice of Preparation

In accordance with CEQA Section 21092 and CEQA Guidelines Section 15082, Cal Poly issued a notice of preparation (NOP) on September 15, 2022. Cal Poly circulated the NOP to responsible agencies, interested parties, and organizations, as well as private organizations and individuals that may have an interest in the project. The NOP was also posted to the State Clearinghouse (State Clearinghouse No. 2022090231) and to Cal Poly's website (https://afd.calpoly.edu/facilities/planning-capital-projects/ceqa/). A virtual public scoping meeting was conducted by Cal Poly on September 27, 2022, and public review and scoping process ended on October 14, 2022.

1.5.2 Draft EIR

In accordance with CEQA Sections 21000-21177 and the CEQA Guidelines Sections 15000-15387, Cal Poly prepared a Draft EIR to address the potential significant environmental effects associated with the project. The Draft EIR addresses the following potentially significant environmental issues:

- Aesthetics;
- Archaeological, Historical, and Tribal Cultural Resources;
- Biological Resources;
- Hydrology and Water Quality;
- Utilities and Service Systems.

Cal Poly published the Draft EIR for public and agency review on April 17, 2023, for a 45-day public review period that ended on May 31, 2023. The Draft EIR was posted and accessible online at https://afd.calpoly.edu/facilities/planning-capital-projects/ceqa/.

1.5.3 Final EIR

During the Draft EIR public review period, Cal Poly received 144 comment letters. Section 15088 of the CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues addressed in the Draft EIR and prepare written responses addressing each of the comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR, as needed and as appropriate.

The Final EIR assembles in one document all the environmental information and analysis prepared for the proposed project, including comments on the Draft EIR and responses to those comments.

In accordance with CEQA Guidelines Section 15132, the Final EIR for the proposed project consists of: (i) the Draft EIR and subsequent revisions; (ii) all 144 comment letters received on the Draft EIR; (iii) a list of all persons, organizations, and public agencies commenting on the Draft EIR; (iv) written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and, (v) other information contained in the EIR, including EIR appendices.

The Final EIR was released on January 18, 2024, and was made available for review by commenting agencies, in accordance with CEQA requirements. The Final EIR was also made available to the public online at https://afd.calpoly.edu/facilities/planning-capital-projects/ceqa/.

1.6 INCORPORATION BY REFERENCE

Section 15168 of the CEQA Guidelines allows for the preparation of environmental documents using a multilevel approach whereby a broad-level EIR, termed a "program EIR," includes an analysis of general matters (e.g., the impacts of an entire plan, program, or policy), and subsequent project-level EIRs or negative declarations include analyses of the project-specific effects of projects within the program. It describes the process of tiering from a program EIR, in which CEQA documents that follow a program EIR incorporate by reference and rely on the general discussions, programwide analyses, and program-level mitigation measures from the broader EIR and focus on the site-specific impacts of the individual projects that implement the plan, program, or policy.

The Campus Master Plan EIR (State Clearinghouse No. 2016101003) broadly examined the significant environmental effects that could result from implementing the Campus Master Plan. Specifically, the Campus Master Plan is a comprehensive land use plan that guides physical development on campus to accommodate projected enrollment increases and expanded and new program initiatives. Potential effects of construction and operation of the WRF were examined in the Campus Master Plan EIR. The WRF Project EIR, which is tiered from the Campus Master Plan EIR, analyzes a new location for the WRF and recycled water storage reservoir, as well as the alignments of the wastewater conveyance and recycled water distribution pipelines along with other improvements needed to support WRF Project

implementation. Consistent with CEQA Guidelines Section 15152 (tiering) and Section 15168, the WRF Project EIR incorporates by reference general discussions and mitigation measures from the Campus Master Plan EIR as appropriate and focuses on the significant effects on the environment that were not sufficiently addressed in the Campus Master Plan EIR or that are peculiar to the WRF Project.

These Findings incorporate by reference, in its entirety, the text of the WRF Project EIR, the Campus Master Plan EIR (State Clearinghouse No. 2016101003), and the Findings adopted in support of the Cal Poly Master Plan previously certified and/or adopted by Cal Poly.

Cal Poly adopted a Mitigation Monitoring and Reporting Program ("Campus Master Plan MMRP") in connection with the certification of the Campus Master Plan EIR. The Campus Master Plan MMRP includes mitigation measures applicable to the WRF Project and designates responsibility and anticipated timing to ensure the implementation of adopted mitigation measures within the jurisdiction of Cal Poly. Applicable mitigation measures identified in the Cal Poly Master Plan MMRP have been incorporated into these Findings.

2 CEQA FINDINGS OF INDEPENDENT JUDGMENT

2.1 EFFECTS DETERMINED NOT TO BE SIGNIFICANT

Section 15128 of the CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. This information is addressed under the heading "Issues Not Discussed Further" in each resource section of the Final EIR, and, with respect to those issue areas that were scoped out of the EIR in the NOP, in Section 3.1.4, "Effects Not Discussed Further in this FEIR" of the Final EIR. Based on these discussions, implementation of the project was determined to result in no potentially significant impacts related to the following issues, which were therefore, not discussed in detail in the EIR:

- Agricultural Resources: The project would not conflict with existing agricultural zoning for agricultural use or a Williamson Act contract.
- Agricultural Resources: The project would not conflict with existing zoning for, or cause rezoning of, forestland or timberland.
- Agricultural Resources: The project would not result in the loss of forest land or conversion of forest land to non-forest use.
- Agricultural Resources: The project would not 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 non-forest use.
- Air Quality: The project would not conflict or obstruct implementation of applicable air quality plans.
- Biological Resources: The project would not conflict with any applicable local policies or ordinances protecting biological resources.
- Biological Resources: The project would not conflict with the provisions of an applicable adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
- Energy: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
- Greenhouse Gase Emissions: The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

- Hazards and Hazardous Materials: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Hazards and Hazardous Materials: The project would not 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, create a significant hazard to the public or the environment.
- Hazards and Hazardous Materials: The project is not located within two miles of a public airport or public use airport and would not result in a related safety hazard or excessive noise for people residing or working in the project area.
- Hazards and Hazardous Materials: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Hazards and Hazardous Materials: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.
- Hydrology and Water Quality: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality during construction.
- Hydrology and Water Quality: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- Hydrology and Water Quality: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
- Land Use and Planning: The project would not physically divide an established community.
- Land Use and Planning: The project would not 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.
- Mineral Resources: The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state.
- Mineral Resources: The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on an applicable land use plan.
- Noise and Vibration: The project would not result in the generation of a substantial permanent increase in ambient noise levels associated with operational noise sources (i.e., traffic or stationary) in the vicinity of the project and thus would not expose sensitive receptors to excessive long-term operational noise.
- Noise and Vibration: The project would not result in substantial levels of construction- or operations-related ground vibration.
- Population and Housing: The project would not induce direct or indirect substantial population growth.
- Population and Housing: The project would not displace substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere.
- Public Services: The project would not result in the need for new or physically altered facilities related to fire protection, police protection, schools, or parks, the construction of which could cause significant environmental impacts.
- Recreation: The project would not include or require the construction or expansion of recreation facilities, the construction of which could cause significant environmental impacts.
- Transportation/Traffic: The project would not conflict with adopted policies, plans, or programs regarding the circulation system, including transit, roadway, bicycle, or pedestrian facilities.

- Transportation/Traffic: The project would not substantially increase hazards due to a design feature or incompatible uses.
- Transportation/Traffic: The project would not result in inadequate emergency access.
- Utilities and Service Systems: The project would not result in inadequate wastewater collection and treatment capacity.
- Utilities and Service Systems: The project would not result in insufficient water supplies.
- Wildfire: There would be no impacts related to risk, loss, or injury involving wildfires within a State Responsibility Area or Very High Fire Hazard Zone.

2.2 LESS-THAN-SIGNIFICANT IMPACTS

The CSU Board of Trustees finds that, based upon substantial evidence in the record, including information in the Final EIR, the following impacts have been determined to be less than significant and no mitigation is required pursuant to CEQA Section 21081(a) and CEQA Guidelines Section 15091(a):

2.2.1 Aesthetics

The project-related aesthetics impacts are evaluated in Section 3.2, "Aesthetics," in the Final EIR. Implementation of the project would not result in a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of public views of the site and its surroundings (**Impact 3.2-1**); or, damage scenic resources within a State Scenic Highway (**Impact 3.2-2**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects on a scenic vista or substantial degradation of the existing visual character or quality of public views from the site and its surroundings, or damage to scenic resources within a State Scenic Highway are less than significant, and no mitigation measures are required.

2.2.2 Air Quality

The project-related air quality impacts are evaluated in Section 3.1, "Approach to the Environmental Analysis," of the Final EIR. Implementation of the project would not result in significant impacts related to operational emissions of criteria air pollutants and ozone precursors, construction and operational carbon monoxide emissions, toxic air contaminant sources, and construction-related odor emissions.

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects on operations-related emissions of criteria air pollutants and ozone precursors, construction and operational carbon monoxide emissions, toxic air contaminant sources, and construction-related odor emissions are less than significant, and no mitigation measures are required.

2.2.3 Archaeological, Historical, and Tribal Cultural Resources

An evaluation of the project's archaeological, historical, and tribal cultural resources impacts is found in Section 3.3, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR. Implementation of the project is not

expected to result in significant impacts related to a substantial adverse change in the significance of a historical resource (**Impact 3.3-1)** or disturbance to human remains (**Impact 3.3-3**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to a potential adverse change in the significance of a historical resource and disturbance of human remains are less than significant, and no mitigation measures are required.

2.2.4 Biological Resources

An evaluation of the project's biological resources impacts is found in Section 3.4, "Biological Resources," of the Final EIR. Implementation of the project would not interfere with important wildlife movement corridors and nursery sites (**Impact 3.4-5**).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects on interference with important wildlife movement corridors and nursery sites are less than significant, and no mitigation measures are required.

2.2.5 Energy

An evaluation of the project's impacts on energy is found in Section 3.1, "Approach to the Environmental Analysis," of the Final EIR. Implementation of the project would not result in significant impacts associated with the wasteful or inefficient use of energy.

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects associated with the wasteful or inefficient use of energy are less than significant, and no mitigation measures are required.

2.2.6 Geology and Soils

An evaluation of the project's impacts on geologic resources and soils is found in Section 3.1, "Approach to the Environmental Analysis," of the Final EIR. Implementation of the project would not result in significant impacts associated with the risk of loss, injury, or death involving seismic ground shaking and ground failure and erosion or loss of topsoil.

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects associated with the risk of loss, injury, or death involving seismic ground shaking and ground failure and erosion or loss of topsoil are less than significant, and no mitigation measures are required.

2.2.7 Hydrology and Water Quality

An evaluation of the impacts of the project related to hydrology and water quality is found in Section 3.5, "Hydrology and Water Quality," of the Final EIR. Implementation of the project would not result in significant impacts related to violation of any water quality standard or waste discharge requirements or other substantial degradation of surface water or groundwater quality during operation (Impact 3.5-1).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impact related to violation of any water quality standard or waste discharge requirements or other substantial degradation of surface water or groundwater quality during operation are less than significant, and no mitigation measures are required.

2.2.8 Noise and Vibration

An evaluation of the project's impacts on noise and vibration is found in Section 3.1, "Approach to the Environmental Analysis," of the Final EIR. Implementation of the project would not result in significant impacts associated with operational noise or construction-related vibration.

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects associated with operational noise and construction-related vibration are less than significant, and no mitigation measures are required.

2.2.9 Utilities and Service Systems

An evaluation of the project's utilities and service systems impacts is found in Section 3.12, "Utilities and Service Systems," of the Final EIR. Implementation of the project would not result in significant impacts related to the construction of new or expanded utility infrastructure (Impact 3.6-2); or generation of solid waste in excess of state or local standards or capacity of local infrastructure (Impact 3.6-3).

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the impacts related to the project's potential impacts related to construction of new or expanded utility infrastructure and generation of solid waste in excess of state or local standards or capacity of local infrastructure are less than significant, and no mitigation measures are required.

2.2.10 Transportation

An evaluation of the project's impacts on transportation is found in Section 3.1, "Approach to the Environmental Analysis," of the Final EIR. Implementation of the project would not result in significant impacts associated with a substantial increase in operational VMT.

FINDING

The CSU Board of Trustees finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects associated with operational VMT are less than significant, and no mitigation measures are required.

2.3 POTENTIALLY SIGNIFICANT OR SIGNIFICANT IMPACTS MITIGATED BELOW A LEVEL OF SIGNIFICANCE

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, the CSU Board of Trustees finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the identified significant effects on the environment to less-than-significant levels. These findings are explained below and are supported by substantial evidence in the record of proceedings.

AESTHETICS

An evaluation of the project's impacts related to aesthetics is found in Section 3.2, "Aesthetics," of the Final EIR. Additional lighting could contribute to indirect lighting/glare on adjacent land uses that could adversely affect daytime or nighttime views and result in additional skyglow (**Impact 3.2-3**).

The following mitigation measures would reduce impacts on aesthetic resources to a less-than-significant level.

Mitigation Measure 3.2-3a: Use Nonreflective Materials on Building Surfaces

Cal Poly shall require the use of nonreflective exterior surfaces and nonreflective (mirrored) glass for all new or redeveloped structures.

Mitigation Measure 3.2-3b: Use Directional Lighting for Campus Development

Cal Poly shall require all new, permanent outdoor lighting fixtures to utilize directional lighting methods (e.g., shielding and/or cutoff-type light fixtures) to minimize glare and light spillover onto adjacent structures. In addition, light placement and orientation shall also be considered such that light spillover is reduced at nearby land uses, to the extent feasible. Verification of inclusion in project design shall be provided at the time of design review.

Finding

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential aesthetics-related impacts of the project to less-than-significant levels, and are adopted herein. Accordingly, the CSU Board of Trustees finds, that pursuant to CEQA Statutes Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Mitigation measures would require the use of nonreflective surfaces and directional lighting with shielded and cutoff-type light fixtures that would minimize light spillage and skyglow.

AIR QUALITY

An evaluation of the project's impacts on air quality is found in Section 3.1, "Approach to the Environmental Analysis," of the Final EIR. The project area does not exceed San Luis Obispo County Air Pollution Control District (APCD's) adopted screening levels, thus it would not have the potential to exceed adopted daily CEQA thresholds **(Campus Master Plan EIR Impact 3.3-2)**. Regardless, mitigation measures adopted as part of the Cal Poly Master Plan MMRP would be implemented to reduce the potential for adverse air quality impacts. Similarly, operation of the WRF, by virtue of its location near other odorous uses and distance from sensitive receptors, is not expected to result in objectionable odors. Notwithstanding, mitigation measures adopted as part of the Cal Poly Master Plan MMRP would be implemented to reduce the potential for adverse odor impacts.

The following mitigation measures would reduce impacts on air quality to a less-than-significant level.

Campus Master Plan EIR Mitigation Measure 3.3-2: Implement Dust and Exhaust Emissions Reduction Measures

Based on the APCD CEQA Handbook, Cal Poly shall ensure that construction contractors implement the following measures for all 2035 Master Plan development:

Standard Construction Emission Reduction Measures for All Projects

- Staging and queuing areas or diesel idling associated with equipment used during construction of new/renovated buildings on campus shall not be located within 1,000 feet of sensitive receptors. This distance can be adjusted if it can be demonstrated to Cal Poly by the construction contractor, with substantial evidence, that risk levels at nearby receptors would not exceed an estimated risk of 10 chances in a million.
- Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of CARB's In-Use Off-Road Diesel regulation.
- Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5-minute idling limit.
- Reduce the amount of disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. Increasing watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (non-potable) water should be used whenever possible. Please note that during drought conditions, water use may be a concern and the contractor or building shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.
- All dirt stockpile areas shall be sprayed daily as needed.
- Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following the completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading will be sown with fast germinating, non-invasive grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD.
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent Track Out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area

and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- All of these fugitive dust mitigation measures shall be included on grading and building plans.
- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road).
- Electrify equipment when feasible.
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
- All architectural coatings (e.g., paint) used in project buildings and parking areas will not exceed a volatile organic compound content of 50 grams per liter.
- Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
- Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.
- Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

Campus Master Plan EIR Mitigation Measure 3.3-6: Prepare an Odor Control Plan

The following odor management conditions will be implemented by Cal Poly with respect to the WRF prior to its operation and would be consistent with the conditions of the site's Authority to Control or Permit to Operate issued by APCD:

- Cal Poly will prepare an Odor Control Plan (OCP), which will include known feasible measures to minimize the potential for a substantial odor increase at receptors within 1 mile of the WRF and will identify the facility's odor abatement system equipment, the system performance monitoring protocols, and the procedures for investigating and correcting public complaints. The APCD will ensure the OCP is consistent and not in conflict with the APCD requirements. All complaints received by facility management will be investigated and documented, and if verified, appropriate response action will be taken. The facility will provide a 24-hour hotline for public complaints, and the number will be posted at the facility entrance.

Finding

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential air quality-related impacts of the project to less-than-significant levels, and are adopted herein. Accordingly, the CSU Board of Trustees finds, that pursuant to CEQA Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Rationale

Implementation of Campus Master Plan EIR Mitigation Measure 3.3-2 would reduce ozone precursors, fugitive dust, and diesel PM emissions through a variety of requirements and emission reduction practices, including by requiring distance and idling time limitations, requiring dust suppression activities, and employing exhaust emissions controls.

While the project does not exceed APCD's adopted screening levels, these measures are nonetheless required for all projects under the Campus Master Plan and would further reduce exposure of sensitive receptors to ozone precursor emissions and would reduce health risk. Additionally, implementation of Campus Master Plan EIR Mitigation Measure 3.3-6 requires an OCP, which will include feasible measures to minimize potential increases to odors at receptors within 1 mile of the WRF. Furthermore, because the WRF would be sited in the immediate vicinity of facilities that are substantially more malodorous than the WRF (e.g., Swine Unit, Dairy Unit), any odors associated with WRF operation would be indiscernible.

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

An evaluation of the project's impacts related to archaeological, historical, and tribal cultural resources is found in Section 3.3, "Archaeological, Historical, and Tribal Cultural Resources," of the Final EIR. Earthmoving activities associated with project construction could cause a substantial adverse change in the significance of a unique archaeological resource (Impact 3.3-2); and could cause a substantial adverse change in the significance of a tribal cultural resource (Impact 3.3-4).

The following mitigation measures would reduce impacts on archeological, historical, and tribal cultural resources to a less-than-significant level.

Mitigation Measure 3.3-2a: Identify and Protect Unknown Archaeological Resources

Cal Poly has determined the level of archaeological investigation that is appropriate for the project site and activity, as follows:

- Intensive: excavation below 18 inches and/or over a large area on any site that is within the zone of archaeological sensitivity, i.e., within 750 feet, along Brizzolara Creek or Stenner/Old Garden Creek (as shown in Figure 3.4-1 of the Campus Master Plan EIR) or that is adjacent to a recorded archaeological site.

Therefore, Cal Poly shall implement the following steps to identify and protect archaeological resources that may be present in the project's area of effects:

1) Contractor crews shall be required to attend a training session before the start of ground-disturbing activities, regarding how to recognize archaeological sites and artifacts and what steps shall be taken to avoid impacts to those sites and artifacts. In addition, campus employees whose work routinely involves disturbing the soil shall be informed how to recognize evidence of potential archaeological sites and artifacts. Before disturbing the soil, contractors shall be notified that they are required to watch for potential archaeological sites and artifacts and to notify Cal Poly Facilities Management and Development if any are found. A qualified archeologist and Tribal monitor would be present onsite during ground-disturbing activities to provide oversight to contractor crew and campus employees. In the event of a find, Cal Poly shall implement item (5), below.
2) The qualified archaeologist shall, in consultation with Cal Poly Facilities Management and Development, develop an archaeological monitoring plan to be implemented during the construction phase of the project. For construction activities that would be located within 750 feet of Brizzolara Creek, Stenner Creek, or Old Garden Creek, or it is recommended by the archaeologists, Cal Poly shall notify the appropriate Native American tribe and extend an invitation for monitoring. The frequency and duration of monitoring shall be adjusted in accordance with survey results, the nature of construction activities, and results during the monitoring period. A Archaeological, Historical, and Tribal Cultural Resources California Polytechnic State University, San Luis Obispo Water Reclamation Facility Project Draft EIR 3.3-21 written report of the results of the monitoring shall be prepared and filed with the appropriate Information Center of the California Historical Resources Information System. In the event of a discovery, Cal Poly shall implement item (5), below.
3) Cal Poly shall retain a qualified archaeologist to conduct a subsurface investigation of the project site, to ascertain whether buried archaeological materials are present and, if so, the extent of the deposit relative to the project's area of effects. If an archaeological deposit is discovered, the archaeologist shall prepare a site record

and a written report of the results of investigations and file with the appropriate Information Center of the California Historical Resources Information System.

4) If it is determined that a resource extends into the project's area of effects, the resource shall be evaluated by a qualified archaeologist, who shall determine whether it qualifies as a historical resource or a unique archaeological resource under the criteria of CEQA Guidelines Section 15064.5.

5) If archaeological material within the project's area of effects is determined to qualify as an historical resource or a unique archaeological resource (as defined by CEQA), Cal Poly Facilities Management and Development shall consult with the qualified archaeologist to consider means of avoiding or reducing ground disturbance within the site boundaries, including minor modifications of building footprint, landscape modification, the placement of protective fill, the establishment of a preservation easement, or other means that shall permit avoidance or substantial preservation in place of the resource. If avoidance or substantial preservation in place is not possible, Cal Poly shall implement Mitigation Measure 3.3-2b.

6) If archaeological material is discovered during construction (whether or not an archaeologist is present), all soil disturbing work within 100 feet of the find shall cease. Cal Poly Facilities Management and Development shall contact a qualified archaeologist to provide and implement a plan for survey, subsurface investigation as needed to define the deposit, and assessment of the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project. Cal Poly shall implement item (3) and (4), above.

Mitigation Measure 3.3-2b: Protect Known Unique Archaeological Resources

For an archaeological site that has been determined by a qualified archaeologist to qualify as a unique archaeological resource through the process set forth under Mitigation Measure 3.3-2a, and where it has been determined under Mitigation Measure 3.3-2a that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with Cal Poly Facilities Management and Development, and Native American tribes as applicable, shall:

1) Prepare a research design and archaeological data recovery plan for the recovery that shall capture those categories of data for which the site is significant and implement the data recovery plan before or during development of the site.

2) Perform appropriate technical analyses, prepare a full written report and file it with the appropriate information center, and provide for the permanent curation of recovered materials.

3) If, in the opinion of the qualified archaeologist and in light of the data available, the significance of the site is such that data recovery cannot capture the values that qualify the site for inclusion on the CRHR, Cal Poly Facilities Management and Development shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, Cal Poly shall implement Mitigation Measure 3.3-2c.

Mitigation Measure 3.3-2c: Document Unique Archaeological Resources

If a significant unique archaeological resource cannot be preserved intact, before the property is damaged or destroyed, Cal Poly Facilities Management and Development shall ensure that the resource is appropriately documented. For an archaeological site, a program of research-directed data recovery shall be conducted and reported, consistent with Mitigation Measure 3.3-2a.

Mitigation Measure 3.3-4a: Identify and Protect Unknown Archaeological Resources

Implement Mitigation Measure 3.3-2a.

Mitigation Measure 3.3-4b: Protect Known Unique Archaeological Resources

Implement Mitigation Measure 3.3-2b.

Mitigation Measure 3.3-4c: Document Unique Archaeological Resources

Implement Mitigation Measure 3.3-2c.

Mitigation Measure 3.3-4d: Retain a Native American Monitor

Cal Poly shall retain a tribal monitor/consultant who is approved by the Salinan Tribe of Monterey and San Luis Obispo Counties, the Northern Chumash Tribal Council, and the yak titᵛu titᵛu yak tiłhini (Northern Chumash Tribe) to monitor ground-disturbing activities, including tree removal, grading, boring, excavation, drilling, and trenching, during project construction that would occur within the Zone of Cultural Sensitivity identified in Figure 3.4-1 of the Cal Poly 2035 Master Plan Final Environmental Impact Report (EIR) and areas within 100 feet of known prehistoric sites. Cal Poly's designated contact person shall notify the tribal representative a minimum of 7 days before beginning ground-disturbing activities and the tribal representative shall confirm the tribal monitor at least 48 hours before ground-disturbing activities are scheduled to begin. If confirmation is not provided, ground-disturbing activities may proceed without the presence of a tribal monitor. The tribal monitor and archaeological monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified. The monitoring logs will be emailed to the Salinan Tribe of Monterey and San Luis Obispo Counties, Northern Chumash Tribal Council, yak titᵛu titᵛu yak tiłhini (Northern Chumash Tribe), Cal Poly's archaeologist, and the designated Cal Poly contact person on a weekly basis. The onsite monitoring shall end when the site grading and excavation activities are completed or when the tribal representatives and monitor have indicated that the site has a low potential for affecting tribal cultural resources.

Finding

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential archaeological and tribal cultural resources-related impacts of the project to less-than-significant levels, and are adopted herein. Accordingly, the CSU Board of Trustees finds, that pursuant to CEQA Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Rationale

Mitigation measures would require the site-specific identification and protection of previously unidentified and unknown archaeological and tribal cultural resources, to the extent feasible; avoidance through design to the degree feasible if resources are identified; monitoring of construction activities; and the appropriate treatment if significant resources are identified during construction and cannot be avoided. Pre-construction surveys are required for development within any previously undisturbed areas of campus or when more than 18 inches of excavation is required. Should resources be identified, avoidance through site design is recommended. If avoidance is infeasible, measures outlining the steps for data recovery, testing and treatment of significant resources are provided as part of the mitigation measures and in excess of regulatory requirements. Furthermore, monitoring for unknown subsurface archaeological and tribal cultural resources would be required, and the measures provide for treatment of any inadvertent discoveries.

BIOLOGICAL RESOURCES

An evaluation of the potential biological resource impacts of the project is provided in Section 3.5, "Biological Resources," of the Final EIR. Implementation of the Campus Master Plan could result in conversion of undeveloped habitats resulting in loss of special-status plants if present (**Impact 3.5-1**); disturbance or conversion of habitats resulting in loss of special-status wildlife species, fish species, or habitat, if present (**Impact 3.5-2**); degradation or loss of arroyo willow thickets and riparian woodland (**Impact 3.5-3**); and temporary or permanent degradation or loss of waters of the United States, waters of the state, and their habitat functions and values (**Impact 3.5-4**).

The following mitigation measures would reduce impacts on biological resources to a less-than-significant level.

Mitigation Measure 3.4-1a: Conduct Special-Status Plant Surveys

Prior to project implementation, Cal Poly shall have a qualified botanist (i.e., a professional biologist with expertise in native and naturalized plants found in California who is able to use appropriate field survey methods and protocols that satisfy documentation and assessment requirements) evaluate the potential for special-status plant habitat at the proposed project site~~s~~ containing undeveloped land cover types as shown in Figure 3.4-1, "Land Cover within the Project Site," of the WRF Project EIR. Should suitable habitat for any special status plant species be identified, the qualified botanist, at Cal Poly's direction, shall conduct protocol-level surveys during the blooming period(s) for the potentially occurring special-status plants that could be removed or disturbed by project activities. Protocol-level surveys shall be conducted in accordance with *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018).

Concurrent with the special-status plant survey, the botanist shall document and map any sensitive natural communities that are present. In addition, the botanist shall document invasive plants within the project site and provide a separate report with the location and extent of invasive plants within the project site to Cal Poly. If special-status plants are not found, the botanist shall document the findings in a letter report to Cal Poly and further mitigation shall not be required.

Mitigation Measure 3.4-1b: Conduct Special-Status Plant Avoidance

If special-status plant species are found on the project site during the protocol-level surveys required by Mitigation Measure 3.4-1a but are located outside of the permanent footprint of any proposed structures/site features and can be avoided, Cal Poly shall avoid and protect these species by establishing a no-disturbance buffer around the area occupied by special-status plants and marking the buffer boundary with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway); exceptions to this requirement are listed later in this measure. The no-disturbance buffers shall generally be a minimum of 40 feet from special-status plants, but the size and shape of the buffer zone may be adjusted if a qualified botanist determines that a smaller buffer is sufficient to avoid killing or damaging the plants or that a larger buffer is necessary to sufficiently protect plants from the proposed activity. The appropriate buffer size shall be determined based on plant phenology at the time of project initiation (e.g., whether the plants are in a dormant, vegetative, or flowering state), the individual species' vulnerability to the activity being conducted, and environmental conditions and terrain. Consideration of factors such as site hydrology, changes in light, edge effects, and potential introduction of invasive plants and noxious weeds may inform the determination of buffer width. If a no-disturbance buffer is reduced below 40 feet from a special-status plant, a qualified botanist shall provide a site- and/or activity-specific explanation with the biological technical justification for the buffer reduction, which shall be included in a memo to CDFW and Cal Poly.

Mitigation Measure 3.4-1c: Minimize and Compensate for Impacts to Special-Status Plants

If special-status plants are found during protocol-level rare plant surveys and cannot be avoided, Cal Poly shall consult with CDFW and USFWS, as appropriate depending on species status, to determine the appropriate action(s) to achieve no net loss of occupied habitat or individuals. Mitigation measures may include, but are not limited to, preserving and enhancing existing populations, creating off-site populations on mitigation sites through seed collection or transplantation at a 3:1 ratio, and restoring or creating suitable habitat in sufficient quantities which would collectively achieve no net loss of occupied habitat or individuals. Potential mitigation sites could include suitable transplant locations within or outside of the campus. Cal Poly shall develop and implement a site-specific mitigation strategy describing how unavoidable losses of special-status plants shall be compensated consistent with this mitigation measure and the no net loss standard. Success criteria for preserved and compensatory populations shall include:

a) The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat.

b) Compensatory and preserved populations shall be self-producing. Populations shall be considered self-producing when:

i) plants reestablish annually for a minimum of 5 years with no human intervention such as supplemental seeding; and

ii) reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.

If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the project-specific mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria consistent with those listed above and other details, as appropriate to target the preservation of long-term viable populations.

Mitigation Measure 3.4-1d: Conduct Environmental Monitoring

Cal Poly shall retain an environmental monitor to ensure compliance with the EIR mitigation measures. The monitor shall be responsible for: (1) ensuring that procedures for verifying compliance with environmental mitigations are implemented; (2) establishing lines of communication and reporting methods; (3) conducting compliance reporting; (4) conducting construction crew training regarding environmentally sensitive areas and/or special-status species; (5) maintaining authority to stop work; and (6) outlining actions to be taken in the event of noncompliance. Monitoring shall be conducted full time during the initial vegetation removal (clear/grub activities), then periodically throughout project construction, or at a frequency and duration as directed by the affected natural resource agencies (e.g., USACE, USFWS, CDFW, and RWQCB).

Mitigation Measure 3.4-1e: Avoid Planting Invasive Plants

Project landscaping shall not utilize any species included on the most recent Cal-IPC Inventory.

Mitigation Measure 3.4-1f: Use Clean and Weed-Free Vehicles and Equipment

a) Cal Poly shall require of its contractor(s) that all vehicles and construction equipment arrive at project areas clean and weed free when operating within 100 feet of sensitive natural communities and habitat occupied by special-status plants, to avoid inadvertent transport of invasive species. Equipment shall be inspected by the on-site inspector or environmental monitor for mud and other signs that weed seeds or propagules could be present prior to use in project areas in or within 100 feet of sensitive natural communities and habitat occupied by special-status plants. If the equipment is not clean, the environmental inspector or monitor shall deny access to the work areas until the equipment is clean.

b) Vehicles and equipment shall be cleaned using high-pressure water or air in designated weed-cleaning stations prior to operating within 100 feet of sensitive natural communities and habitat occupied by special-status plants. Cleaning stations shall be designated by a botanist or noxious weed specialist and located away from aquatic resources, riparian areas, and other sensitive natural communities.

Mitigation Measure 3.4-1g: Require Use of Certified Weed-Free Construction Materials

Only certified weed-free construction materials, such as sand, gravel, straw, or fill, shall be used throughout each project site.

Mitigation Measure 3.4-1h: Treat Invasive Plant Infestations

Before construction activities begin within 100 feet of habitat occupied by special-status plants or sensitive natural communities as determined by the protocol-level surveys required by Mitigation Measure 3.4-1a, Cal Poly shall treat invasive plant infestations in the construction area, and within 50 feet of the construction activity area. Any new invasive plant infestations discovered during construction shall be documented, reported to Cal Poly, and treated where needed. After construction is complete, Cal Poly or its contractors shall conduct postconstruction monitoring of all construction disturbance areas within 100 feet of habitat occupied by special-status plants or sensitive natural communities for new invasive plant invasions and expansion of existing weed populations and treat invasive plant infestations where needed. Postconstruction monitoring for invasive plant infestations shall be conducted annually for 3 years.

Mitigation Measure 3.4-1i: Implement Dust and Exhaust Emissions Reduction Measures

Based on the San Luis Obispo County Air Pollution Control District (APCD) CEQA Handbook, Cal Poly shall ensure that construction contractors implement the following measures:

Standard Construction Emission Reduction Measures for All Projects

- Staging and queuing areas or diesel idling associated with equipment used during construction of new buildings shall not be located within 1,000 feet of sensitive receptors. This distance can be adjusted if it can be demonstrated to Cal Poly by the construction contractor, with substantial evidence, that risk levels at nearby receptors would not exceed an estimated risk of 10 chances in a million.
- Off-road diesel equipment shall comply with the 5-minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's (CARB's) In-Use Off-Road Diesel regulation.
- Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the 5-minute idling limit.
- Reduce the amount of disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20 percent opacity for greater than 3 minutes in any 60-minute period. Increasing watering frequency would be required whenever wind speeds exceed 15 miles per hour. Reclaimed (nonpotable) water should be used whenever possible. Please note that during drought conditions, water use may be a concern and the contractor or building shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.
- All dirt stockpile areas shall be sprayed daily as needed.
- Permanent dust control measures identified in the approved project revegetation and landscape plans shall be implemented as soon as possible following the completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading will be sown with fast germinating, noninvasive grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to revegetation shall be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD.
- All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible. In addition, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets or wash off trucks and equipment leaving the site. "Track-out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent track-out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track-out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective. If paved roadways accumulate tracked-out soils, the track-out prevention device may need to be modified.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

- All of these fugitive dust mitigation measures shall be included on grading and building plans.
- Maintain all construction equipment in proper tune according to manufacturer's specifications.
- Fuel all off-road and portable diesel-powered equipment with CARB-certified motor vehicle diesel fuel (nontaxed version suitable for use off-road).
- Electrify equipment when feasible.
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible.
- All architectural coatings (e.g., paint) used in project buildings and parking areas will not exceed a volatile organic compound content of 50 grams per liter.
- Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines and comply with the State Off-Road Regulation.
- Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines and comply with the State On-Road Regulation.
- Construction or trucking companies with fleets that that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance.
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas, liquefied natural gas, propane, or biodiesel.

Mitigation Measure 3.4-2a: Conduct Surveys for Areas with Significant Potential for Overwintering Monarch Butterfly Sites

a) Cal Poly shall retain a monarch butterfly habitat specialist to conduct surveys in riparian, live oak woodland, nonnative oak woodland, and eucalyptus grove habitat within 300 feet of the project site and identify areas with significant potential for overwintering monarch butterflies. The monarch butterfly habitat specialist shall provide Cal Poly with a report summarizing the result of the surveys, including a map of areas with significant potential for overwintering monarch butterflies. Cal Poly shall use the report to identify overwintering sites that are within 300 feet of the project site. If no project components are within 300 feet of identified habitat, no further mitigation is required. If project components are identified within 300 feet, then the following measure shall apply.

b) Preconstruction surveys shall be conducted for potential overwintering monarch butterfly sites within 300 feet of any proposed 2035 Master Plan project construction areas. Surveys for overwintering aggregations of monarch butterflies shall be conducted over the winter season (November 1 to first week of March) before construction activities within 300 feet of the potential butterfly overwintering zone. A minimum of two surveys shall be conducted at least one month (30 days) apart within the monarch butterfly wintering season (November 1 to first week of March). Surveys shall follow survey methods specified by the Xerces Society for Invertebrate Conservation (Xerces 2011). If no overwintering monarch butterflies are found, no further mitigation is required. If overwintering monarch butterflies are found, then Mitigation Measures 3.4-2b and 3.4-2c shall be implemented.

Mitigation Measure 3.4-2b: Implement Avoidance of Overwintering Monarch Butterfly and Protection of Active Overwintering Monarch Butterfly Sites

Construction activities in and around butterfly overwintering sites identified pursuant to Mitigation Measure 3.4-2a shall start outside of the overwintering season (overwintering season is typically between November 1 and the first week of March), to the greatest extent feasible, to avoid potential impacts on monarch butterfly overwintering habitat. However, when it is not feasible to avoid the overwintering season and construction activities take place during this time, the following measures shall apply.

If an active overwintering site is located, work activities shall be delayed within 300 feet of the site location until avoidance measures have been implemented. Appropriate avoidance measures shall include the following measures (which may be modified as a result of consultation with CDFW to provide equally effective measures):

a) If the qualified wildlife biologist determines that construction activities would not affect an active overwintering site, activities shall proceed without restriction.

b) If the wildlife biologist determines there is a potential to affect an active overwintering site, a no-disturbance buffer shall be established around the overwintering site to avoid disturbance or destruction. The extent of the no-disturbance buffers shall be determined by the qualified wildlife biologist familiar with monarch butterfly and in consultation with CDFW. Buffers shall be maintained until March 7 or until the qualified biologist determines that the monarch butterflies have left the wintering site.

c) Throughout the year, Cal Poly shall avoid removing or trimming trees utilized by monarch butterflies or documented as active within the last 3 years pursuant to Mitigation Measure 3.4-2a, as well as trees adjacent to the documented active winter roost areas to prevent adverse indirect changes to the humidity, wind exposure, and temperature within the immediate vicinity of the roost site, unless Cal Poly consults with a monarch butterfly habitat specialist to identify appropriate variances to this measure. Any routine tree trimming shall be done between April and October to eliminate the risk of disturbance to overwintering monarch colonies during the core overwintering/clustering period and shall be conducted following the Management Guidelines for Monarch Butterfly Overwintering Habitat (Xerces 2017) and under the supervision of the monarch habitat specialist. This mitigation measure does not apply to removal or trimming of hazard trees or branches or management of the wintering site for the benefit of monarch butterfly.

Mitigation Measure 3.4-2c: Conduct Environmental Monitoring

If a no-disturbance buffer is established around an overwintering site, implement Mitigation Measure 3.4-1d.

Mitigation Measure 3.4-2d: Conduct Steelhead Impact Avoidance (Campus Master Plan EIR Mitigation Measure.5-2j)
Where work in Stenner Creek or Brizzolara Creek, their tributaries, or their riparian areas is required, all such work shall be conducted between June 15 and October 15 or as approved by a qualified biologist in coordination as required with USACE, NMFS, and CDFW.

Mitigation Measure 3.4-2d: Conduct Steelhead Impact Avoidance

Where work in Stenner Creek or Brizzolara Creek, their tributaries, or their riparian areas is required, all such work shall be conducted between June 15 and October 15 or as approved by a qualified biologist in coordination as required with USACE, NMFS, and CDFW.

Mitigation Measure 3.4-2e: Avoid and Protect Brizzolara and Stenner Creeks

For construction activities in the vicinity of Brizzolara and Stenner Creeks, a 50-foot buffer from the outer extent of the top-of-bank or outer extent of riparian vegetation, whichever is greater, shall be established unless a qualified biologist determines, based on site-specific conditions, that a larger or smaller buffer would be sufficient to avoid impacts on sensitive natural communities or riparian woodland. Development of new parking areas and buildings within this buffer shall be prohibited.

Mitigation Measure 3.4-2f: Implement Low-Impact Development Principles

Pursuant to 2035 Master Plan Principle OR 17, Cal Poly shall incorporate Low-Impact Development principles in the design of all projects within 100 feet of Brizzolara Creek, Stenner Creek, campus reservoirs, waterways and riparian areas unless a qualified biologist determines, based on site-specific conditions, that a larger or smaller buffer would be sufficient to avoid impacts on these resources.

Mitigation Measure 3.4-2g: Install Exclusion Fencing

Prior to construction within 100 feet of Brizzolara Creek, Stenner Creek, campus reservoirs, and other campus waterways, all grading plans shall clearly show the outer limits of riparian vegetation or top-of-bank features and

specify the location of project delineation fencing that excludes the riparian areas from disturbance. The project delineation fencing shall remain in place and functional throughout the duration of the project, and no work activities shall occur outside the delineated work area.

Mitigation Measure 3.4-2h: Map and Protect Waterways and Riparian Areas

Prior to construction, plans shall clearly show all staging areas, which shall be located a minimum of 100 feet outside of the Brizzolara Creek, Stenner Creek, campus reservoirs, and other campus waterways and riparian areas. The minimum buffer size may be reduced at the discretion of a qualified biologist if, based on local habitat conditions and project features, the buffer is sufficient to avoid construction-related disturbances to waterways and riparian areas.

Mitigation Measure 3.4-2i: Minimize Ground Disturbance in Sensitive Natural Community Areas

Cal Poly shall require that ground disturbance, vegetation removal, and tree removal is limited to that necessary for construction in sensitive natural communities and riparian areas.

Mitigation Measure 3.4-2j: Conduct Environmental Monitoring

For work in Stenner Creek or Brizzolara Creek, their tributaries, or their riparian areas, implement Mitigation Measure 3.4-1d.

Mitigation Measure 3.4-2k: Prepare Project-Specific California Red-Legged Frog Habitat Assessment

Cal Poly shall prepare a project-specific California red-legged frog habitat assessment. The assessment shall be prepared in coordination with, and shall be submitted for review by, USFWS. The assessment shall be prepared in accordance with the USFWS Revised Guidance on Site Assessments and Field Surveys for the California Red-Legged Frog (USFWS 2005), or the most recent applicable guidance. The assessment shall specifically evaluate reservoirs, ponds, and drainages and their upland areas that may be disturbed by the project.

Mitigation Measure 3.4-2l: Conduct California Red-Legged Frog Consultation

For project activities that would affect jurisdictional water features and California red-legged frog and/or California red-legged frog critical habitat as determined by implementing Mitigation Measure 3.4-2k, Cal Poly shall coordinate with USACE during the CWA Section 404 permitting process regarding consultation with USFWS about the potential for these activities to result in take of California red-legged frog and/or California red-legged frog critical habitat. If USACE, in consultation with USFWS, determines that the proposed project may affect or result in take of California red-legged frog, USFWS may issue a Biological Opinion with an incidental take statement for the project. Cal Poly shall comply with all measures included in the Biological Opinion, which may include compensatory mitigation for permanent and/or temporary loss of habitat, construction monitoring, salvaging of California red-legged frog, and installation of exclusion fencing between the project site and adjacent habitats.

When working in California red-legged frog habitat where there is no federal nexus for federal interagency consultation under Section 7 of the Endangered Species Act (e.g., upland habitat areas), Cal Poly shall conduct preconstruction surveys as described under Mitigation Measure 3.4-2k.

Mitigation Measure 3.4-2m: Avoid California Red-Legged Frog during the Wet Season

To avoid the potential for take of California red-legged frogs, the initial ground-disturbing activities associated with the project that would occur in California red-legged frog habitat, as determined from Mitigation Measure 3.4-2k shall be completed in the dry season (between April 15 and the first rain following October 15) and when habitat is dry. Regardless of the seasonal rain patterns, no ground-disturbing activities may occur on these sites between first fall rains and May 31 of any year without prior authorization or concurrence from USFWS and CDFW.

Mitigation Measure 3.4-2n: Conduct Preconstruction Surveys for California Red-Legged Frog

Prior to construction of project components that would occur in California red-legged frog habitat as determined from Mitigation Measure 3.4-2k, Cal Poly shall retain a qualified biologist with demonstrated experience surveying for

California red-legged frog. The biologist shall conduct preconstruction surveys for California red-legged frog. The survey(s) must be conducted within 48 hours before the site disturbance and encompass the entire project disturbance area and a 100-foot buffer of the disturbance area(s).

If California red-legged frog(s) are observed during the survey, the biologist shall immediately contact Cal Poly and inform them of the survey findings. Cal Poly shall delay the project activities that were planned to occur in the area until Cal Poly consults with USFWS and secures any necessary approvals, including a Biological Opinion or an ITP as may be applicable, to move forward with the project. In the absence of USFWS approval, the surveying biologist shall not capture, handle, or otherwise harass California red-legged frog. Cal Poly and its contractors shall comply with all measures within any Biological Opinion or ITP that is required for the project.

Mitigation Measure 3.4-2o: Avoid and Protect Brizzolara and Stenner Creeks

Implement Mitigation Measure 3.4-2e.

Mitigation Measure 3.4-2p: Install Exclusion Fencing

Implement Mitigation Measure 3.4-2g.

Mitigation Measure 3.4-2q: Map and Protect Waterways and Riparian Areas

Implement Mitigation Measure 3.4-2h.

Mitigation Measure 3.4-2r: Conduct Environmental Monitoring

For work that would occur in California red-legged frog habitat, implement Mitigation Measure 3.4-1d.

Mitigation Measure 3.4-2s: Conduct Western Pond Turtle, Coast Range Newt, and Coast Horned Lizard Surveys and Relocation

To minimize adverse effects on special-status reptiles and amphibians, other than California red-legged frog, Cal Poly shall implement the following measures:

a) Prior to the construction of project components within pastures, nonnative annual grasslands, or riparian corridors, Cal Poly shall retain a qualified biologist to survey for coast horned lizard within 2 weeks of project activities. If no coast horned lizards, or their eggs or nests are observed, no further mitigation is required.

b) Prior to the construction of project components that requires dewatering, dredging, or fill of an aquatic site (e.g., Swine Unit ponds), or ground-disturbing activities within inactive pasturelands or nonnative grassland with a southern sun exposure within 1,500 feet of any aquatic habitat, Cal Poly shall retain a qualified biologist to survey for western pond turtle and coast range newt within 2 weeks of project activities. If no western pond turtle, coast range newt, or their eggs or nests are observed, no further mitigation is required. If coast horned lizard, western pond turtle, coast range newt, their eggs or nests are found then the following shall be conducted:

c) Cal Poly shall retain a qualified biologist to capture and relocate coast horned lizard, western pond turtle, and coast range newt adults and juveniles. Capture and relocation efforts must be conducted using visual survey and hand capture techniques. Any captured coast horned lizard, western pond turtles, and coast range newts must be relocated to nearby suitable habitat that shall not be affected by project activities.

d) If coast horned lizard nests, newt egg masses and/or larvae, or western pond turtle nests are identified, construction shall be delayed until the eggs have hatched and individuals are capable of vacating the site or being relocated. Because of the delicate nature of newt egg masses/larvae and habitat requirements of western pond turtle and coast horned lizard nests, delaying construction is the only viable method to protect the resource.

Mitigation Measure 3.4-2t: Conduct Environmental Monitoring

Where construction of project components would occur within pastures, nonnative annual grasslands, or riparian corridors, including dewatering, dredging, or fill of an aquatic site (e.g., Swine Unit ponds), or ground-disturbing

activities within inactive pasturelands or nonnative grassland with a southern sun exposure within 1,500 feet of any aquatic habitat, implement Mitigation Measure 3.4-1d.

Mitigation Measure 3.4-2u: Conduct Special-Status Bird and Other Bird Nest Avoidance

The following measures shall be implemented to avoid or minimize loss of active special-status bird nests including tricolored blackbird, grasshopper sparrow, burrowing owl, white-tailed kite, least Bell's vireo, loggerhead shrike, and purple martin:

a) To minimize the potential for loss of special-status or other bird nests, vegetation removal activities within potentially suitable nesting habitat shall commence during the nonbreeding season (September 16–January 31), where feasible.

b) If project construction activities, including ground-disturbing activities, vegetation trimming, or tree removal are scheduled to occur between February 1 and September 15, the following measures shall be implemented:

   i. For construction activities on or within 500 feet of agricultural land, pasture, nonnative annual grassland, eucalyptus grove, or riparian habitat as shown in Figure 3.5-1, "Land Cover," of the Campus Master Plan EIR (Cal Poly 2020) and ornamental/landscaping trees in developed habitat, Cal Poly shall retain a qualified biologist to conduct habitat assessment surveys for common nesting birds and raptors, tricolored blackbird, grasshopper sparrow, burrowing owl, white-tailed kite, least Bell's vireo, loggerhead shrike, and purple martin. If no suitable habitat is present within 500 feet of construction activities, no further action is required.

   ii. Where suitable habitat is present, surveys shall be conducted by biologists adhering to guidance offered in Least Bell's Vireo Survey Guidelines (USFWS 2001); CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012) and/or current industry standards. Cal Poly shall initiate consultation with USFWS and/or CDFW as required and shall mitigate for the loss of breeding and foraging habitat as determined by consultation.

   iii. Two weeks prior to construction, a preconstruction nesting bird survey shall be conducted within suitable habitat identified in Mitigation Measure 3.4-2u(b)(i). If nests are detected, a qualified biologist shall establish no-disturbance buffers around nests. Buffers shall be of sufficient width that breeding is not likely to be disrupted or adversely affected by construction. No-disturbance buffers around active nests shall be a minimum of 0.25 mile wide for white-tailed kite, 500 feet wide for other raptors, and 250 feet wide for other special-status birds, unless a qualified biologist determines based on site-specific conditions that a larger or smaller buffer would be sufficient to avoid impacts on nesting birds. Factors to be considered in determining buffer size shall include the presence of existing buffers provided by vegetation, topography, or existing buildings/structures; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffers shall be maintained until a qualified biologist has determined that young have fledged and are no longer reliant upon the nest or parental care for survival. Monitoring of the nest by a qualified biologist during and after construction activities shall be required if the activity has potential to adversely affect the nest.

   iv. For tricolored blackbird, the qualified biologist shall conduct preconstruction surveys within tules, cattails, Himalayan blackberry, and riparian scrub habitat areas. The surveys shall be conducted no more than 14 days before construction commences. If no active nests or tricolored blackbird colonies are found during focused surveys, no further action under this measure shall be required. If active nests are located during the preconstruction surveys, the biologist shall notify CDFW. If necessary, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives shall be evaluated and implemented to the extent feasible. If avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the outer edge of the nesting colony, unless a qualified biologist determines based on site-specific conditions that a larger or smaller buffer would be sufficient, to avoid disturbance until the nest colony is no longer active.

Mitigation Measure 3.4-2v: Conduct Environmental Monitoring

If no-disturbance buffers to avoid impacts to any nesting birds are established or tricolored blackbird colonies are located during focused surveys, implement Mitigation Measure 3.4-1d.

Mitigation Measure 3.4-2w: Implement Bat Preconstruction Surveys and Exclusion

Before commencing construction activities with the potential to affect bats, including land surveying with a GPS Total Station and removal of farm structures and trees with hollows or exfoliating bark suitable for bats, a qualified biologist shall conduct surveys for roosting bats 2 weeks prior to start of construction activities. GPS Total Stations used for land surveying emit high frequency noise outside of the human hearing frequency but within the hearing range of bats, which has resulted in colony abandonment. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study and no additional measures are required. If the roost site can be avoided, a 250-foot-wide no-disturbance buffer shall be implemented unless a qualified biologist determines, based on bat species and site-specific conditions, that a larger or smaller buffer would be adequate to avoid impacts on bat roosts.

If roosts of pallid bat, Townsend's big-eared bat, western mastiff bat, big free-tailed bat, or other bat species are found, and the roost cannot be avoided, bats shall be excluded from the roosting site before the tree or structure is removed. Exclusion efforts shall be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). Once it is confirmed that bats are not present in the original roost site, the tree or structure may be removed. A detailed program to identify exclusion methods and roost removal procedures shall be developed by a qualified biologist in consultation with CDFW before implementation.

Mitigation Measure 3.4-2x: Conduct Environmental Monitoring

If construction activities would occur where an active bat roost or maternity colony is found and a no-disturbance buffer has been established, implement Mitigation Measure 3.4-1d.

Mitigation Measure 3.4-2y: Conduct American Badger Surveys and Avoidance

For project activities within undeveloped grassland habitat and before ground-disturbing activities, a qualified biologist shall conduct a preconstruction survey for American badger dens. The American badger survey shall be conducted no more than 2 weeks prior to construction. If the survey results are negative (i.e., no active badger dens observed), no additional mitigation is required. If the results are positive (American badger dens are observed), the biologist shall contact Cal Poly within 24 hours and work in the area shall be delayed until Cal Poly's biologist has made one of the following determinations:

a) If the biologist determines that dens may be active, the biologist shall install a game camera for 3 days and 3 nights to determine if the den is in use. If the biologist determines that the den is a maternity den, construction activities shall be delayed during the maternity season (February to August), or until the badgers leave the den on their own accord or the biologist determines that the den is no longer in use. If the game camera does not capture an individual entering/exiting the den, the den can be excavated as described below. If the camera captures badger use of the den outside the maternity season, the biologist shall install a one-way door in the den opening and continue use of the game camera. Once the camera captures the individual exiting the one-way door, the den can be excavated as described below.

b) If the biologist determines that potential dens are inactive, the biologist shall excavate the dens with hand tools to prevent badgers from reusing them.

Mitigation Measure 3.4-2z: Conduct Environmental Monitoring

If active American badger dens are identified during preconstruction surveys, implement Mitigation Measure 3.4-1d.

Mitigation Measure 3.4-2aa: Conduct Monterey Dusky-Footed Woodrat Midden Surveys, Avoidance, or Relocation

Prior to project work in riparian corridors, California sagebrush scrub, coast live oak woodland, and nonnative woodland habitat, Cal Poly shall retain a qualified biologist to survey for Monterey dusky-footed woodrat middens and assist in the removal/relocation of woodrat middens no more than 2 weeks prior to start of ground disturbance activities. The biologist shall document the results of the survey(s) in a letter report to Cal Poly and CDFW that includes a map of observed middens. If dusky-footed woodrat middens are found on a particular project site and are located outside of the permanent footprint of any proposed structure/site features and can be avoided, Cal Poly shall establish and maintain a 40-foot protective buffer, unless a reduced buffer is warranted as determined by a qualified biologist in consultation with CDFW, ensuring that the buffer does not isolate the midden from available habitat. If middens can be avoided no further mitigation is required.

If middens cannot be avoided, relocation shall be conducted in consultation with CDFW. Relocation of the middens shall occur after July 1 and before December 1 to avoid the maternity season. During implementation of site clearing activities and under supervision of the biologist, the equipment operators shall remove all vegetation and other potential woodrat shelter within the disturbance areas that surround the woodrat midden(s) to be removed. Upon completion of clearing the adjacent woodrat shelter, the operator shall gently nudge the intact woodrat midden with equipment or long handled tools. Due to the potential health hazards associated with removing woodrat middens, hand removal is not recommended. The operators shall place their equipment within the previously cleared area and not within the undisturbed woodrat shelter area. The objective is to alarm the woodrats so that they evacuate the midden and scatter away from the equipment and into the undisturbed vegetation. Once the woodrats have evacuated the midden(s), the operator shall gently pick up the midden structure and move it to the undisturbed adjacent vegetation. The objective of moving the structure is to provide the displaced woodrats with a stockpile of material to scavenge while they build a new midden; jeopardizing the integrity of the midden structure is not an adverse impact.

Mitigation Measure 3.4-2bb: Conduct Environmental Monitoring

During construction in or around active Monterey dusky-footed woodrat middens, implement Mitigation Measure 3.4-1d.

Mitigation Measure 3.4-2cc: Conduct Ringtail Den(s) Surveys, and Avoidance

If vegetation removal or construction activities within riparian habitat occur outside of the breeding and pupping season for ringtail (February 1 through June 15), no mitigation is necessary. If the ringtail breeding season cannot be avoided, Cal Poly shall retain a qualified biologist to conduct preconstruction surveys within 3 weeks prior to commencement of construction for potential natal or maternity den trees/rock crevices. If an active den is found, the qualified biologist, in consultation with CDFW, shall determine a construction-free buffer zone to be established around the den until the young have left the den. At a minimum, the buffer shall be 500 feet unless a reduced buffer is warranted as determined by a qualified biologist in consultation with CDFW. Because ringtails are known to move their offspring between dens, the biologist may maintain the den under surveillance with a trail camera in a way that does not affect the use of the den. If the biologist determines that ringtails have vacated the den during the surveillance period, then construction may begin within 7 days following this observation, but the den must remain under surveillance in the event that the mother has moved the litter back to the den. If the den is within a tree hollow, and the tree needs to be removed, the hollow section of the tree must be salvaged and secured to a nearby unaffected tree in order to maintain the number of dens in the area.

Mitigation Measure 3.4-2dd: Conduct Environmental Monitoring

During implementation of work in riparian corridors where ringtail occupied habitat has been identified, implement Mitigation Measure 3.4-1d.

Mitigation Measure 3.4-3a: Avoid and Protect Brizzolara and Stenner Creeks

Implement Mitigation Measure 3.4-2e.

Mitigation Measure 3.4-3b: Implement Low-Impact Development Principles

Implement Mitigation Measure 3.4-2f.

Mitigation Measure 3.4-3c: Install Exclusion Fencing

Implement Mitigation Measure 3.4-2g.

Mitigation Measure 3.4-3d: Map and Protect Waterways and Riparian Areas

Implement Mitigation Measure 3.4-2h.

Mitigation Measure 3.4-3e: Minimize Ground Disturbance and Limit Spray Irrigation in Sensitive Natural Communities

For projects that require the demolition of existing structures and vegetation removal within sensitive natural communities, Cal Poly shall require that ground disturbance, vegetation removal, and tree removal are limited to that necessary for construction, especially in sensitive natural communities and riparian areas. Additionally, for the WRF project, new or altered spray irrigation in sensitive natural communities (e.g., needle grass – melic grass grassland) shall be avoided to the extent possible. If spray irrigation cannot be avoided in areas containing sensitive natural communities, then Cal Poly shall develop and implement a monitoring plan to determine if the irrigation practices are adversely affecting the sensitive natural community. If monitoring indicates that spray irrigation is adversely affecting a sensitive natural community (e.g., plants that characterize the sensitive natural community are dying or species composition is changing), then irrigation practices shall be adapted to remediate the adverse effects and monitoring shall continue until the adverse effects are no longer observed and ecological function is restored in the sensitive natural community. Remedial actions may include changes to the timing, frequency, or amount of irrigation applied to the areas containing sensitive natural communities. If irrigation practices cannot be modified or continued monitoring indicates the adapted irrigation practices are not correcting the adverse effect and restoring ecological function in the sensitive natural community then Mitigation Measure 3.5-3f shall be implemented. Mitigation Measure 3.4-3f: Mitigate for the Loss of Sensitive Natural Communities

If loss of sensitive natural communities would result from ground disturbance activities or spray irrigation practices, and this loss would not be otherwise mitigated by the proposed project (i.e., the sensitive natural community is recognized as sensitive, but not protected pursuant to other regulations or policies), then additional actions shall be implemented based on site- and project-specific impacts in order to ensure no net loss of habitat function or acreage. Such actions may include creating, restoring, and/or preserving in perpetuity in-kind communities at a sufficient ratio to achieve no net loss of habitat function or acreage. If habitat enhancement or creation takes place, Cal Poly shall develop and implement a monitoring and management plan to assess the effectiveness of the mitigation. If monitoring indicates that the actions have not adequately mitigated for the project's impacts, Cal Poly shall implement further remedial actions, restoration, and other activities to reach a no net loss of habitat function or acreage.

Mitigation Measure 3.4-3g: Use Clean and Weed-Free Vehicles and Equipment

Implement Mitigation Measure 3.4-1f.

Mitigation Measure 3.4-3h: Require Use of Certified Weed-Free Construction Materials

Implement Mitigation Measure 3.4-1g.

Mitigation Measure 3.4-3i: Treat Invasive Plant Infestations

Implement Mitigation Measure 3.4-1h.

Mitigation Measure 3.4-4: Design Projects to Avoid and Minimize Disturbances to Jurisdictional Waters; Conduct Delineation of Jurisdictional Waters and Obtain Authorization for Fill and Required Permits; and Compensate for Unavoidable Degradation or Loss of Jurisdictional Waters

Cal Poly shall avoid, minimize, and compensate for potential degradation or loss of waters of the United States and waters of the state by implementing the following measure.

Cal Poly shall design new facilities and improvements to existing facilities to avoid impacts on potential jurisdictional waters where feasible. If avoidance of these features is not feasible, or the jurisdictional status of any waterways that may be encroached upon is unknown, Cal Poly shall prepare a project-specific Jurisdictional Waters Delineation that identifies the project boundaries in relation to the jurisdictional boundaries of the site. For any unavoidable fill or alteration of a jurisdictional feature, Cal Poly shall coordinate with USACE to obtain a CWA Section 404 permit, CDFW to obtain a Streambed Alteration Agreement, and RWQCB to obtain a CWA Section 401 Certification. Cal Poly shall comply with all special conditions of the necessary permits.

To support the permit applications, Cal Poly shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) for inclusion in the permit applications. The HMMP shall propose a 2:1 replacement ratio for permanent impacts on jurisdictional areas and a 1:1 ratio for temporary impacts on the jurisdictional areas or higher mitigation ratios if required by the permitting agencies. Unless otherwise directed by the permitting agencies, Cal Poly shall incorporate on-site, in-kind, permittee-responsible compensatory mitigation to ensure that the drainages' functions and values are retained or improved as part of the project. The HMMP shall identify the location(s) where the proposed compensatory mitigation shall be implemented and the type (e.g., creation, restoration, enhancement, preservation) of mitigation that shall be implemented. At a minimum, the HMMP shall include a 5-year maintenance and monitoring program that facilitates the successful completion of the mitigation efforts.

Finding

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential biological resources-related impacts of the project to less-than-significant levels, and are adopted herein. Accordingly, the CSU Board of Trustees finds, that pursuant to CEQA Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

Rationale

Mitigation measures require pre-construction surveys to determine whether sensitive habitat or species are present. If found to be present, mitigation measures would require avoidance (through physical design or seasonal construction windows) and, if not possible, compensation such that no net loss of sensitive species or habitat would occur. More specifically, the footprints of new facilities and improvements would be designed, where feasible, to avoid or minimize grading, construction, and/or material laydown in areas containing sensitive resources, including wetlands and/or other sensitive habitat. Additionally, no invasive plant species would be planted as part of the project and mitigation measures will reduce the amount of fugitive dust and debris that could affect vegetation. Where construction may occur near sensitive resources, monitoring would be conducted to minimize disturbance/impacts to sensitive biological resources. A Jurisdictional Waters Delineation will be performed to determine the boundaries of jurisdictional waters within the project site, and waters will be avoided when feasible. Where fill or alteration of a jurisdictional feature is not avoided the necessary permits will be obtained and Cal Poly will comply with all special conditions of those permits. To support the permit applications, Cal Poly shall prepare a Habitat Mitigation and Monitoring Plan (HMMP) for inclusion in the permit applications. The HMMP shall propose a 2:1 replacement ratio for permanent impacts on jurisdictional areas and a 1:1 ratio for temporary impacts on the jurisdictional areas or higher mitigation ratios if required by the permitting agencies.

GEOLOGY AND SOILS

An evaluation of the project's impacts on geology and soils is found in Section 3.1, "Approach to the Environmental Analysis," of the Final EIR. The project may be located on lands prone to landslides **(Campus Master Plan EIR Impact 3.7-3)**, unstable geologic units **(Campus Master Plan EIR Impact 3.7-5)**, and/or expansive soils **(Campus Master Plan EIR Impact 3.7-6)**. Additionally, there could be discoveries of yet unknown paleontological resources during ground-disturbing activities during development of the project **(Campus Master Plan EIR Impact 3.7-7)**.

The following mitigation measures would reduce impacts on geology and soils to a less-than-significant level.

Campus Master Plan EIR Mitigation Measure 3.7-3: Perform Site-Specific Geotechnical Investigations

For any areas within the campus where development is proposed in an area designated as having a high potential for landslide hazards, have substantial erosion potential, or be located on a geologic unit that is unstable or within an area known to have expansive soils, a site-specific geotechnical investigation shall be performed. Based on the findings of the geotechnical investigation for each future development or redevelopment projects under the Campus Master Plan, any appropriate stabilization and site design recommendations, or low impact development features determined necessary to support proposed development shall be incorporated in the project design and implemented as part of project construction. Examples of stabilization and erosion control recommendations may include, but are not limited to:

- installation of earthen buttress(es);
- excavation of landslide mass/material;
- slope stabilization through excavation into benches and/or keyways and other methods;
- deep soil mixing;
- installation of retaining walls;
- use of tie-back anchors, micropiles, or shear pins; or
- a combination of any of these methods.

Before final plan approval, Cal Poly shall incorporate into the project design and implement all recommendations identified in the site-specific geotechnical investigation, including all recommendations included in the final geotechnical report prepared for the project. All recommendations shall be shown on final plans and/or included as project specifications.

Campus Master Plan EIR Mitigation Measure 3.7-7: Treatment of Paleontological Resources

If any paleontological resources are encountered during ground-disturbing activities, the construction contractor shall ensure that activities in the immediate area of the find are halted and Cal Poly informed. Cal Poly shall retain a qualified paleontologist to evaluate the discovery and recommend appropriate treatment options pursuant to guidelines developed by the Society of Vertebrate Paleontology, including development and implementation of a paleontological resource impact mitigation program for treatment of the resource, if applicable.

Finding

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential geology and soils-related impacts of the project to less-than-significant levels, and are adopted herein. Accordingly, the Board of Trustees finds that, pursuant to CEQA Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

Mitigation measures include performing site-specific geotechnical investigations and implementing appropriate stabilization and site design recommendations or low impact develop features in areas determined to have a high potential for landslides and other geologic hazards to reduce potential direct or indirect impacts associated with the risk of loss, injury, or death involving landslides, unstable soils, and expansive soils. Additionally, if potential paleontological resources are encountered during construction, a qualified paleontologist would be retained to evaluate the discovery and recommend appropriate treatment, which Cal Poly would implement under the guidance of the paleontologist.

GREENHOUSE GAS EMISSIONS

An evaluation of the project's impacts on greenhouse gas emissions is found in Section 3.1, "Approach to the Environmental Analysis," of the Final EIR. Construction and operational greenhouse gas (GHG) emissions associated with the Campus Master Plan, including the proposed project, were estimated and addressed under Impact 3.8-1 of the Campus Master Plan EIR and determined to be less than significant with mitigation incorporated **(Campus Master Plan EIR Impact 3.8-1)**. The Campus Master Plan EIR includes Campus Master Plan Mitigation Measures 3.8-1 and 3.8-2 to reduce impacts on construction and operational GHG emissions (Campus Master Plan Impact. 3.8-1). However, Mitigation Measure 3.8-1 of the Campus Master Plan EIR, which includes requirements for energy-efficient building design, cool roofs, solar photovoltaics, water-efficient fixtures, Energy Star appliances, electric vehicle (EV) parking, electric outlets on building exteriors, waste diversion targets, and high-efficient lighting, would not apply to the proposed project because providing rooftop solar on small maintenance/control buildings (i.e., 4,800 square feet lift stations and less than 2,000 SF for bathrooms/operations buildings) would not provide adequate solar generation to meet the needs of the WRF, a site-specific exception allowed by this measure; measures dealing with building electricity, appliance, and water efficiency are intended for residential and academic buildings, not industrial; the EV parking measure sets a campuswide performance standard of having 5 percent of the spaces designated as EV spaces, but this applies to new parking structures, which are not included in the project; cool roofs apply to nonindustrial uses; and waste diversion measures are being and will continue to be implemented campuswide, not on an individual building basis. However, Campus Master Plan EIR Mitigation Measure 3.8-2 requires Cal Poly to purchase GHG offsets, before occupation of any building constructed as part of the Campus Master Plan.

The following mitigation measure would reduce impacts on greenhouse gas emissions to a less-than-significant level.

Campus Master Plan EIR Mitigation Measure 3.8-2: Purchase GHG Offsets

Annual [Campus Master Plan] project-generated GHG emissions would exceed the established threshold by 6,376 $MTCO_2e$/year after incorporation of Mitigation Measure 3.8-1. Additional GHG emissions reductions could be achieved from the development of a local (i.e., campus) offset program or direct investments in existing local programs such as financing installation of regional electric vehicle–charging stations or investing in local urban forests.

Where development or investments in local programs are not feasible or available, Cal Poly may choose to mitigate additional GHG emissions through the purchase of carbon credits available through any one of the following verifiable entities/registries: CARB, Climate Action Reserve, California Air Pollution Control Officers Association, the APCD, or any other equivalent or verifiable registry. Such offsets, either established by Cal Poly or purchased, will meet the requirements of CEQA Guidelines Section 15126.4(C)(3), and meet the following criteria:

- **Real**—They represent reductions actually achieved (not based on maximum permit levels).
- **Additional/surplus**—They are not already planned or required by regulation or policy (i.e., not double counted).
- **Quantifiable**—They are readily accounted for through process information and other reliable data.
- **Enforceable**—They are acquired through legally binding commitments/agreements.
- **Validated**—They are verified through the accurate means by a reliable third party.
- **Permanent**—They will remain as GHG reductions in perpetuity.

Carbon offset credits must be purchased prior to occupancy of individual structures developed under the Master Plan up to 159,400 $MTCO_2e$ of credits (i.e., 25 years multiplied by 6,376 $MTCO_2e$) for the entire campus. The amount to be purchased for each development under the Master Plan can either be calculated based on the percentage share of the development as it relates to overall development under the Master Plan or based on updated modeling at the time the development is considered for approval. The price per MT of CO_2e varies depending on the availability of credits on the market, the number of credits purchased at one time, and the type and location of carbon offset being purchased. Current pricing estimates range from \$0.85 to \$8.5 per $MTCO_2e$.

Finding

The CSU Board of Trustees finds that the above mitigation measure is feasible, will reduce the potential greenhouse gas emissions of the project to less-than-significant levels, and is adopted herein. Accordingly, the CSU Board of Trustees finds, that pursuant to CEQA Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

Implementation of Campus Master Plan EIR Mitigation Measure 3.8-2 requires the project to offset GHG emissions based on its share of development in comparison to the entire Campus Master Plan. As described in Section 3.8, "Greenhouse Gas Emissions," of the Campus Master Plan EIR, a GHG emissions target was established based on the anticipated service population for Cal Poly at campus buildout under the Campus Master Plan (i.e., 27,411). Considering the proposed project would result in three new full-time employees, the project would be required, per Campus Master Plan EIR Mitigation Measure 3.8-2, to offset 0.018 percent of the Campus Master Plan's entire GHG offset requirement (i.e., 159,400 metric tons of carbon dioxide equivalent per year [$MTCO_2e$]), equivalent to 2,907 $MTCO_2e$.

HYDROLOGY AND WATER QUALITY

An evaluation of potential impacts on hydrology and water quality from implementation of the project is provided in Section 3.5, "Hydrology and Water Quality," of the Final EIR. The project includes a new storage reservoir with substantial berms elevated above ground surface, and modifications to the existing dairy wastewater ponds, including addition of an impermeable cover over the eastern diary pond, and berm modifications to the western pond that would likely affect berm geometry and side slopes. These improvements would have the potential to substantially alter existing drainage patterns and require storm drainage modifications to prevent substantial runoff (**Impact 3.5-2**). In addition, the project would have the potential to result in flooding if the earthen berms impounding the new storage reservoir or ponds at the Dairy Unity were to fail, which could result in inundation of nearby agricultural facilities and roads and the release of pollutants from these facilities (**Impact 3.5-3**).

The following mitigation measures would reduce impacts on hydrology and water quality to a less-than-significant level.

Mitigation Measure 3.5-2a: Prepare a Drainage Plan and Supportive Hydrologic Analysis (Campus Master Plan EIR Mitigation Measure 3.9-3)

Before the commencement of construction activities that will modify existing drainage and/or require the construction of new drainage infrastructure to collect and control storm water runoff, Cal Poly shall prepare a drainage plan and supportive hydrologic analysis demonstrating compliance with the following, or equally effective similar measures, to maximize groundwater recharge and maintain similar drainage patterns and flow rates:

a) Off-site runoff shall not exceed existing flow rates during storm events.

b) If required to maintain the current flow rate, appropriate methods/design features (e.g., detention/retention basins, infiltration systems, or bioswales) shall be installed to reduce local increases in runoff, particularly on frequent runoff events (up to 10-year frequency) and to maximize groundwater recharge.

c) If proposed, drainage discharge points shall include erosion protection and be designed such that flow hydraulics exiting the site mimics the natural condition as much as possible.

d) Drainage from impervious surfaces (e.g., roads, driveways, buildings) shall be directed to a common drainage basin.

e) Where feasible, grading and earth contouring shall be done in a way to direct surface runoff towards the above-referenced drainage improvements (and/or closed depressions).

Mitigation Measure 3.5-2b: Implement Post-Development Storm Water Best Management Practices and Low-Impact Development *(Campus Master Plan EIR Mitigation Measure 3.9-4b)*

During the design review phase, Facilities Management and Development will verify that the storm water BMPs and LID technologies were evaluated and all appropriate BMPs are incorporated into the project. Additionally, consistent with MS4 requirements, Facilities Management and Development will also verify that post-development runoff from the project site will approximate pre-development runoff volumes. If post-development runoff does not approximate pre-development runoff, additional BMPs shall be required in order to ensure that storm drain system capacity is not exceeded, and that the drainage pattern of the project site is not significantly altered in such a way that it would result in erosion, siltation, or flooding.

Mitigation Measure 3.5-3: Design and Construct Earthen Berms to Minimize Risk of Failure

To minimize the risk of berm failure and flooding, the earthen berms of the proposed recycled water reservoir and modified dairy ponds shall be designed and constructed by qualified professional engineers consistent with best professional standards and in cooperation with Cal Poly and SWRCB, taking into consideration applicable Waste Discharge Requirements and consistent with the results of a geotechnical investigation. As determined necessary by SWRCB, Cal Poly shall retain a qualified engineer to conduct a geotechnical investigation of the reservoir site and prepare a report with design and siting recommendations. The investigation shall address, at a minimum, geology of the site and vicinity, as appropriate; subsurface conditions, based on exploratory pits, trenches and adits (horizontal borehole), drilling, coring, geophysical surveys; tests to determine seepage rates; and physical tests to measure in place the properties and behavior of foundation materials at the reservoir site. The investigations and recommendations therefrom shall be used to achieve the following performance criteria during construction and operation of the reservoir:

- The embankment, foundation, abutments, and reservoir rim shall be stable and able to withstand all loading conditions brought about by construction of the embankment, reservoir operation, and earthquakes.
- Seepage flow through the embankment, foundation, abutments, and reservoir rim shall be controlled to prevent excessive uplift pressures; piping (internal erosion); instability; sloughing; removal of material by solutioning; or erosion of material into cracks, joints, or cavities. The amount of water lost through seepage shall be controlled so that it does not interfere with planned project functions.
- The embankment shall be designed not to overtop or experience encroachment of freeboard during occurrence of the design storm event through the provision of sufficient height, spillway, or outlet works capacity.
- Freeboard must be sufficient to prevent overtopping by waves.
- Bank height should be sufficient to allow for settlement of the foundation and embankment, but not included as part of the freeboard.
- The embankment slopes shall be protected against rain erosion.
- The pond facility shall be lined, which would minimize leakage and protect slopes.
- A geotechnical engineer shall design the slopes of the pond facility with industry standard construction quality assurance to ensure slope stability.
- The pond liner shall receive industry standard operational monitoring for liner leakage throughout the life of the pond liner.

Further, Cal Poly shall prepare and implement a Spill Prevention and Emergency Response Plan that shall be reviewed and approved by SWRCB prior to initiation of operations for the new reservoir.

Finding

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential impacts of the project on hydrology and water quality to less-than-significant levels, and are adopted herein. Accordingly, the CSU Board of Trustees finds that, pursuant to CEQA Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1),

changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The above mitigation measures would reduce impacts on hydrology and water quality by requiring evaluation of storm water BMPs and LID technologies to ensure that post-development runoff from the project site will approximate pre-development runoff consistent with the MS4 permit or otherwise ensure that the storm drain system capacity is not exceeded. Additionally, the earthen berms of the proposed recycled water reservoir will be designed and constructed by qualified professional engineers consistent with best professional standards and in cooperation with Cal Poly and SWRCB, taking into consideration applicable Waste Discharge Requirements and consistent with the results of a geotechnical investigation. Further, Cal Poly shall prepare and implement a Spill Prevention and Emergency Response Plan that shall be reviewed and approved by SWRCB prior to initiation of operations for the new reservoir.

NOISE AND VIBRATION

An evaluation of the project's impacts on noise and vibration is found in Section 3.1, "Approach to the Environmental Analysis," of the Final EIR. Pipeline installation may disrupt educational facility operations during class times or study hours **(Campus Master Plan EIR Impact 3.10-1)**.

The following mitigation measures would reduce impacts on noise to a less-than-significant level.

Campus Master Plan EIR Mitigation Measure 3.10-1: Implement Construction-Noise Reduction Measures

For all construction activities related to new/renovated structures, Cal Poly shall implement or incorporate the following noise reduction measures into construction specifications for contractor(s) implementation during project construction:

- All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturer recommendations. Equipment engine shrouds shall be closed during equipment operation.
- All construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses, and/or located to the extent feasible such that existing or constructed noise attenuating features (e.g., temporary noise wall or blankets) block line-of-site between affected noise-sensitive land uses and construction staging areas.
- Individual operations and techniques shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off-site instead of on-site, using electric powered equipment instead of pneumatic or internal combustion powered equipment) where feasible and consistent with building codes and other applicable laws and regulations.
- Stationary noise sources such as generators or pumps shall be located as far away from noise-sensitive uses as feasible.
- No less than 1 week prior to the start of construction activities at a particular location, notification shall be provided to nearby off-campus, noise-sensitive land uses (e.g., residential uses) that are located within 350 feet of the construction site (i.e., based on the construction noise modeling, distance at which noise-sensitive receptors would experience noise levels exceeding acceptable daytime construction-noise levels).
- When construction would occur within 350 feet of on-campus housing or other on-campus or off-campus noise-sensitive uses and may result in temporary noise levels in excess of 75 L_{max} at the exterior of the adjacent noise-sensitive structure, temporary noise barriers (e.g., noise-insulating blankets or temporary plywood structures) shall be erected, if deemed to be feasible and effective, between the noise source and sensitive receptor such that construction-related noise levels are reduced to 75 L_{max} or less at the receptor.

- Loud construction activity (e.g., jackhammering, concrete sawing, asphalt removal, and large-scale grading operations) within 350 feet of adjacent primary school facilities, shall not occur during state standardized testing time periods for the surrounding school districts.
- When construction requires material hauling, a haul route plan shall be prepared for construction of each facility and/or improvement for review and approval by the Cal Poly that designates haul routes as far as feasible from sensitive receptors.
- The contractor shall designate a disturbance coordinator and post that person's telephone number conspicuously around the construction site and provide to nearby residences. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem.
- Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, where feasible. For any construction activity that must extend beyond the daytime hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, occur on Sunday or legal holidays, and occur within 2,000 feet of a residential building, Cal Poly shall ensure that the City of San Luis Obispo exterior noise level standard of 60 dBA L_{max} for temporary construction noise is not exceeded at any residence. Typical residential structures with windows closed achieve a 25-30 dBA exterior-to-interior noise reduction (Caltrans 2002). Thus, using the lower end of this range, an exterior noise level of 60 dBA L_{max} would result in interior noise levels of about 35 dBA L_{max}, which would not result in a substantially increased risk for sleep disturbance. If exterior noise levels of 60 dBA L_{max} are infeasible due to type of construction activity and proximity to residential structures, ensuring interior noise levels do not exceed 45 dBA L_{eq}, consistent with City standards, would ensure residents are not disturbed. To achieve this performance standard, one or more of the following or equivalent measures shall be considered and implemented where appropriate:
  - Use of noise-reducing enclosures and techniques around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).
  - Installation of temporary noise curtains installed as close as possible to the boundary of the construction site within the direct line of sight path of the nearby sensitive receptor(s) and consisting of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side.
  - Retain a qualified noise specialist to develop a noise monitoring plan and conduct noise monitoring to ensure that noise reduction measures are achieved the necessary reductions such that levels at the receiving land uses do not exceed exterior noise levels of 60 dBA L_{max} for construction activity occurring during these noise-sensitive hours.

Finding

The CSU Board of Trustees finds that the above mitigation measures are feasible, will reduce the potential impacts of the project on noise to less-than-significant levels, and are adopted herein. Accordingly, the CSU Board of Trustees finds that, pursuant to CEQA Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The project would not involve nighttime or weekend construction; therefore, the last bulleted item (and the associated sub-bulleted items) of Campus Master Plan EIR Mitigation Measure 3.10-1 would not be applicable to the project. Implementation of Mitigation Measure 3.10-1 would reduce construction-generated noise levels by 10 dBA or more, as noted in the Campus Master Plan EIR. Therefore, upon implementation of the measure, pipeline construction-related activities could generate a combined exterior noise level of approximately 78 dB L_{max} outside of

the Grant M. Brown Engineering Building. Interior noise levels, where students may be present during construction, would be further reduced from noise attenuation of the building itself, and construction would be temporary.

While neither CSU nor Cal Poly is bound by local agency regulations, it is helpful to consider that daytime construction is exempt from noise standards in San Luis Obispo County (San Luis Obispo County Code Section 23.06.042), and the City of San Luis Obispo allows a maximum of 85 dBA at mixed residential/commercial facilities and businesses for non-scheduled, intermittent, short-term operation of mobile construction equipment (City of San Luis Obispo Code Section 9.12.050 B). Finally, because no residential buildings would experience noise levels in excess of 75 dBA L_{max}, construction-related noise associated with pipeline installation would not cause adverse health effects for students and staff at Cal Poly, such as sleep disturbance or consistent long-term annoyance.

UTILITIES AND SERVICE SYSTEMS

An evaluation of potential impacts on utilities and service systems from implementation of the project is provided in Section 3.6, "Utilities and Service Systems," of the Final EIR. Implementation of the project could result in accidental disruption of services to the campus and portions of the City (**Impact 3.6-1**).

The following mitigation measures would reduce impacts on utilities and service systems to a less-than-significant level.

Mitigation Measure 3.6-1: Locate and Avoid Underground Utilities in Areas Where Excavation Is Proposed, and Prepare a Response Plan to Be Implemented If Accidental Disruption Occurs

Cal Poly will implement the following measures before construction begins, to avoid and minimize potential damage to utilities that could result in disruption of services:

- Before the start of construction activities, verify through field surveys and the services of Underground Service Alert the locations of any utilities (e.g., high-pressure natural gas, fuel, storm water, sewer, water, electrical, or communication) that may be buried at the project site in the areas where excavation is proposed. Any buried utility lines will be clearly marked in the field.
- Inform all construction personnel of the location of utilities during safety briefings throughout the period when construction is occurring. The locations of utilities will be clearly identified on construction drawings and posted in the construction superintendent's trailer.
- Prepare a response plan that identifies chain-of-command rules for notification of authorities and appropriate actions and responsibilities regarding the safety of the public and workers. A component of the response plan will include worker education training in response to such situations. The plan will include telephone numbers for existing utility providers. This information also will be posted in the construction superintendent's trailer on the job site during construction.

Finding

The CSU Board of Trustees finds that the above mitigation measure is feasible, will reduce the potential impacts of the project on utilities and service systems to less-than-significant levels, and is adopted herein. Accordingly, the CSU Board of Trustees finds that, pursuant to CEQA Section 21081(a)(1), and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which mitigate or avoid potentially significant effects on the environment identified in the Final EIR.

Rationale

The above mitigation measures would reduce impacts related to accidental disruption of utilities by requiring identifying the locations of any utilities (e.g., high-pressure natural gas, fuel, storm water, sewer, water, electrical, or communication) that may be buried at the project site; notifying construction personnel of the location of identified utilities; and, preparing a response plan that identifies chain-of-command rules for notification of authorities and appropriate actions and responsibilities regarding the safety of the public and workers.

2.4 SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

Based on the analysis contained in the Final EIR, all potentially significant impacts have been mitigated below a level of significance. No significant and unavoidable impacts would occur.

3 FINDINGS REGARDING ALTERNATIVES

CEQA Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be "infeasible" if it fails to fully promote the lead agency's underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 401, 417.*)

"'[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid; see also Sequoyah Hills Homeowners Assn. v. City of Oakland (1993) 23 Cal.App.4th 704, 715.*) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible, or if the alternative does not meet the objectives for the project.

All of the environmental impacts associated with the project as proposed would be substantially lessened or avoided with the adoption of the mitigation measures set forth in these findings. Cal Poly's goal in evaluating the project alternatives was to select an alternative that feasibly attains the project objectives, while further reducing the project's significant impacts.

CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly obtain the basic objectives of the project." (CEQA Guidelines Section 15126.6[a]). The lead agency has the discretion to determine how many alternatives constitute a reasonable range and that an EIR need not present alternatives that are incompatible with fundamental project objectives. Additionally, CEQA Guidelines Section 15126.6(a) provides that an EIR need not consider alternatives that are infeasible. CEQA Guidelines Section 15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." CEQA Guidelines Section 15126.6(f) states that the range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR analysis considered a reasonable range of alternatives.

3.1 ALTERNATIVES CONSIDERED BUT NOT EVALUATED IN DETAIL IN THE EIR

The Final EIR identifies alternatives that were considered by Cal Poly but were rejected during the planning or scoping process and briefly explains the reasons underlying the lead agency's determination. The following alternatives were considered by Cal Poly but were not evaluated further in the EIR.

- California Men's Colony Treatment of Future Wastewater Flows and Delivery of Recycled Water Alternative: Under this alternative, no new WRF would be constructed on campus. Instead, wastewater flows would continue to be conveyed to the City, with flows from future net new on-campus development conveyed via a new 2.8-mile-long force main to the California Department of Corrections and Rehabilitation (CDCR) California Men's Colony's (CMC's) wastewater treatment plant (WWTP). The CMC WWTP would then provide Title 22 recycled water back to the campus. The volumes of wastewater conveyed to CMC, and returned as recycled water, would be sufficient to support recycled water demands on campus at Campus Master Plan buildout. Recycled water from the CMC WWTP would be conveyed back to the campus via a new 4.6-mile-long recycled water conveyance pipeline, stored in a new on-campus recycled water reservoir, and used to meet campus nonpotable irrigation demand. The new reservoir would be located in the same place and be of the same dimensions as under the proposed project. Similar to the proposed project, modifications to the ponds at the Dairy Unit to handle both swine and dairy wastewater would be implemented, and new lift stations and recycled water distribution pipelines would be constructed, repaired, and replaced on campus.

  Although this alternative would achieve the project objectives, there are practical issues that render this alternative infeasible from a construction and operations standpoint. The cost to permit and construct a new separate force main to convey campus wastewater to the CMC WWTP and a recycled water pipeline to deliver recycled water back to the campus would be substantial. The primary issue of concern from an operations standpoint is that CDCR would require transfer of operation and maintenance of the facilities from CMC to Cal Poly to implement this alternative. However, CMC also provides wastewater treatment services to Cuesta College, Camp San Luis, and San Luis Obispo County facilities but does not currently generate revenue through those wastewater treatment services due to a prior agreement, and those agencies would have no incentive to enter into a new service agreement to pay for services they currently receive at no charge. Thus, under this scenario, Cal Poly would become responsible for the cost of wastewater treatment for multiple entities relying on the CMC WWTP, and would be exposed to potentially increasing regulatory requirements for the CMC WWTP discharge into Chorro Creek and the Morro Bay Estuary, costs that would be difficult to predict and potentially maintain over the long term. For these reasons, this alternative is not practical. Therefore, this alternative was not considered in further detail.

- City Wastewater Treatment and On-Demand Recycled Water Delivery Alternative: Under this alternative, no new WRF would be constructed on campus. Instead, existing and future wastewater flows would be conveyed to and treated at the City Water Resource Recovery Facility (WRRF), and the on-campus WRF, associated collection system components, recycled water reservoir, and proposed swine and dairy wastewater co-digester/cogeneration would not be constructed. Improvements to the campus agricultural irrigation distribution system would still be needed. Additional wastewater treatment and transmission capacity would be negotiated under an agreement with the City to serve the campus at buildout of the Campus Master Plan. Recycled water would be purchased by Cal Poly from the City on an as-needed basis to meet nonpotable water demands on campus. New controls, pump stations, and blending locations would need to be incorporated into the existing system across the Cal Poly infrastructure. In addition, a new recycled water pipeline would be constructed from the City to campus that would connect to the existing nonpotable water distribution system. Upgrades to the City's existing recycled water pumping and distribution system would also be necessary to continue to provide adequate pipeline pressures and flows to existing City recycled water users while also meeting Cal Poly on-demand recycled water needs. Under this alternative, there would be no new or expanded on-campus water storage facilities.

Although this alternative would achieve most of the project objectives, because the additional cost to upgrade the City's recycled water pumping and distribution system would be substantial, this alternative is considered infeasible. Therefore, this alternative was not considered in further detail.

3.2 ALTERNATIVES EVALUATED IN THE EIR

The Final EIR identified and considered the following reasonable range of feasible alternatives to the proposed project which would be capable, to varying degrees, of reducing identified impacts:

- Alternative 1: No Project Alternative
- Alternative 2: City Wastewater Treatment and Additional Whale Rock Reservoir Water Supply Alternative
- Alternative 3: City Wastewater Treatment and Recycled Water Delivery Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the proposed project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the proposed project as described in the Final EIR. In compliance with CEQA, these Findings examine these three alternatives and the extent to which they would lessen or avoid the project's significant environmental effects while meeting the project objectives.

In addressing the No Project Alternative, Cal Poly followed the direction of the CEQA Guidelines which provide that the no project analysis shall discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services (CEQA Guidelines Section 15126.6[e][2]).

The CSU Board of Trustees finds that a good faith effort was made to evaluate all reasonable alternatives to the project that could feasibly obtain its basic objectives, even when the alternatives might impede the attainment of the objectives or might be more costly. The CSU Board of Trustees also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the Final EIR and the ultimate decision on the project.

3.2.1 Alternative 1: No Project Alternative

DESCRIPTION

Under this alternative, construction of the WRF, force main, reservoir, co-digester/cogeneration, and pump stations would not occur. Where maintenance of nonpotable water distribution pipelines on campus has been deferred, these pipelines would be repaired or replaced in a manner similar to that described for the proposed project. Agricultural wastewater collection, treatment, and disposal would not be altered from the existing processes on campus.

Implementation of this alternative would limit on-campus growth, as identified for Alternative 3 of the Campus Master Plan EIR, the Net Student Growth Only Alternative. For example, there would be fewer new student beds on campus, and planned faculty/staff workforce housing and the University-Based Retirement Community would be eliminated.

FINDING

The CSU Board of Trustees rejects the No Project Alternative as undesirable as it fails the project's underlying purpose and does not meet any project objectives.

RATIONALE

Implementing Alternative 1 would result in reduced impacts compared to the project with respect to aesthetics; archaeological, historical, and tribal cultural resources; biological resources; hydrology and water quality; and utilities and service systems. However, Alternative 1 would not achieve any of the objectives of the project. Without the project, Cal Poly would need to continue to rely on the City for all of its wastewater treatment services, and Whale Rock Reservoir water would continue to be relied upon to meet both potable and nonpotable water demands on campus. Additionally, hands-on learning opportunities would not be provided, and most importantly, planned growth under the Campus Master Plan would be limited because a portion of Cal Poly's Whale Rock Reservoir water allocation would still be needed to meet nonpotable demands on campus and would not be freed up to support the additional potable water demand from campus growth.

3.2.2 Alternative 2: City Wastewater Treatment and Additional Whale Rock Reservoir Water Supply Alternative

DESCRIPTION

Under this alternative, the proposed Cal Poly WRF, co-digester/cogeneration facilities, collection system components, and recycled water reservoir would not be constructed, and existing and future domestic wastewater flows would be conveyed to and treated at the City WRRF. Agricultural wastewater collection, treatment, and disposal would not be altered from the existing processes on campus. Without operation of the proposed Cal Poly WRF, the campus would exceed collection and treatment capacity for domestic wastewater stipulated in the existing agreements with the City during the course of Master Plan buildout. Facility improvements at the City WRRF, as part of the SLO Water Plus project (City of San Luis Obispo 2019), are underway to expand the ADWF from 5.1 mgd to 5.4 mgd. However, this nominal increase would accommodate growth planned in the City under its 2035 General Plan and is not sufficient to treat the potentially increased flows from Cal Poly (City of San Luis Obispo 2016). That is, additional flows associated with buildout of the Campus Master Plan under this alternative could not be accommodated without further expansion of treatment capacity at the City WRRF, or reallocation of existing capacity to Cal Poly that has or would be freed up by ongoing City water conservation programs. Likewise, City collection system capacity would be exceeded unless pipelines from the campus to the City were upsized. Thus, this alternative assumes upgrades to the City's WRRF and collection system pipelines, which would require additional CEQA analysis by the City as lead agency. This analysis does not attempt to address in detail impacts that would occur from upsizing the City's collection system and expanding its WRRF, which would be speculative absent specific design and other details at this time.

CDCR is deactivating the West Facility of the CMC (CDCR 2023). This facility currently houses approximately 2,000 inmates (Jones 2022). Inmates typically use approximately 130 gallons per inmate per day of water (CDCR 2018). Thus, it is estimated that deactivation of the West Facility of the CMC would free up approximately 260,000 gallons per day (291 acre-feet per year [afy]) of water supply. CMC obtains its water supply from several sources, including an estimated 320 afy safe annual yield from Whale Rock Reservoir (Elliot, per. comm., 2023; SWRCB 2023). This alternative assumes that 291 afy of CMC's water allocation from Whale Rock Reservoir would be reallocated to Cal Poly and used to meet campus water demands.

The addition of 291 afy of CMC's water allocation would increase Cal Poly's share of Whale Rock Reservoir water to 1,250 afy (existing 959 afy plus 291 afy from CMC). Potable water demand at buildout of the Campus Master Plan would be 891 afy. With regard to nonpotable water demand, this alternative assumes that the Mission Avocado project would be abandoned (i.e., avocado orchards would be removed), thereby reducing Cal Poly's nonpotable water demand to 296 afy (500 afy minus 204 afy from Mission Avocado project) (Worth, pers. comm. 2023). Therefore, total water demand at Master Plan buildout under this alternative would be 1,187 afy. With the addition of the CMC Whale Rock Reservoir water allocation and reduction in nonpotable water demand, there would be adequate potable and nonpotable water supply to serve buildout of the Campus Master Plan. See Table 5-1, which provides an accounting of water supply and demand under this alternative.

Table 5-1 Allocation of Cal Poly Water Supply and Demand under Alternative 2

Alternative 2	Average Day (afy)
Water Supply	
Existing Cal Poly Whale Rock Reservoir Water Right	959
Reallocated West Facility Portion of CMC Whale Rock Reservoir Water Right	291
On-Campus Groundwater Wells	120
Total	1,370
Water Demand	
Campus Master Plan Buildout Potable Water Demand	891
Campus Master Plan Buildout Nonpotable Water Demand[1]	296
Total	1,187
Net Total Water Supply (Total Supply – Total Demand)	**183**

Notes: afy = acre-feet per year; CMC = California Men's Colony.

[1] Assumes 296 afy as the maximum nonpotable water demand with abandonment of Mission Avocado project, 120 afy of which would be supplied from groundwater and the remaining would be supplied as untreated water from the Whale Rock Reservoir allocation.

Source: Worth, pers. comm., 2023; Data compiled by Ascent Environmental in 2023.

Under this alternative, the proposed Cal Poly WRF, co-digester/cogeneration facilities, collection system components, and recycled water reservoir would not be constructed. The City would continue to meet the treatment requirements for potable water conveyed to campus through Cal Poly's existing agreement with the City, which allows for up to 1,000 afy of treatment capacity (i.e., Cal Poly water treatment demand would be 891 afy at buildout of the Master Plan). Swine and dairy waste management would not be altered from existing conditions. Although the schedule of potable water supplied to the campus might need to be addressed with the City, no upgrades or increase in capacity to existing potable water pipelines would be necessary, and the existing potable water storage system would remain sufficient. Where maintenance of existing nonpotable water distribution pipelines on campus has been deferred, these pipelines would be repaired or replaced in a manner similar to that described for the proposed project.

FINDING

The CSU Board of Trustees rejects Alternative 2 as undesirable as it does not fully meet most of the project objectives. For the reasons set forth below and more fully described in the Final EIR and in the record of proceedings, the Trustees find that Alternative 2 fails to meet most of the basic objectives of the project. The project as proposed would not result in any significant adverse impacts with implementation of mitigation. While Alternative 2 would result in relatively reduced environmental impacts compared to the project, it would not avoid or substantially lessen any significant effects of the project.

RATIONALE

Although Alternative 2 would have reduced impacts compared to the project and would support buildout of the Campus Master Plan, it would not achieve most of the objectives of the project.

Alternative 2 would fully achieve three of the eight project objectives, including those related to maximizing use of Whale Rock Reservoir water supply to meet Campus Master Plan buildout demand for potable water; increasing wastewater treatment capacity to accommodate Campus Master Plan buildout; and providing wastewater treatment and recycled water storage facilities that minimize odor issues, energy demand, and disturbance to natural lands.

Because Cal Poly would rely on the Whale Rock Reservoir water allocation for all potable and nonpotable water demands, Cal Poly would have less certainty regarding supplies in times of drought and recycled water supplies would not be scalable. Therefore, this alternative would only partially achieve three more of the eight project

objectives, including those related to providing reliable, scalable, high-quality recycled water to serve existing and planned on-campus nonpotable water demands, supplying water in a manner that aligns with Cal Poly's climate action plan and promotes the use of recycled water in support of CSU's 2022 Sustainability Policy; and improving Cal Poly's water supply resilience to drought conditions.

Finally, Alternative 2 would not achieve the remaining two of eight project objectives. Because implementing this alternative would increase reliance on the City for wastewater conveyance and treatment services, it is not clear whether this alternative would be cost-effective. While Cal Poly would not incur the costs associated with construction and operation of an on-campus WRF, its share of the cost to expand the City's WRRF to treat Cal Poly wastewater flows associated with Campus Master Plan buildout would have to be negotiated with the City. Furthermore, because this alternative would not include construction and operation of an on-campus WRF, it would not provide additional hands-on learning opportunities for students.

3.2.3 Alternative 3: City Wastewater Treatment and Recycled Water Delivery Alternative

DESCRIPTION

Under this alternative, the proposed Cal Poly WRF, co-digester/cogeneration facilities, and collection system components would not be constructed, and existing and future domestic wastewater flows would be conveyed to and treated at the City WRRF. As discussed above for Alternative 2, without operation of the WRF, domestic wastewater flows associated with Campus Master Plan buildout would exceed existing collection and treatment capacity agreements with the City and could not be accommodated by the City without further expansion of treatment capacity at the City WRRF, or reallocation of existing capacity to Cal Poly that has or would be freed up by ongoing City water conservation programs. Likewise, City collection capacity would be exceeded without expansion of pipelines from the campus to the City. Thus, this alternative assumes upgrades to the City's WRRF and collection system pipelines, which would require additional CEQA analysis by the City as lead agency. This analysis does not attempt to address in detail impacts that would occur from upsizing the City's collection system and expanding its WRRF, which would be speculative absent specific design and other details at this time.

Under this alternative, recycled water would be purchased by Cal Poly from the City and stored in a new on-campus recycled water reservoir to supply nonpotable water demands on campus and free up water supply under Cal Poly's existing Whale Rock Reservoir water right to serve potable demand associated with buildout of the Campus Master Plan. The new recycled water storage reservoir would be located in the same place and be of the same dimensions as under the proposed project. To accommodate the reservoir, this alternative would include the same modifications to the swine and dairy wastewater treatment and disposal practices as described for the proposed project. This alternative would also require the construction of a new booster pump station and pressurized recycled water delivery pipeline on campus, as well as new controls and blending locations to convey recycled water from the City to the new storage reservoir and existing nonpotable water distribution system. It is anticipated that the new booster pump station would be located in the same place, but with smaller dimensions, as the lower lift station under the proposed project, and the recycled water delivery pipeline would follow the same route as the force main under the proposed project. To deliver recycled water to the campus, the City's existing recycled water delivery system would need to be extended to the campus. It is anticipated that the City would construct this extension which would involve installation of approximately 2.25 miles of new recycled water pipeline primarily within roadway rights-of-way starting along Bishop Street near Terrace Hill and extending northeast to Johnson Avenue, then northwest to San Luis Drive, and finally north along California Boulevard to campus. Where maintenance of existing on-campus nonpotable water distribution pipelines has been deferred, Cal Poly would repair or replace these in a manner similar to that described for the proposed project.

FINDING

The CSU Board of Trustees rejects Alternative 3 as undesirable as it would not fully meet most of the project objectives. For the reasons set forth below and more fully described in the Final EIR and in the record of proceedings, the Trustees find that Alternative 3 fails to meet most of the basic project objectives. The project as proposed would not result in any significant adverse impacts with implementation of mitigation. While Alternative 3 would result in reduced environmental impacts compared to the project, it would not avoid or substantially lessen any significant effects of the project.

RATIONALE

Alternative 3 would result in impacts similar to those of the project with respect to archaeological, historical, and tribal cultural resources; and utilities and service systems; and reduced impacts compared to those of the project with respect to aesthetics, biological resources, and hydrology and water quality. Although Alternative 3 would have reduced impacts compared to the project with respect to most environmental resources and would support buildout of the Campus Master Plan, this alternative would not achieve most of the project objectives.

Alternative 3 would fully achieve three of the eight project objectives, including those related to maximizing use of the campus's Whale Rock Reservoir allocation to meet demand associated with Campus Master Plan buildout; increasing wastewater treatment capacity to accommodate Campus Master Plan buildout; and providing wastewater treatment and recycled water storage facilities that minimize odor issues, energy demand, and disturbance to natural lands. Alternative 3 would require reliance on the City for treatment and delivery of adequate volumes of recycled water to meet campus nonpotable water demand, and recycled water delivery by the City could be subject to implementation delays or affected by future changes in the City's allocation priorities. For these reasons, Cal Poly would have less certainty regarding supplies in times of drought and less control over scalability. Therefore, this alternative would only partially achieve three more of the eight project objectives, including those related to providing reliable, scalable, high-quality recycled water to serve the campus's nonpotable water demands; supplying water in a manner that aligns with Cal Poly's climate action plan and promotes the use of recycled water in support of CSU's 2022 Sustainability Policy; and improving Cal Poly's water supply resilience to drought conditions.

Alternative 3 would not achieve the remaining two of eight project objectives. Because implementing this alternative would increase reliance on the City for wastewater conveyance and treatment services, as well as add to reliance on the City for recycled water supplies, it is not clear whether this alternative would be cost-effective. While Cal Poly would not incur the costs associated with construction and operation of an on-campus WRF under this alternative, its share of the cost to expand the City WRRF to treat Cal Poly wastewater flows associated with Campus Master Plan buildout and extend the City's recycled water pipeline to deliver recycled water to campus would have to be negotiated with the City. Furthermore, because this alternative would not include construction and operation of an on-campus WRF, it would not provide additional hands-on learning opportunities for students.

4 GENERAL CEQA FINDINGS

4.1 MITIGATION MONITORING AND REPORTING PROGRAM

Based on the entire record before the CSU Board of Trustees and having considered the unavoidable significant impacts of the project, the CSU Board of Trustees hereby determines that all feasible mitigation within the responsibility and jurisdiction of Cal Poly has been adopted to reduce or avoid the potentially significant and significant impacts identified in the Final EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed in Subsections 2.3 and 2.4, above, and are set forth in the MMRP.

CEQA Section 21081.6 requires the CSU Board of Trustees to adopt a monitoring or compliance program regarding the changes in the project and mitigation measures imposed to lessen or avoid significant effects on the

environment. The MMRP for the project is hereby adopted by the CSU Board of Trustees because it fulfills the CEQA mitigation monitoring requirements:

- The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation; and
- Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements, or other measures.

4.2 CEQA GUIDELINES SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the administrative record, the CSU Board of Trustees has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.

4.3 CSU BOARD OF TRUSTEES INDEPENDENT JUDGMENT

The Final EIR for the Cal Poly WRF Project reflects the CSU Board of Trustees' independent judgment. The CSU Board of Trustees has exercised independent judgment in accordance with CEQA Section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record, the CSU Board of Trustees hereby makes findings pursuant to and in accordance with CEQA Sections 21081, 21081.5, and 21081.6.

4.4 NATURE OF FINDINGS

Any findings made by the CSU Board of Trustees shall be deemed made, regardless of where they appear in this document. All of the language included in this document constitutes findings by the CSU Board of Trustees, whether or not any particular sentence or clause includes a statement to that effect. The CSU Board of Trustees intends that these findings be considered as an integrated whole and, whether or not any part of these findings fails to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the CSU Board of Trustees with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

4.5 RELIANCE ON RECORD

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project.

4.5.1 Record of Proceedings

In accordance with CEQA Section 21167.6(e), the record of proceedings for the CSU Board of Trustees' decision on the project includes the following documents:

- The NOP (September 14, 2022) for the project and all other public notices issued in conjunction with the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The Draft EIR for the project (SCH Number 2022090231) dated April 17, 2023 and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- The Final EIR for the project, dated January 16, 2024, including comments received on the Draft EIR, responses to those comments, and appendices;
- Documents cited or referenced in the Draft EIR and Final EIR;
- The MMRP for the project;
- All findings and resolutions adopted by the CSU Board of Trustees in connection with the project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared in compliance with the requirements of CEQA and with respect to the CSU Board of Trustees' action on the project;
- All documents submitted by other public agencies or members of the public in connection with the project, up through the close of the final public hearing;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the project;
- Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- Any and all resolutions adopted by the CSU Board of Trustees regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- Any other written materials relevant to the CSU Board of Trustees' compliance with CEQA or its decision on the merits of the project, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the project, or included in the CSU Board of Trustees non-privileged retained files for the EIR or project;
- Any other materials required for the record of proceedings by CEQA Section 21167.6(e); and
- The Notice of Determination.

The CSU Board of Trustees intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the CSU Board of Trustees and listed above shall comprise the administrative record for the project. Only that evidence was presented to, considered by, and ultimately before the CSU Board of Trustees prior to reviewing and reaching its decision on the EIR and project.

4.5.2 Custodian of Records

The custodian of the documents or other material that constitute the record of proceedings, upon which the CSU Board of Trustees' decision is based, is identified as follows:

California Polytechnic State University, San Luis Obispo
Facilities Planning and Capital Projects
Attn: Marcus Jackson
1 Grand Avenue, Bldg. 70, Rm 221
San Luis Obispo, CA 93407

4.5.3 Recirculation Not Required

CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines Section 15088.5(a).) "Significant new information," as defined in CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a "substantial adverse environmental effect" or a "feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a "new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;" that a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance;" or that a "feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it." (CEQA Guidelines, §15088.5(a)(1)-(3).)

Recirculation is not required where "the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." (CEQA Guidelines Section 15088.5[b].) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is "intended to be an exception rather than the general rule." (*Laurel Heights Improvement Assn. v. Regents of University of California (1993) 6 Cal.4th 1112, 1132*.)

In this legal context, the CSU Board of Trustees finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.

5 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The CSU Board of Trustees certifies that the Final EIR, dated January 16, 2024, has been completed in compliance with CEQA and the CEQA Guidelines, that the EIR was presented to the CSU Board of Trustees, and that the Board reviewed and considered the information contained therein before approving the Cal Poly WRF Project as the project, and that the EIR reflects the independent judgment and analysis of the Board. (CEQA Guidelines Section 15090.)

6 REFERENCES

Caltrans. *See* California Department of Transportation.

California Department of Corrections and Rehabilitation. 2018. Section 4.11, "Utilities and Service Systems." In *California Institution for Men Mental Health Crisis Facility Project Draft Environmental Impact Report*. State Clearinghouse Number 2018072022.

———. 2023. Prison Closures – Frequently Asked Questions. Available: https://www.cdcr.ca.gov/prison-closures/prison-closures-frequently-asked-questions/. Accessed February 6, 2023.

California Department of Fish and Wildlife. 2012. *Staff Report on Burrowing Owl Mitigation*. Available: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline. Accessed November 12, 2022.

———. 2018 (March 20). *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. Available: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline. Accessed November 11, 2022.

California Department of Transportation. 2002 (January). *California Airport Land Use Planning Handbook*. Prepared by Shutt Moen Associates. Santa Rosa, CA.

California Polytechnic State University, San Luis Obispo. 2020 (May). *Final Environmental Impact Report for the 2035 Master Plan*. San Luis Obispo, CA. Prepared by Ascent Environmental, Sacramento, CA.

CDCR. *See* California Department of Corrections and Rehabilitation.

CDFW. *See* California Department of Fish and Wildlife.

City of San Luis Obispo. 2019. City Breaks Ground on $111 Million Project to Upgrade and Enhance Water Resource Recovery Facility. Available: https://www.slocity.org/Home/Components/News/News/6976/. Accessed: October 2023.

———. 2016. Water Resources Recovery Facility Project Final Environmental Impact Report. State Clearinghouse 2015101044. Available: https://www.slocity.org/Home/ShowDocument?id=10532. Accessed February 2023.

Elliot, Dennis, PE, CEM. Executive Director of Facilities Operations. California Polytechnic State University, San Luis Obispo, San Luis Obispo, CA. February 6, 2023—email to Andrea Shephard, PhD, of Ascent Environmental regarding California Men's Colony safe annual yield water supply allocation from Whale Rock Reservoir.

Jones, C. 2022 (December 7). "State Closing Major Portion of California Men's Colony Prison in San Luis Obispo." *San Luis Obispo Tribune*. Available: https://www.noozhawk.com/state-closing-major-portion-of-california-mens-colony-prison-in-san-luis-obispo/. Accessed February 6, 2023.

Worth, Chad N. Energy, Utilities, and Sustainability Manager. Facilities Management and Development, California Polytechnic State University, San Luis Obispo, CA. February 15, 2023—email to Andrea Shephard of Ascent Environmental regarding historical and projected Master Plan water supply for Cal Poly.

The Xerces Society. 2011. Methods for Conducting Monarch Count Surveys. Accessed July 6, 2019.

US Fish and Wildlife Service. 2001 (January 19). *Least Bell's Vireo Survey Guidelines*. Ecological Services, Carlsbad Fish and Wildlife Office. Available: https://www.wrc-rca.org/species/survey_protocols/LBVireo.2001.protocol.pdf. Accessed November 12, 2022.

———. 2005 (August). *Revised Guidance on Site Assessments and Field Surveys for the California Red-Legged Frog*. Sacramento Fish and Wildlife Office.

USFWS. *See* US Fish and Wildlife Service.

Xerces. *See* The Xerces Society.