



# San Luis Obispo County

## Department of Planning and Building Environmental Division

**TO:** Interested Party  
**DATE:** July 21, 2010  
**FROM:** Jeff Oliveira, Environmental Resource Specialist  
**VIA:** John Nall, Principal Environmental Specialist  
**SUBJECT:** Morro Bay to Cayucos Connector -- Notice of Availability of Final EIR  
(ED 08-252)

The Final Environmental Impact Report (FEIR) for the Morro Bay to Cayucos Connector project is complete and available for review. The FEIR addresses the environmental impacts that may be associated with a future request for a Conditional Use/Coastal Development Permit to develop the project, which would include incorporating existing bikeways and construction of a new "Class I bikeway", completely separated from vehicular traffic.

The proposed project is within multiple land use categories and is located on the west side of Highway 1 between Cloisters Park in the City of Morro Bay, and the site of Norma Rose Park in the community of Cayucos.

### **ENVIRONMENTAL IMPACTS:**

The EIR focuses on the following issues: aesthetic resources, air quality, biological resources, cultural resources, geology, soils, and drainage, hazards and hazardous materials, and transportation and circulation. The EIR also considers two alternatives in addition to the "No Project" alternative.

### **HOW TO GET MORE INFORMATION:**

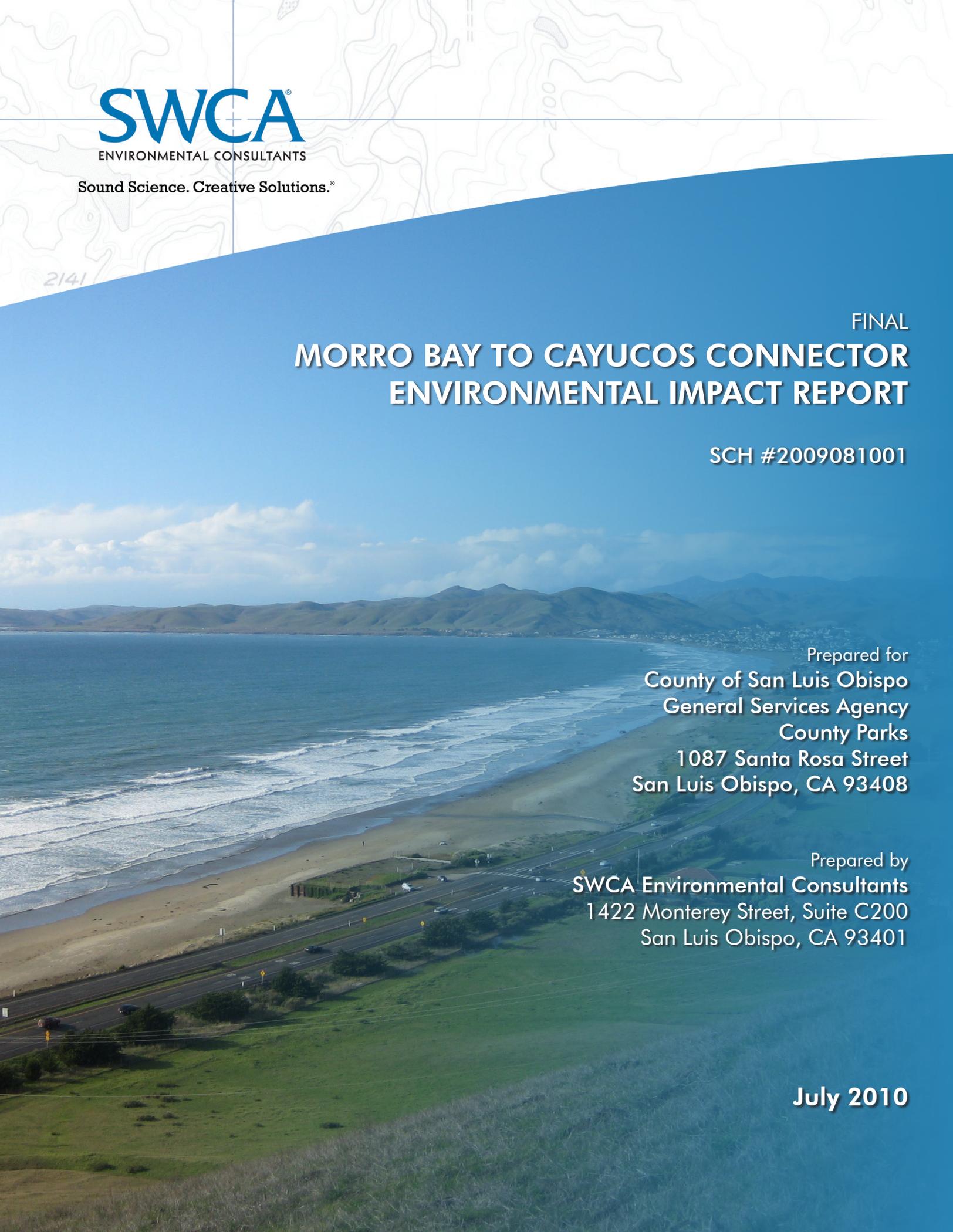
Copies of the Final EIR are available at the following locations: Cal Poly Library and City/ County Library of San Luis Obispo. Copies are also available on loan and for review at the Environmental Division of the Planning Department, located at 976 Osos St., Room 200, San Luis Obispo, 93408-2040. The EIR is on the Planning Department's web site at: [www.sloplanning.org](http://www.sloplanning.org) under "Environmental Information and Natural Resources" then "Environmental Notices, Proposed Negative Declarations, EIRs and other Documents". If you need more information about this project, please contact Jeff Oliveira at (805)781-4167 (or e-mail: [joliveira@co.slo.ca.us](mailto:joliveira@co.slo.ca.us)).

### **PUBLIC HEARINGS:**

A public hearing to discuss the Final EIR has been scheduled for August 26, 2010 at the Parks and Recreation Commission meeting. The meeting will start at 6:00 p.m. in the County Government Center Board Chambers located at 1055 Monterey Street, Room D-170, San Luis Obispo.

A public hearing before the San Luis Obispo Board of Supervisors to certify the EIR has not been scheduled at this time. The hearing would only involve consideration of the EIR, because at this time, no formal application has been filed for the proposed project. Please contact the project manager if you plan to attend the EIR certification hearing.





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FINAL  
**MORRO BAY TO CAYUCOS CONNECTOR  
ENVIRONMENTAL IMPACT REPORT**

SCH #2009081001

Prepared for  
**County of San Luis Obispo**  
General Services Agency  
County Parks  
1087 Santa Rosa Street  
San Luis Obispo, CA 93408

Prepared by  
**SWCA Environmental Consultants**  
1422 Monterey Street, Suite C200  
San Luis Obispo, CA 93401

**July 2010**



# **Morro Bay to Cayucos Connector Path**

**Final Environmental Impact Report**  
SCH No. 2009081001

**Prepared for:**

County of San Luis Obispo  
General Services Agency, County Parks  
1087 Santa Rosa Street  
San Luis Obispo, CA 93408  
Contact: Shaun Cooper, Parks Planner  
(805) 781-4388

**Prepared by:**

SWCA Environmental Consultants  
1422 Monterey Street, Suite C200  
San Luis Obispo, California 93401  
Contact: Keith Miller, Project Manager  
(805) 543-7095

**July 2010**

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## INTRODUCTION

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A Final Environmental Impact Report (EIR) as defined by the California Environmental Quality Act (CEQA) *Guidelines* §15132 must contain:

- The draft EIR or a revision of the draft.
- Comments and recommendations received on the draft EIR either verbatim or in summary.
- A list of persons organizations and public agencies commenting on the draft EIR
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- Any other information added by the Lead Agency.

This volume constitutes the Final EIR (FEIR) and contains an Errata Sheet and Response to Comments on the April 2010 Draft EIR. Due to the minor nature of changes required to the Draft EIR, an erratum was prepared that lists the revisions to the Draft EIR. The Response to Comments section of this volume consists of tables listing persons, organizations, and public agencies commenting on the Draft EIR; verbatim comments received through the EIR process; and responses by the lead agency to comments received. The Draft EIR is available on line at [www.slocountyparks.com](http://www.slocountyparks.com).

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## RESPONSE TO COMMENTS

The Response to Comments section includes comment letters for the Morro Bay to Cayucos Connector Draft EIR. An errata sheet has been prepared summarizing the changes to the Draft EIR. Where appropriate, the number of the errata will be mentioned in the response to comments so that the reviewers can see the proposed changes to the Draft EIR. Once the County has certified the EIR, these comment letters, responses, and the errata, will be considered the Final EIR. The errata also include additional references identified in this chapter.

The following agencies and members of the public have prepared comments on the Draft EIR:

Respondent	Code	Contact	Page
<b>State of California</b> <b>Office of Planning and Research</b> <b>State Clearinghouse and Planning Unit</b> On Line Announcement of Filing Received: April 20, 2010	SCH	1400 10th Street Sacramento, CA 95812 www.ceqanet.ca.gov	9-3
<b>Robert Fuller Davis</b> Email dated: May 27, 2010	RFD	slobike@me.com	9-5
<b>San Luis Obispo County</b> <b>Air Pollution Control District</b> Letter dated: May 28, 2010	APCD	3433 Roberto Court San Luis Obispo, CA 93401 <i>Contact: Meghan Field</i>	9-
<b>David Dabritz</b> Letter dated: May 28, 2010	DD(a)	3650 Studio Drive Cayucos, CA 93430	9-
<b>James L. Christiansen</b> Letter dated: June 1, 2010	JLC	3640 Studio Drive Cayucos, CA 93430	9-
<b>United States Department of the Interior</b> <b>Fish &amp; Wildlife Service</b> Letter dated: June 3, 2010	USFWS	2493 Portola Road, Suite B Ventura, CA 93003 <i>Contact: Julie Vanderwier</i>	9-
<b>State of California</b> <b>Department of Parks and Recreation</b> <b>San Luis Obispo Coast District</b> Letter dated: June 3, 2010	DPR	750 Hearst Castle Road San Simeon, CA 93452 <i>Contact: Nicholas Franco</i>	9-
<b>Cayucos Citizens' Advisory Council</b> Email dated: June 3, 2010	CCAC	jcarsel@aol.com <i>Contact: John Carsel</i>	9-
<b>Carol Baptiste</b> Email dated: June 3, 2010	CB	150 El Sereno Avenue Cayucos, CA 93430	9-
<b>David Dabritz</b> Letter dated: June 3, 2010	DD(b)	3650 Studio Drive Cayucos, CA 93430	9-
<b>John Diodati</b> Letter dated: June 3, 2010	JD	175 Capri Morro Bay, CA 93442	9-

Respondent	Code	Contact	Page
<b>State of California Department of Transportation District 5</b> Letter dated: June 7, 2010	DOT	50 Higuera Street San Luis Obispo, CA 93401 <i>Contact: James Kilmer</i>	9-
<b>San Luis Obispo Council of Governments</b> Letter dated: June 7, 2010	COG	1114 Marsh Street San Luis Obispo, CA 93401 <i>Contact: Richard Murphy</i>	9-
<b>Chevron Environmental Management Company</b> Letter dated: June 24, 2010	CEMC	4000 Highway One Morro Bay, CA 93442 <i>Contact: John Westenberger</i>	9-

The letters of comment are given in the above order with the responses following the individual letters. Letters of comment are reproduced in total, and numerical annotation has been added as appropriate to delineate and reference the responses to those comments. The pages of the letters have been re-numbered to conform to the page sequence of this section.

California Home

Wednesday, June 9, 2010



OPR Home > CEQAnet Home > CEQAnet Query > Search Results > Document Description

**Morro Bay to Cayucos Connector**

**SCH Number:** 2009061001  
**Document Type:** EIR - Draft EIR  
**Alternate Title:** Morro Bay to Cayucos Connector Trail  
**Project Lead Agency:** San Luis Obispo County

**Project Description**

The proposed project includes incorporating existing bikeways and construction of a new "Class 1 bikeway", completely separated from vehicular traffic. It would be located on the west side of Highway 1 between Cloisters Park in the City of Morro Bay, and the site of Norma Rose Park in the community of Cayucos.

**Contact Information**

**Primary Contact:**  
 Jeff Oliveira  
 San Luis Obispo County  
 (805) 761-4167  
 576 Ossa Street, Room 500  
 San Luis Obispo, CA 93408-2040

**Project Location**

County: San Luis Obispo  
 City:  
 Region:  
 Cross Streets: Toro Creek Rd, Old Creek Rd, Yerba Buena Dr  
 Latitude/Longitude:  
 Parcel No: multiple  
 Township:  
 Range:  
 Section:  
 Base:  
 Other Location Info: Nearest Community: Cayucos

**Proximity To**

Highways: Hwy 1  
 Airports:  
 Railways:  
 Waterways: Toro Creek, Pacific Ocean  
 Schools:  
 Land Use: Recreation, Residential single family, Agriculture

**Development Type**

Recreational, Transportation: Other

**Local Action**

Other Action

**Project Issues**

Aesthetic/Visual, Agricultural Land, Air Quality, Archaeologic-Historic, Biological Resources, Coastal Zone, Cumulative Effects, Drainage/Absorption, Flood Plain/Flooding, Geologic/Seismic, Landuse, Soil Erosion/Compaction/Grading, Toxic/Hazardous, Traffic/Circulation, Vegetation

**Reviewing Agencies** (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

<http://www.ceqanet.ca.gov/DocDescription.asp?DocPK=641861>

6/9/2010

Resources Agency, California Coastal Commission, Department of Fish and Game, Region 4, **Department of Parks and Recreation**, Department of Water Resources, California Highway Patrol, Caltrans, District 5, Air Resources Board, Transportation Projects, Regional Water Quality Control Board, Region 3, Department of Toxic Substances Control, Native American Heritage Commission

**Date Received:** 4/20/2010 **Start of Review:** 4/20/2010 **End of Review:** 6/9/2010

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<http://www.ceqanet.ca.gov/DocDescription.asp?DocPK=641861>

6/9/2010

**State Clearinghouse Online Notification**

<b>Comment No.</b>	<b>Response</b>
SCH-1	This notification identifies the agencies that were notified by the State Clearinghouse. This notification is included for informational purposes and no further response to this letter is necessary.

From: Robert Fuller Davis <slobike@me.com>  
To: joliveira@co.slo.ca.us  
Cc: scooper@co.slo.ca.us  
Date: 05/27/2010 08:53 AM  
Subject: MB-Cayucos Draft EIR comments attached

Hello Mr Oliveira. May I give you my comments via email? Thanks. Red Davis

Visual Impact p. 4-8 Views from Northbound Highway 1

Placing the bike trail within Caltrans ROW in Segment 3 at grade with Highway 1 requires a barrier that presents significant and unavoidable visual impact. An alternative not discussed is building the bike trail below highway grade on pilings across the top of existing rip rap from North Point to Toro Creek. Is this a viable alternative?

RFD-1

Bluff Retreat p. 4-58

You note that the dominant force behind recorded bluff erosion may be the result of stormwater erosion, poor drainage channelization, rather than tidal erosion. Can you note as a mitigation measure that proposed culverts and bridges will improve this drainage and may reduce erosion over the next 25 years?

RFD-2

4.7.5.5 Safety p.4-94

Can you note that existing bicycle traffic on Highway 1 northbound from Morro Bay is required to cross Toro Creek Bridge in the motor vehicle lane competing for space with motorized traffic traveling at 65 mph? The bridge does not have a shoulder for bicyclists to use. This project will provide a safe alternative for northbound cyclists to cross Toro Creek. (See attached file: mb\_draft\_eir\_response.pdf) Robert Fuller Davis Morro Bay California slobike@me.com

RFD-3

**Response to Letter from Robert Fuller Davis, dated May 27, 2010**

Comment No.	Response
RFD-1	Due to the presence of the riprap, this alternative would be technically challenging. It would also require additional disturbance within sensitive habitat and would potentially subject the bikeway to more significant risk of damage due to wave run-up. Further, Caltrans has suggested that the barrier would be required for any portion of the bikeway within 30 feet of the edge of travelled way (white stripe), in which case a barrier may still be necessary (refer to response DOT-2).
RFD-2	Bluff erosion is expected to continue at approximately the same rate whether or not the proposed project is implemented. The proposed project is not expected to reduce bluff erosion, nor is it expected to increase it. Restoration of the remnant road in the North Point Natural Area may reduce stormwater runoff and reduce erosion in that area (Segment 2 of the proposed project), although the potential reduction would not be known until the drainage plan is prepared for the project.
RFD-3	Comment noted. The proposed project is intended to provide a safer connection for bicyclists between Cayucos and Morro Bay.



May 28, 2010

Jeff Oliveira  
 San Luis Obispo County Department of Planning and Building  
 Government Center  
 San Luis Obispo CA 93408

SUBJECT: APCD Comments Regarding the Morro Bay to Cayucos Connector Trail  
 Notice of Availability of Draft Environmental Impact Report. (ED 08-252)

Dear Mr. Oliveira,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed Morro Bay to Cayucos Trail Connector. APCD originally commented on this project on August 31, 2009. The proposed project would complete a segment in the non-motorized transportation network along Highway 1 and would be a dedicated Class I bicycle path and pedestrian corridor, completely separated from vehicular traffic, from the intersection of Yerba Buena Street and Highway 1, to the southern end of Studio Drive in the unincorporated community of Cayucos. This project would provide a connection between existing designated bikeways to the north and the south.

The project would also include the demolition and removal of the remnant road in the North Point Nature Area (NPNA). The road is approximately 560 feet long and 40 feet wide. The total disturbance area would be approximately 22,000 square feet. The EIR indicates that the disturbed area would be revegetated with native species.

The proposed project is broken up into five segments which will have such activities as earthwork, paving, demolition and construction of retaining walls and the construction of a bridge. Staging areas for construction may include the disturbed or developed areas of the Pier Landing parking area, the Marine Terminal, and the site of Norma Rose Park for Segment 2 and the short-term use of the beach west of Highway 1 for construction of Segment 3.

The proposed project would formalize the existing parking area located at the south end of Studio Drive and would include parking available at Norma Rose Park. The total earthwork proposed for this project will be less than 5,000 cubic yards and would occur over a relatively long period (2 months) due to intensive biological resources mitigation and geographic constraints. The proposed project would require approximately 42,000 square feet of asphalt with the permanent area of disturbance associated with the bikeway being approximately 80,000 square feet (6,600 feet long by 12 feet wide). Total construction for this proposed project is estimated at less than one year.

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 info@slccleanair.org • www.slocleanair.org

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Draft Environmental Impact Report for Morro Bay to Cayucos Connector Trail  
 May 28, 2010  
 Page 2 of 5

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

**GENERAL COMMENTS**

The proposed Morro Bay to Cayucos Connector Trail is consistent with the APCD's Clean Air Plan call for alternative transportation choices in order to reduce air quality impacts from historic vehicle dependent development. Vehicular impacts account for over 50% of the County's traditional air pollution and greenhouse gas emissions. For this reason, the APCD supports this project.

APCD-1

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

**CONSTRUCTION PHASE MITIGATION**

The APCD staff considered the construction impacts of this development by running the URBEMIS2007 version 9.2.4 computer model, a tool for estimating construction emissions related to the development of land uses. This indicated that construction phase impacts will likely be less than the APCD's significance threshold values of 137 lbs/day of ROG + NOx and/or 2.5 tons/year ROG + NOx. Therefore, with the exception of the requirements below, the APCD is not requiring other construction phase mitigation measures for this project.

APCD-2

**Hydrocarbon Contaminated Soil**

**Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:**

APCD-3

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH –non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
- Clean soil must be segregated from contaminated soil.

**The notification and permitting determination requirements shall be directed to the APCD Engineering Division at (805) 781-5912.**

<p><i>Draft Environmental Impact Report for Morro Bay to Cayucos Connector Trail</i>  May 28, 2010  Page 3 of 5</p> <p><u>Naturally Occurring Asbestos</u>  The EIR indicated that a geologic analysis would be completed to ensure the presence/absence of serpentine rock onsite. Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2009 CEQA Handbook, Technical Appendix 4.4). The proposed project site is located in a candidate area for Naturally Occurring Asbestos (NOA) and the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, <b>prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the APCD.</b> If NOA is found at the proposed project site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. More information on NOA can be found at:  <a href="http://www.socleanair.org/business/asbestos.asp">http://www.socleanair.org/business/asbestos.asp</a>.</p> <p><u>Demolition of Asbestos Containing Materials</u>  Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). <b>If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).</b> These requirements include but are not limited to: 1) notification requirements to the APCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.</p> <p><u>Developmental Burning</u>  Effective February 25, 2000, <b>the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.</b> If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.</p> <p><u>Dust Control Measures</u>  Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. <b>Projects with grading areas that are within 1,000 feet of any sensitive receptor shall</b></p>	<p>APCD-4</p> <p>APCD-5</p> <p>APCD-6</p> <p>APCD-7</p>	<p><i>Draft Environmental Impact Report for Morro Bay to Cayucos Connector Trail</i>  May 28, 2010  Page 4 of 5</p> <p><b>implement the following mitigation measures to minimize nuisance impacts and to significantly reduce fugitive dust emissions:</b></p> <ol style="list-style-type: none"> <li>a. Reduce the amount of the disturbed area where possible;</li> <li>b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;</li> <li>c. All dirt stock pile areas should be sprayed daily as needed;</li> <li>d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;</li> <li>e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;</li> <li>f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;</li> <li>g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;</li> <li>h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;</li> <li>i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;</li> <li>j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;</li> <li>k. 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;</li> <li>l. All PM10 mitigation measures required should be shown on grading and building plans; and,</li> <li>m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.</li> </ol> <p><u>Construction Permit Requirements</u>  Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable</p>	<p>APCD-7 (cont'd)</p> <p>APCD-8</p>
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Draft Environmental Impact Report for Morro Bay to Cayucos Connector Trail  
May 28, 2010  
Page 5 of 5

equipment registration (issued by the California Air Resources Board) or an APCD permit. Operational sources may also require APCD permits.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2009 CEQA Handbook.

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

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

**OPERATIONAL PHASE MITIGATION**

In order to ensure the continued functionality of this proposed bike trail, an ongoing operational maintenance program needs to be developed.

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

Sincerely,

Meghan Field  
Air Quality Specialist

MDF/lmg

cc: San Luis Obispo County General Services Agency  
Karen Brooks, Enforcement Division, APCD  
Tim Fuhs, Enforcement Division, APCD  
Gary Willey, Engineering Division, APCD

**Attachments:**

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

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APCD-8  
(cont'd)

APCD-9



**Response to Letter from San Luis Obispo County Air Pollution Control District, dated May 28, 2010**

Comment No.	Response
APCD-1	Comment noted.
APCD-2	Comment noted.
APCD-3	Mitigation measure HAZ/mm-1 requires preparation and approval of a Contaminated Materials Management Plan (CMMP). That plan would include protocols that will be utilized during the project to safely and appropriately recover, handle, characterize, store, transport, and dispose of any contaminated materials encountered during construction of the project. No additional mitigation is required.
APCD-4	Refer to AQ/mm-1.
APCD-5	Comment noted.
APCD-6	No developmental burning is proposed.
APCD-7	Dust control is already required by local ordinance. No additional measures are required.
APCD-8	Comment noted.
APCD-9	Comment noted.

<p>May 28, 2010</p>	<p>Jeff Oliveria, Project Manager County Planning &amp; Building Department 976 Osos St. Rm.300 San Luis Obispo, CA 93408-2040</p>	<p><i>Hi Shawn Thank you for your quick replies DOR</i></p>	<p>10 has been a relatively wet year. Surveys need to be done over several consecutive years and in different seasons. Recent clearing of ice plant on some coastal bluffs has resulted in the emergence of species previously unknown to inhabit that location. This bluff is a unique isolated micro ecosystem that will be adversely impacted by increased human use. The recent publication of the flora of the State Parks in this area; specifically those covering the bluff communities; should be reviewed. The path covering two acre loss of habitat in a 20-25 acre corridor may be critical. Because of run-off from Highway 1 the area near the fence gets the most moisture and the path will cover that area and may block down slope migration of the moisture. The statement on page 10 paragraph three fifth line should read " and long term impacts <u>will</u> result ". As the report concludes much more study has to be done.</p>	<p><b>DD(a)-4</b> (cont'd)</p>
<p>Topic: Comments to Report</p>	<p>Dear Mr. Oliveria,</p>			
<p>You have already received my comments to an earlier Draft EIR of August 26, 2009. These comments will be in response to the Draft EIR noticed April 19, 2010 and the undated Executive Summary.</p>		<p><b>DD(a)-1</b></p>		
<p>The comments will be by page number of that report and the Executive Summary. The report is exhaustive and covers most of the project. It does not follow through on the projected extension to Norma Rose Park, segment 5.</p>		<p><b>DD(a)-2</b></p>	<p>Page 12, 19 &amp; 20 together An eight foot trail with two 2 foot shoulders creates a 12 foot impermeable barrier to water percolation. The narrow bluff is in some cases less than 60 feet from the ROW fence. Increasing the water load from this path onto already fragile hard pan soil that is "very poorly drained" creates a greater potential for increasing bluff erosion beyond the natural progression.</p>	<p><b>DD(a)-5</b></p>
<p>Page 3 The Draft Report of July 31, 2009 Mention is made that to evaluate this EIR, evaluation an alternative trail alignment along the east side of Highway 1 will be done... No such evaluation has been done. Therefore this report has no probative value. Without the alternatives no judgment can be made.</p>		<p><b>DD(a)-3</b></p>	<p>Page 14 Should the north end of Studio Dr. become more congested and the bluffs receive more visitors, access to the area by emergency responders can be compromised; as it has in the past during sunny weather and good surfing conditions.</p>	<p><b>DD(a)-6</b></p>
<p>Also! The 2 other alternative mentioned in the Executive Summary are not mentioned nor discussed. Whether the construction of a wall 32 inches above the roadway with an 22 inch fence meets with the Cal Trans scenic highway standards is not addressed. 1 c) Change the visual character of an area is potentially significant. Should lighting be placed on the bridges for safety? Encroachment onto Hwy. 1 ROW on the narrow cliff edge south of Chevron pier landing will narrow the class 2 bikeway that already exists and create an additional traffic hazard.</p>			<p>Page 16 See page 14 above</p>	<p><b>DD(a)-7</b></p>
<p>Page 7 The biological resources that are critical along the bluff are very sensitive to the amount of rain and also to the timing of that rain. 2006-8 were dry years while 2009-</p>		<p><b>DD(a)-4</b></p>	<p>Page 17 Should the trail increase use of the "park" area would public restrooms be identified as additional needs. Beach use from Studio Dr. to North point has increased greatly with the closure of the Morro Bay Strand to unrestrained dogs. This beach is heavily used by dog owners as an off leash area. This off leash use apparently is legal or at least the leash law is not enforced.</p>	<p><b>DD(a)-8</b></p>
			<p>Page 18 There are 10-15 unmarked parallel parking spaces that are heavily used by surfers, beach goers , dog owners, and beach party gatherers at the south end of Studio Dr. On</p>	<p><b>DD(a)-9</b></p>

many days and most weekends there are numerous times when no space is available for more cars. THE LOT IS FULL . This raises the impact to Potentially Significant. The two informal parking spaces near the Chevron Marine Terminal are in the ROW. They are separated from the proposed bikeway by a six foot chain link fence. Getting a bike from these parking lots to the bikeway would entail scaling this fence.

DD(a)-9  
(cont'd)

Traffic studies need be done on both Studio and Beachcomber Dr. during weekends when the most likely use of the bikeway would exist. A ride down Studio Dr. on a summer weekend will show the evaluator the extent of the traffic problem.

DD(a)-10

Page 19

Why are no public restrooms being planned? The increased use of the "Chevron" bluff has increased need for such facilities.

DD(a)-11

Addenda

There is already a great class 2 bikeway between these 2 points.

DD(a)-12

Thank you for an opportunity to comment on this report.

David Dabritz  
3650 Studio Dr.  
Cayucos, CA 93430-1943  
805-995-3875  
seasidestories@gmail.com

cc: Cherie Aispuro  
Jim Christian  
Bud Strauss  
Cayucos Advisory Council, Traffic committee  
✉ Paul Choucalas  
CCAC, Sec.  
Larry Fishman  
*SHAUN ROOPER*

**Response to First Letter from David Dabritz, dated May 28, 2010**

Comment No.	Response
DD(a)-1	Comment noted.
DD(a)-2	Comment noted.
DD(a)-3	Appendix F includes an analysis of an alternative alignment. No lighting is proposed for the project. The barrier as proposed would be necessary to address safety concerns. It would also result in an unavoidable aesthetic impact.
DD(a)-4	Significant biological resource field surveys have been performed by qualified biologists for both the 2006 Constraints Analysis and this EIR. Sensitive species and habitat have been identified and mitigation proposed. Mitigation measures proposed would reduce impacts to a less than significant level. Those measures include implementing erosion control during construction and avoiding disturbance of existing drainages.
DD(a)-5	The bikeway would alter drainage patterns onsite; however not significantly. The impermeable surface is limited (shoulders would be gravel and allow stormwater to infiltrate) and is not expected to significantly affect drainage patterns. Bluff erosion is not expected to increase or decrease as a result of the proposed project.
DD(a)-6	The DEIR notes that the parking area at the south end of Studio Drive can be at capacity during peak periods. This would not change as a result of the proposed project. The parking area would still be at capacity during peak periods.
DD(a)-7	See response to comment DD(a)-6.
DD(a)-8	Additional restrooms are not proposed. Lack of restrooms in the vicinity of the south end of Studio Drive may be an inconvenience, but it does not represent a physical impact on the environment that requires mitigation.
DD(a)-9	The DEIR notes that this parking area can be at capacity during peak periods and is heavily used. This would not change as a result of the proposed project. Lack of parking is not necessarily a physical impact that requires mitigation. The DEIR notes that the proposed project has been designed to allow continued access from the informal parking areas, across the project and to the bluffs and beach. Access would not require scaling a chainlink fence.
DD(a)-10	The DEIR notes that there is the potential for conflicts between cyclists and automobiles on Studio and Ocean. Both roads are identified in the County Bikeways Plan as Class III bikeways. Additional mitigation, TC/mm-2 has been recommended in the DEIR to address potential conflicts.
DD(a)-11	Lack of restrooms is an inconvenience, but is not a physical impact on the environment that necessarily warrants consideration in an EIR.
DD(a)-12	There is not an existing Class II bikeway between Cloisters Park and Norma Rose Park.

June 1, 2010

Dear Mr. Oliveria,

The following are my comments regarding the EIR for the proposed Morro Bay Cayucos Connector Trail.

I live at 3640 Studio Drive, Cayucos, which is in the area at the south end of Studio Drive between Chaney and the dead-end at the Chevron property. This little stretch of street is, at times, heavily used by surfers, dog walkers, and beach day-use people. During peak periods, which are normally weekends, there is heavy use of the limited parking spaces available. I believe that having the connector path on the west (ocean) side and using Studio Drive will create serious safety issues for the users of the path. **JLC-1**

During these heavy use periods, there are many cars driving down to the dead-end on Studio Drive, pulling into the resident's driveways, backing blindly across the street, while turning around to find a parking space or leaving the area. This is the first safety hazard I see to pedestrians and cyclists. **JLC-2**

Secondly, when this area is used by surfers, they have their equipment, which includes surfboards, wetsuits, tubs, etc. on the ground around their vehicles, and many times extending into the street. We, as residents, have to be careful as we drive down our street so we do not run over them or their equipment. Adding cyclists and pedestrians will only further congest the street. **JLC-3**

Thirdly, many people, daily, use this area to take their dogs to the off-lease beach area at the Chevron property. They typically let their dogs out of their vehicles and the excited dogs run up and down the street before they head down the beach access. This too, will create a safety hazard to the connector trail users. **JLC-4**

Fourthly, let's be realists and consider the attitudes of the aforementioned people that routinely use this area. Surfers are not timid people. They can certainly develop an attitude quickly when they are challenged. I have seen too many displays of it in the street. Accordingly, cyclists have the same type of attitude and they are not particularly yielding of the street on which **JLC-5**

they are riding. I have seen many displays of their attitude as well. Now let's add the dog owners, which are equally protective of their pets, and we have a mix of people, each protective of their activity, that can lead to serious conflict. If the connector trail uses Studio Drive, I believe this will be an area of very diverse people with different interests competing for very limited space. Serious conflicts are inevitable. **JLC-5 (cont'd)**

Another safety concern I have is the entire use of Studio Drive. I routinely drive Studio Drive from my home to the Old Creek Road intersection because it is safer to enter the highway through a traffic light controlled intersection. There are areas on Studio Drive where there are cars parked parallel on each side of the street across from each other. In these areas two cars driving in opposite direction cannot pass each other due to the narrow street. One driver must pull behind one of the parked cars and allow the other car to pass. In my experience, when there are cyclists using the street in this situation, they will not cooperate in this give-and-take situation. They just continue to come right down the middle of the street. This refusal to "Share the Road" will further test the patience of drivers on this street. Let's hope one of those drivers, who always seem to be in a big hurry, does not lose their patience with cyclists and force them to yield and become injured. **JLC-6**

The last comment I will make concerns the environment. Considering building a bridge across Toro Creek on the west side of the highway on a pristine beach and natural creek makes no sense at all to me. It disrupts the natural setting and impedes the view from Highway 1. If there is a bridge to be built, I believe it should be on the east side of Highway 1. People who use Highway 1 look at the ocean and beach, not the eastern upstream side of the creek. I thought we were moving away from such things as building permanent structures and such in beautiful natural settings. I oppose the consideration of the bridge on the west side of Highway 1, especially for a project that is primarily recreational and will have limited use. **JLC-7**

James L. Christiansen  
 3640 Studio Drive  
 Cayucos, CA 93430  
 805-995-3116  
 cayucosjimandpam@charter.net

**Response to Letter from James L Christiansen, dated June 1, 2010**

<b>Comment No.</b>	<b>Response</b>
JLC-1	The bluffs and adjacent beach are popular with a variety of recreational uses, including surfers, dog walkers, and cyclists, among others. The DEIR indicates that safety conflicts and inadequate parking capacity may result as a result of implementation of the proposed project.
JLC-2	Mitigation measure TC/mm-2 has been recommended to address potential conflicts.
JLC-3	See response to JLC-1 and 2.
JLC-4	See response to JLC-1 and 2.
JLC-5	See response to JLC-1 and 2.
JLC-6	See response to JLC-1 and 2.
JLC-7	The proposed bridge is relatively limited in size and scope. Based on the analysis in the Aesthetics Resources section, it would not result in an impact to aesthetic resources. There are sensitive biological resources on both the west and east side of Toro Creek. Mitigation measures have been proposed that would reduce potential impacts to these resources to a less than significant level.



**Response to Letter from United States Fish and Wildlife Service, dated June 3, 2010**

<b>Comment No.</b>	<b>Response</b>
USFWS-1	Subsequent correspondence with USFWS indicates (Vanderweir 2010) that the agency did receive a copy of the DEIR.
USFWS-2	Based on a review of the relevant literature and discussions with USFWS staff, there is debate regarding the accuracy of the species range for the Morro shoulderband snail (MSS). Currently, literature describes MSS habitat as consisting of coastal dune, coastal dune scrub, and maritime chaparral associated with back dune and stabilized dune systems. In these communities, MSS are typically found in association with shrubs that have ample branches that touch the ground. Such shrubs include mock heather, seaside golden yarrow, deerweed, sand almond and others. MSS is not expected to occur in areas supporting clay soils, even if shrub vegetation is present. Based on the current understanding of MSS habitat preferences and the existing conditions at Segments 2 and 3, the presence of MSS in the project area is unlikely. However, if MSS are present in foredune habitat areas, the individuals could be impacted by project related activities such as grading, path construction, and habitat restoration. The Biological Resources section of the DEIR shall be amended to include a substantial discussion of MSS and an additional mitigation measure addressing potential MSS impacts. Refer to Errata #1.
USFWS-3	M. Walgren (Walgren 2010) was contacted regarding the project for additional information.



State of California • The Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION  
 San Luis Obispo Coast District  
 750 Hearst Castle Road  
 San Simeon, CA 93452  
 (805) 927-2065 telephone  
[nfranco@hearstcastle.com](mailto:nfranco@hearstcastle.com)

Ruth Coleman, Director

June 3, 2010

Attn: DPLA Environmental Review Unit  
 California Department of Water Resources  
 P.O. Box 942836  
 Sacramento, CA 94236-0001

Re: San Luis Obispo County Parks & Recreation Division  
 Morro Bay to Cayucos Connector Trail  
 Draft Environmental Impact Report. SCH # 2009081001

Dear Sir/Madam,

Thank you for providing California State Parks, San Luis Obispo Coast District (State Parks) with the opportunity to comment on the draft Environmental Impact Report (DEIR) for the Morro Bay to Cayucos Connector Trail. State Parks strongly supports this project which will create a critical connector trail in the California Coastal Trail (CCT) system. State Parks will undertake similar planning efforts in the Piedras Blancas area and views the two projects as complimentary and necessary for completing the CCT in San Luis Obispo County.

▪ **Separated bicycle and pedestrian right of way**

State Parks supports the proposed design incorporating in the new segments, a completely separated right of way exclusively for bicycles and pedestrians. This will provide trail users with the highest quality of recreational experience along the coast. A non-motorized, multi-mode trail that is completely separated from the highway shoulder will provide trail users with a superior recreational experience that is not negatively impacted by interaction with vehicles and the associated issues of safety, noise, and emissions, while providing unimpeded views of the coastline and Morro Rock.

▪ **Impact to Biological Resources**

As previously stated in meetings with County Parks, State Parks Environmental Scientists continue to have concerns about impacts to biological resources. The project is obviously constrained by a long, narrow footprint with a retreating bluff and special species of concern and associated foredune habitat on the western perimeter. Not surprisingly, State Parks Environmental Scientists prefer the environmentally superior alternative of the Eastern alignment.

With regard to federally listed Western Snowy Plover, while the DEIR does contain mitigation measures during construction, there does not appear to be much analysis of design mitigation with respect to nesting sites. Because the proximity of the bike path to potential nesting sites will add to site disturbance for federally listed species, specific design measures should be incorporated that eliminate interaction between trail users and the foredune habitat. Without appropriate design separation between the trail and foredunes, proposed dune habitat restoration would be subject to future degradation and impacts from trail users and pets.

DPR-1

DPR-2

DPR-3

DPR-4

San Luis Obispo County Parks & Recreation Division  
 Morro Bay to Cayucos Connector Trail, Draft EIR SCH # 2009081001  
 June 3, 2010, Page 2

It is noted that in addition to impacts to federally listed Western Snowy Plover, there are potential impacts to Morro Shoulderband Snail in the foredune habitat. The Western and East/West alignments would also include construction activities within known habitat for the federally listed Morro shoulderband snail (*Helminthoglypta walkeriana*). Morro shoulderband snail (MSS) occurrences at this location have been documented in CNDDDB, published literature, and a Master's thesis (Walgren 2003). In particular MSS have been documented in the North Point Natural Area, including portions of the old roadway, and on clay/sandy soils located on the Toro Creek beach bluff area. In addition, the DEIR includes comments (P. D13) regarding soil requirements of MSS that are inconsistent with the current literature regarding MSS habitat occupancy. Consultation with US Fish and Wildlife regarding appropriate mitigation measures should be undertaken and approved prior to ground disturbing activities.

The need to protect biological resources must be balanced by obvious public safety concerns about multiple highway cross walks associated with the Eastern alignment as well as the less than ideal recreational experience that an Eastern alignment would provide. Ultimately, the decision about preferred alignment rests with County Parks as the project applicant, and State Parks will respect and support that decision.

▪ **Impacts to State Parks Infrastructure and Resources**

The DEIR briefly mentions impacts to certain State Parks resources adjacent to the project area, such as projected parking congestion at Morro Strand day use parking lot associated with the Eastern alignment (page F-41). Presumably there would be impacts to the Morro Strand day use parking lot with either alignment. The same argument can be made for the Studio Drive northern unpaved parking lot and beach access, and the Norma Rose Park terminus of segment 5 of the trail (Norma Rose Park is a state property operated by County Parks under an "Operating Agreement"). What specific improvements are planned for: 1) the Studio Drive northern unpaved parking lot; 2) the trail terminus at Norma Rose Park; or 3) the Morro Strand day use parking lot? Under either alignment scenario, there will likely be an increased use of these parking lots and restroom facilities. How will the trail transition to the existing class 3 bike path on Ocean Avenue that connects with north western Cayucos? Some analysis of these questions and appropriate mitigation is requested for inclusion in the final EIR. If staging of equipment or personnel from State Parks properties or beaches is anticipated, a Right of Entry Permit would be required and State Parks would intend to issue such a permit. As a minor technical clarification, on page 2-5 in segment 4, the beach across from Toro Creek Rd is incorrectly identified as Morro Strand State Beach. The beach property in front of the Chevron facility is not state park beach property.

State Parks staff look forward to working with staff from County Parks and other interested agencies to ensure a successful project that is completed in a timely manner. Thank you again for providing us with the opportunity to comment on the Morro Bay to Cayucos Connector draft EIR.

Sincerely,  
  
 Nicholas Franco  
 District Superintendent

cc: Clarissa Sampaga, DPR Natural Resources Division  
 Jeff Oliveira, Project Manager, San Luis Obispo County Planning & Bldg. Dept.  
 Shaun Cooper, Senior Planner, San Luis Obispo County Parks

DPR-5

DPR-6

DPR-7

DPR-8

**Response to Letter from State of California Department of Parks and Recreation San Luis Obispo Coast District,  
dated June 3, 2010**

Comment No.	Response
DPR-1	Comment noted.
DPR-2	Comment noted.
DPR-3	The Environmentally Superior Alternative identified in the DEIR is east of Highway 1
DPR-4	Bio/mm-14 requires fencing to be constructed between the proposed project and foredune habitat to limit trampling of the dunes. In response to concerns from State Parks, it has been modified to require more substantial fencing of foredunes, which would offer greater protection. Specifically, the fencing will need to be approximately 36 inches tall and include posts, horizontal support and metal fencing (2 inch by 4 inch grid) similar to the fencing utilized at Cloisters Park. In areas where this fencing would be required, the 58 inch safety barrier would be required on the highway side of the project. Therefore, this modification to Bio/mm-14 would not result in secondary impacts to aesthetic resources. See Errata # 2.
DPR-5	Refer to response to comment USFWS-2 and Errata #1.
DPR-6	Comment noted.
DPR-7	<p>No specific improvements are proposed at the unpaved northern Studio Drive lot, Norma Rose Park, or at the Morro Strand day use area. The DEIR notes that the proposed project would increase use of these facilities. It also notes that during peak times, the facilities may be at or over capacity under existing conditions. Lack of adequate parking, while a potential nuisance is not necessarily a physical impact on the environment that requires mitigation. At this time, no staging is anticipated on State Parks properties.</p> <p>The proposed project would terminate at Norma Rose Park. From there riders could connect to the existing Class I bikeway adjacent to the wastewater treatment plant, and follow 13<sup>th</sup> Street, a designated Class III bikeway, south to Ocean Avenue, an existing Class II bikeway.</p> <p>Comment noted in regards to Morro Strand State Beach label on page 2-5. It should be removed. See Errata #3.</p>
DPR-8	Comment noted.

From: JCarsel@aol.com  
 To: joliveira@co.slo.ca.us  
 Cc: bgibson@co.slo.ca.us, SEABAPTISTE@SBCGLOBAL.NET, JCarsel@aol.com  
 Date: 06/03/2010 02:53 PM  
 Subject: Cayucos to Morro Bay Connector Draft EIR

Mr. Jeff Oliveria:

The Cayucos Citizens' Advisory Council discussed the above draft EIR last night at our regularly scheduled meeting. Unfortunately, most of the advisory council members had not been able to complete their reading of the document and comments were, therefore, very limited. The Council itself took no formal action regarding the draft EIR and I continued the matter until our next meeting in July for formal action and realistic comments. I understand that today, however, is the last day to submit comments to you on the draft EIR. Following are some of the individual comments made by individual members of the Council. They do not necessarily reflect any opinion other than the one person making the comment.

CCAC-1

"I do not support the connector trail being developed on the west side of Highway 1 due to the traffic congestion that it will cause on Studio Drive. Additionally, there is just too little space along the very south end of Studio Drive (Chaney to the Chevron property) to add a trail there. Also, I do not support the building of a bridge across Toro Creek on the west side of the highway. It will disturb the area too much and impede the view from Highway 1."

CCAC-2

CCAC-3

Aerial photos are very detailed and great. The West side is very narrow in the area south of Toro Creek. On the East side there will have to be constructed on the hillside a retaining wall and fence to protect the bicycle path and that really unsightly. I would prefer the option which has the least environmental impact.

CCAC-4

Need to review the 2008 Firma and Boyle Report before can accurately analyze this EIR.

CCAC-5

I like the concept of building the path on the east side to Toro Creek Road and then having an underpass (which we have been discussing with Parks and Cal Trans) under Highway 1 there and continuing on the West side to Studio Drive. Take some of Chevron's property at the corner and make it into a parking lot to provide lots of access to the ocean and beach.

CCAC-6

I envisioned this as a path I could walk on along the beach when the day comes when I'm physically unable to walk on the sand.

CCAC-7

That was about it. Thank you for your attention to this and if we can do any more please let us know. John Carsel, President, Cayucos Citizens' Advisory Council

**Response to Letter from Cayucos Citizens' Advisory Council, dated June 3, 2010**

Comment No.	Response
CCAC-1	Comment noted.
CCAC-2	Comment noted.
CCAC-3	No trail would be added in this location. It is already designated a Class III bikeway, and would continue to be a Class III bikeway. The DEIR has concluded that the bridge would not result in significant impacts to aesthetic resources.
CCAC-4	Comment noted.
CCAC-5	Comment noted.
CCAC-6	This alternative has not been considered in the DEIR, although an at-grade crossing was considered.
CCAC-7	Comment noted.

From: Carol Baptiste <seabaptiste@sbcglobal.net>  
To: joliveira@co.slo.ca.us  
Cc: Carol Baptiste <seabaptiste@sbcglobal.net>  
Date: 06/03/2010 10:07 AM  
Subject: Morro Bay to Cayucos Connection Trail

Joe Oliveira

I have received some information that there may be a deadline of today to give input about the connection trail.

That may be incorrect, but just in case, I would like to explain some of my main concerns. I have studied the EIR draft at slocountyparks to some extent.

My number one main concern is the bluff along highway 1 south of Studio Drive in Cayucos. I have walked this many times. There is only a small section here that is left undisturbed and this is it.

CB-1

This is a narrow area. I have come to know a family of gopher snakes that live there. One very large beautiful specimen who I am sure only lives there because it is undisturbed. And some of his family. Narrow and undisturbed. A wide, paved bicycle path as proposed would wipe out the natural state of that area.

CB-2

This narrow section of bluff is also where the para-gliders land. It is beautiful to see the para-gliders flying over head. I'm sure they do a lot of searching to find just the right hill with just the right updraft and a landing spot. It is a narrow landing spot as it is between the freeway and the water.

CB-3

I live on Ocean Avenue across the freeway from this bluff. The alternate route, on the East side of the freeway, would send hundreds of bicyclists right by my front deck. Well, fine, that is okay. I can accept that it is necessary to share this beautiful treasure where we live.

CB-4

Please choose the route that is the least destructive to the environment and put the section of the path that is south of Studio Drive on the East side of the freeway.

CB-5

Thank you for your time and consideration.  
(I am sending this note as an individual and not as a part of any organization.)

CB-6

Carol Baptiste  
150 El Sereno Ave.  
Cayucos, California  
805-995-3577

**Response to Letter from Carol Baptiste, dated June 3, 2010**

<b>Comment No.</b>	<b>Response</b>
CB-1	Comment noted.
CB-2	Segment 3 of the proposed project would permanently disturb an approximately 12 foot wide corridor along the bluff. Gopher snakes are known to exist in the vicinity of the developed bluff trail in Montana de Oro State Park. It should be noted that the project also includes some restoration of the remnant road in the North Point Natural Area.
CB-3	The project area is heavily used for various recreational activities.
CB-4	Comment noted.
CB-5	The Right-of-way alternative was identified in the DEIR as the Environmentally Superior Alternative.
CB-6	Comment noted.

June 3, 2010

Jeff Oliveira, Project Manager  
County Planning & Building Department  
976 Osos St. Rm.300  
San Luis Obispo, CA 93408-2040

Dear M. Oliveira

This is an addenda to my letter of May 28, 2010 re; Morro Bay to Cayucos Connector trail – Draft EIR ( ED 08-252)

DD(b)-1

My remarks were made by review of the Initial Study Summary-Environmental Checklist. This list was directed to me as the report to comment on. I just learned that the entire report is much more detailed and was available soon after 4-20 on the WEB. Unfortunately I did not see that report at that time. Going back last night to the WEB site I found the entire report.

DD(b)-2

My comments on the prior letter regarding no comparison are incorrect and I apologies for that and they should be ignored. Reviewing pertinent parts of the 468 page report last night I have additional comments.

DD(b)-3

Table 5-1 Alternative Impact Summary  
Transportation element for the Proposed Project rates Safety and Parking as (yellow) Significant but mitigated through standard measures.  
Report Article 4.7.5.4 Parking Lists the impact as potentially significant.  
This should be raised to significant and therefore on table 5-1 raised to (red) Significant and unavoidable impacts despite application of mitigation measures.  
Striping will not make fewer car parks nor will it cut congestion. When the parking is now agreed to be at capacity more cars will not reduce congestion. The amount of traffic on the narrow Studio Dr. is at times hazardous now and would only increase.

DD(b)-4

Aesthetic Resources; Scenic Vistas and Visual Quality for segment 5 Studio South end to Old Creek Road are (red) Significant and unavoidable as you can't see the ocean from Studio because of the houses, garages are not of much artistic value and have to dodge traffic.

DD(b)-5

Thank you your consideration.  
David Dabritz  
3650 Studio Dr.  
Cayucos, CA 93430-1943  
805-995-3875  
seasidestories@gmail.com

Cc: joliveira@co.slo.ca.us

**Response to Second Letter from David Dabritz, dated June 3, 2010**

Comment No.	Response
DD(b)-1	Comment noted.
DD(b)-2	Comment noted.
DD(b)-3	Comment noted.
DD(b)-4	As noted, the existing parking facilities, particularly at Studio Drive, are at capacity during peak periods. This existing condition would not change as a result of the proposed project. Mitigation measure TC/mm-2 has been recommended to reduce potential conflicts between multiple users. However, lack of parking is not necessarily a physical impact on the environment that warrants mitigation.
DD(b)-5	The significant unavoidable impact noted in the table is related to Segment 3. It is true that aesthetic resources along Segment 5 are limited due to existing development.

June 3, 2010

Jeff Oliveira, Project Manager  
County Planning & Building Department  
976 Osos St. Rm. 300  
San Luis Obispo, CA 93408-2040

Subject: Draft EIR Comments for the Morro Bay to Cayucos Connector

Dear Mr. Oliveira,

Thank you for this opportunity to comment on the Draft EIR (DEIR) for the Morro Bay to Cayucos Connector. As a resident of Morro Bay and property owner along the proposed path, I fully support the development of this important connector. However, I believe the following issues deserve to be highlighted and/or incorporated into the project.

JD-1

**2.4.3.1 Segment 1: Cloisters to Yerba Buena Street** – This segment, which follows Sandalwood and Beachcomber Drives to Yerba Buena, has no proposed changes to the existing conditions. On May 3, 2010, during consideration of the Morro Bay Bicycle Transportation Plan, residents within this neighborhood who reside along these streets gave compelling public testimony to the Morro Bay Planning Commission that these sections of the proposed path become Class I or equivalent. Their main arguments were that the lack of sidewalk infrastructure, combined with increased pedestrian/bicycle usage and increased vehicle usage create unsafe conditions, especially as an existing route to the local schools. The Planning Commission unanimously voted to recommend these changes. Please incorporate these changes into the DEIR, as they should not create any new impacts.

JD-2

**2.4.4.2 Parking Spaces & 4.7.5.4 Parking** – I am in full support of formalizing the parking spaces on Studio Drive. As a high frequency beach user at this location, I find the unidentified parking spaces create an environment that increases the risk of car accidents. The defined parking will also facilitate the safe interaction of pedestrians and vehicles, which will be a superior improvement over the existing conditions. Additionally, I concur that there are no significant impacts as determined in Section 4.7.5.4 and that current peak demand on holidays and weekends already exists, therefore the formalization of the Studio Drive parking area would not create a new impact (TC Impact 2).

JD-3

**5.3.2 Eastern Alignment Alternative, 5.3.3 East/West Alignment Alternative & 5.3.4 Right of Way Alignment Alternative** – These proposed alternatives, all of which incorporate the use of HWY 1 through physical crossings or use of the right of way, are vastly inferior to the proposed project. Interfaces with HWY 1 would create a significant deterrent to usage, especially with families, who do not desire to have their children interface with HWY 1. Development of a project alternative would result in increased impacts to other components of the project, such as increased parking at Studio Drive when Morro Bay families or tourists choose to drive and park instead of ride or walk.

JD-4

Sincerely,  
  
John Diodati  
175 Capri  
Morro Bay, CA 93442

**Response to Letter from John Diodati, dated June 3, 2010**

<b>Comment No.</b>	<b>Response</b>
JD-1	Comment noted.
JD-2	The General Services Agency is not proposing to reclassify the status of Sandalwood or Beachcomber Drives or create Class I bikeways along them. Nor has construction of Class I bikeways in this area been considered in the DEIR. Creating Class I bikeways on those roads could be a subsequent project to be implemented by the City of Morro Bay.
JD-3	Comment noted.
JD-4	The DEIR notes the potential safety hazards associated with crossing Highway 1. It should be noted that the proposed project would include a crossing of Highway 1 at Old Creek Road.

CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY  
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 FAX: (805) 549-3329  
 TTY: 711  
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ARNOLD SCHWARZENEGGER, Governor



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June 7, 2010

SLO-001 31.97 – 33.86

Jeff Oliveira, Project Manager  
 County Building & Planning Department  
 976 Osos Street, Rm. 300  
 San Luis Obispo, CA. 93408-2040

Dear Mr. Oliveira,

MORRO BAY TO CAYUCOS CONNECTOR PATH, DRAFT ENVIRONMENTAL IMPACT REPORT, SCH No. 2009081001

Thank you for providing Caltrans the opportunity to comment on the County's Morro Bay to Cayucos Connector Path Draft Environmental Impact Report (DEIR). Caltrans views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California. Caltrans recognizes that bicycle, pedestrian, and transit modes are integral elements of a comprehensive transportation system. We offer the following comments so that the County can recognize early the engineering and environmental standards that Caltrans will require in order to implement the proposed Connector Path Plan.

General Comments on Engineering, Safety and Design Standards Needed for the Encroachment Permit.

Because the segment of State Route (SR) 1 adjacent to the Connector Path is an expressway per the 2002 California State Highway Log for District 5, the clear recovery zone standard shall be 30 feet from edge of traveled way (ETW) (outside white stripe). Based on what the DEIR states in terms of bike path design template, the connector path may enter the State Highway Right of Way with the provision that a physical barrier (concrete barrier) be constructed where the connector path comes within 30 feet of the ETW. Please be advised that the barrier will need to be constructed whether it is in the State's Right of Way or not for safety reasons, if the path is less than 30 feet from the SR 1 ETW. Also, the County should be advised that Caltrans may not be supportive of the use of steel guardrail as a "barrier" for the path. Early consultation with District 5 Traffic Safety Staff is encouraged. Please contact Mr. Steve Talbert, Traffic Safety Engineer at (805) 549-3484. Caltrans recommends that a pavement section be designed by a Registered Civil Engineer to accommodate the appropriate design life and expectation of the pavement over its life.

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DOT-1

DOT-2

Mr. Oliveira  
 June 7, 2010  
 Page 2

For the segment of State Route 1 between post mile 31.13 and R35.95, the collision rate is .75 per million vehicle miles traveled. For a similar State highway facility the current statewide average is .69 collisions per million vehicle miles traveled.

Because of the scope, cost, and complexity of this project, it is suggested that the County enter into a cooperative agreement with Caltrans. Please contact Mr. Larry Newland at, (805) 549-3103 for more information regarding the Cooperative Agreement process. This is a prudent action because Project Development staff will need to see certain details of the project in order to approve it for construction. The certain details in question are plan and profile details, drainage provisions, and highway safety standards.

When submitting the project to Caltrans Encroachment Permits, the applicant must have plan and profile plans that satisfy Caltrans Encroachment Permit Plan Guidelines (attached). The attachments provide ample resources to construct a plan set that will be acceptable to Caltrans.

Also, future maintenance of the bike path may be done under a Freeway Maintenance Agreement or under Encroachment Permit by the maintaining agency.

Specific Comments Focusing on Environmental Issues

1. The Federal Funding for this project should be clearly identified in the DEIR, perhaps in the Introduction.
2. (Pages 2-9 and 2-10, Chapter 2, Section 2.5) Please list the responsible agencies and the associate permits that will be needed for this project. There is no mention of Section 7 consultation, United States Fish and Wildlife Service (USFWS), or National Marine Fisheries Service (NMFS). Please make mention of these.
3. (Chapter 3, Section 3.1.2, *Plans and Policies*) The DEIR contains no section providing for federal plans and policies, (i.e. Section 7, 404 permitting, Coastal Zone Management Act, etc.). Please provide this Section.
4. (Page 4-33, Section 4.3.2.1 *Regulatory Setting, Federal Endangered Species Act (FESA) of 1973*) The discussion on Federally Endangered Species Act states, "Impacts to listed species...would require the responsible agency or individual to formally consult with USFWS or NMFS to determine the extent of the impact to a particular species. If USFWS or NOAA Fisheries determine that impacts to a species would likely occur, alternatives and measures to avoid or reduce impacts must be identified."

While this is somewhat the process for Section 10 of the FESA (i.e. no federal nexus), it is incorrect for Section 7 (federal nexus = funding). Under Section 7, the lead Federal Agency determines the extent of impact and appropriate avoidance and minimization measures and USFWS/NMFS provides their "biological opinion". This must occur before the federal agency can complete their National Environmental Protection Act (NEPA) Determination for the project. In 2007, The Federal Highway Administration (FHWA) assigned NEPA and federal consultation responsibilities, including Section 7, to Caltrans. This section needs to clarify the "federal lead agency" role in the process by noting that Caltrans will be the lead federal agency for this project.

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DOT-3

DOT-4

DOT-5

DOT-6

DOT-7

DOT-8

DOT-9

DOT-10

DOT-11

Mr. Oliviera  
June 7, 2010  
Page 3

Caltrans suggests the following revisions to text (strikethroughs and italics):

"Impacts to listed species... would require the responsible agency ~~or individual~~ (*Caltrans in the case*) to formally consult with the USFWS or NMFS, ~~to determine the extent of impact to a particular species~~. If USFWS ~~or NOAA Fisheries studies~~ determine that impacts to a ~~species would likely~~ *federally listed species or critical habitat may occur*, alternatives and measures to avoid or reduce impacts must be identified."

DOT-11  
(cont'd)

- (Appendix F, Page F-30, Bio/mm-E5) This measure for the eastern alignment states "...General Services Agency shall receive an incidental take permit form the USFWS..." Because the project will be utilizing federal funding, Caltrans will act as the lead federal agency and is responsible for obtaining a Biological Opinion and Incidental Take Statement from the Service. The same is true for consultation with NMFS. The need for consultation is not mentioned in the preceding steelhead section. Caltrans suggests making the following change: "The project will require that the lead federal agency initiate Section 7 consultation to obtain a Biological Opinion and an Incidental Take Statement from the USFWS..."

DOT-12

- (Section 4.4 *Cultural Resources*) The DEIR should identify that the project has federal funding and will be required to meet the requirements of Section 106 of the Historic preservation Act. The County will need to follow Caltrans' Programmatic Agreement for Section 106 and procedures outlined in the Caltrans Environmental Handbook, Volume 2. These procedures will include ongoing Native American consultation, developing alternatives to avoid impacts to cultural resources, Phase II testing to determine National Register eligibility, etc.

DOT-13

Again, thank you for the opportunity to comment on the Morro Bay to Cayucos Connector DEIR. If you have any questions regarding the foregoing, please contact me.

Sincerely:



**James Kilmer**  
District 5  
CEQA Coordinator/Development Review for San Luis Obispo County

Telephone: (805) 549-3683  
Email: [James\\_kilmer@dot.ca.gov](mailto:James_kilmer@dot.ca.gov)

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Attachment:

**Caltrans District 5 Encroachment Permits-  
Engineering Plans Preparation and Formatting Requirements**

DOT-14

Your plans were difficult to read, difficult to understand, and did not meet Caltrans guidelines for plans preparation. Please refer to the following website for guidance in preparing plans for Caltrans Encroachment Permits approval. Industry engineering plan standards, developed by professional engineering organizations or engineering companies, will generally be very similar to these guidelines.

Plans Preparation Manual: <http://www.dot.ca.gov/hq/oppd/cadd/usta/ppman/default.htm>; this resource is good for plan sheet format, content, and readability. There are several examples of plans here that were used on Caltrans projects.

CADD Users Manual: <http://www.dot.ca.gov/hq/oppd/cadd/usta/caddman/default.htm>; this resource is helpful in providing different line type format examples. The Standard Plans also provide graphic examples of abbreviations and line type configurations for various features on State highways and freeways.

Encroachment Permit Plan Guidelines: <http://www.dot.ca.gov/hq/traffops/developserv/permits/applications/index.html>; this resource provides general categories of items found on different types of permit applications.

Design and Plan Preparation Responsibilities:

A registered civil engineer must prepare, stamp, and sign highway improvement or traffic control plans. A licensed traffic engineer may sign some studies for supporting permit related documents. A licensed landscape architect may prepare, stamp, and sign light grading, planting, and landscape irrigation plans.

Utility companies regulated by the California Public Utilities Commission are not required to have plans prepared by a registered civil engineer. However, a proposed utility facility requiring a Caltrans engineering report or document must have it prepared by a California Registered Civil Engineer.

attachment :

**CONSTRUCTION PROJECTS  
PLAN SETS CONTENT**

The type and scope of the proposed improvement or activity will dictate the additional information and/or plan sets that will be needed with your application submittal.

A California Registered Engineer shall sign and stamp all submitted plan set sheets, except for utility plans (per CPUC requirements)

On those proposed improvements that also require submittal to a city or county for permit, will require the following information to be submitted on the plan sets within your encroachment permit application submittal. Plan sets (6 folded copies) will be required to include part and/or all of the information listed below:

- ◆ North Arrow, scale and index
- ◆ Site plan (location)
- ◆ Plan profiles
- ◆ Grading plan
  - Contour grading plan
  - Profile and topography plan
- ◆ Street improvement plan
  - Striping plan
  - Signal & Lighting plan
  - Traffic control plan
  - Distances
    - Centerline to edge of pavement
    - Centerline to proposed improvement
    - Property lines
    - State R/W lines
  - Existing pavement
    - Identification (A.C. or P.C.C.)
    - Lane lines
    - Location of edge of pavement (EP)
    - Shoulder areas
    - Curb & gutters
    - Sidewalks
    - Drainage facilities
- ◆ Excavations
  - Length, width and depth
  - Shoring plans (if required)
  - Steel plating (if required)
- ◆ Materials
  - Type of proposed carrier product (PVC, HDPE, STEEL, etc.)
  - Type of product (gas, electrical, sewer, telecommunications, etc.)
  - Classification (psi, voltage, gravity flow, fiber, hard wire, etc.)
  - Length and dimensions of proposed carrier product, encasement or improvement
  - Quantity

DOT-14  
(cont'd)

- Identification of Manholes, Vaults or Splice-boxes
- ◆ Planting and irrigation plans
  - Landscaping (if required)
    - Identification of existing and proposed
- ◆ Irrigation facilities
  - Identification of existing and proposed
  - Sizes and dimensions
- ◆ Notes
  - General notes
  - Construction notes
  - Details
  - Material notes
    - Types
    - Quantities
    - Locations
- ◆ Utilities and facilities
  - Identification between existing and proposed
  - Elevations, invert and top
  - Clearances
- ◆ Structural plan and calculations
- ◆ Drainage plan
- ◆ Hydrology map and calculations
- ◆ Cross sections
- ◆ Electrical plans
  - Identification of existing and proposed
  - Splice boxes
  - Location of loops
  - Location of power source
- ◆ Traffic impact data
  - Detour plans
  - Placement of temporary signs
- ◆ Contingency plans – dealing with encounters of hazardous waste or materials
- ◆ Storm Water Pollution Control plans
- ◆ Environmental documentation

DOT-14  
(cont'd)

**UTILITY INSTALLATION  
PLAN SETS CONTENT**

Minimal information required in plan sets:

- ◆ North Arrow, scale and index
- ◆ Site plan (location)
- ◆ Plan profiles
- ◆ Distances
  - Centerline to edge of pavement

<ul style="list-style-type: none"> <li>• Centerline to proposed improvement</li> <li>• Property lines</li> <li>• State R/W lines</li> <li>♦ Existing pavement             <ul style="list-style-type: none"> <li>• Identification (A.C. or P.C.C.)</li> <li>• Lane lines</li> <li>• Location of edge of pavement (EP)</li> <li>• Shoulder areas</li> <li>• Curb &amp; gutters</li> <li>• Sidewalks</li> <li>• Drainage facilities</li> </ul> </li> <li>♦ Excavations             <ul style="list-style-type: none"> <li>• Length, width and depth</li> <li>• Shoring plans (if required)</li> <li>• Steel plating (if required)</li> </ul> </li> <li>♦ Materials             <ul style="list-style-type: none"> <li>• Type of proposed carrier product (PVC, HDPE, STEEL, etc.)</li> <li>• Type of product (gas, electrical, sewer, telecommunications, etc.)</li> <li>• Classification (psi, voltage, gravity flow, fiber, hard wire, etc.)</li> <li>• Length and diameter or size of proposed carrier product, encasement or improvement</li> <li>• Quantity</li> <li>• Identification of Manholes, Vaults or Splice-boxes</li> </ul> </li> <li>♦ Landscaping (if required)             <ul style="list-style-type: none"> <li>• Identification of existing and proposed</li> <li>• Identification of irrigation facilities</li> </ul> </li> <li>♦ Notes             <ul style="list-style-type: none"> <li>• General notes</li> <li>• Construction notes</li> <li>• Details</li> <li>• Material notes                 <ul style="list-style-type: none"> <li>▪ Types</li> <li>▪ Quantities</li> <li>▪ Locations</li> </ul> </li> </ul> </li> <li>♦ Utilities and facilities             <ul style="list-style-type: none"> <li>• Identification between existing and proposed</li> <li>• Elevations, invert and top</li> <li>• Clearances</li> </ul> </li> </ul> <p style="text-align: center;"><b>SIGNALIZATION AND/OR LIGHTING PLAN SET CONTENT</b></p> <ol style="list-style-type: none"> <li>1. The applicant shall be the local agency on all signalization and street lighting projects.</li> <li>2. The applicant shall submit the following within the encroachment permit application package:             <ol style="list-style-type: none"> <li>a) A Permit Engineering Evaluation Report (PEER), form TR-0112.                 <ol style="list-style-type: none"> <li>i) Sections 1 – 5 shall be completed, signed and stamped by a Registered Engineer as the preparer. The preparer can be either the consulting engineer for the local agency or a traffic</li> </ol> </li> </ol> </li> </ol>	<p><b>DOT-14</b> (cont'd)</p>	
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<p>engineer within the department.</p> <ol style="list-style-type: none"> <li>ii) The PEER shall then be signed "Approved By" a departmental traffic engineer. If the preparer was a departmental traffic engineer, their supervisor shall sign in the "Approved By" signature box.</li> </ol> <p>b) Plan Sets.</p> <ol style="list-style-type: none"> <li>i) 6 complete folded sets of plans, in dual units (metric/english), specifications, special provisions, Cooperative and/or Maintenance agreements and concurrence from the utility company on the request for power shall be submitted within the application package.</li> <li>ii) The application package for an encroachment permit will not be accepted for processing unless all items in <b>b) i)</b> are included.</li> <li>iii) Plan sets submitted shall conform to State of California Drafting and Plans Preparation Manual, State Standard Plans, State Standard Specifications, Traffic Manual and Signal and Lighting Design Guide.</li> <li>iv) Plan sets content shall consist of :             <ul style="list-style-type: none"> <li>• North Arrow, scale and index</li> <li>• Site plan (location)</li> <li>• Plan profiles</li> <li>• Street improvement plan                 <ul style="list-style-type: none"> <li>♦ Striping plan                     <ul style="list-style-type: none"> <li>➢ Removal of existing</li> <li>➢ Installation of proposed</li> <li>➢ Lane widths</li> <li>➢ Directional and Left Turn Arrows</li> <li>➢ Left Turn pockets</li> </ul> </li> <li>♦ Signal and/or Lighting plan                     <ul style="list-style-type: none"> <li>➢ Phasing details</li> <li>➢ Signal standard and base details</li> <li>➢ Pole and equipment schedule</li> <li>➢ Conductor and conduit schedule</li> <li>➢ Signal layout details</li> <li>➢ Bicycle detection systems</li> <li>➢ Pedestrian appurtenances</li> <li>➢ Details on Signal Heads</li> <li>➢ Placement of loops and setbacks from limit line</li> <li>➢ Placement of Controllor Cabinet</li> <li>➢ Placement of splice boxes</li> <li>➢ Placement of advanced signs</li> </ul> </li> <li>♦ Traffic control plan                     <ul style="list-style-type: none"> <li>➢ Tapers</li> <li>➢ Safety devices</li> <li>➢ Signs</li> <li>➢ Arrow boards</li> </ul> </li> <li>♦ Distances                     <ul style="list-style-type: none"> <li>➢ Centerline to edge of pavement</li> <li>➢ Centerline to proposed improvement</li> <li>➢ Property lines</li> <li>➢ State R/W lines</li> </ul> </li> <li>♦ Existing pavement</li> </ul> </li> </ul></li></ol>	<p><b>DOT-14</b> (cont'd)</p>	
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- Identification (A.C. or P.C.C.)
- Lane lines
- Location of edge of pavement (EP)
- Shoulder areas
- Curb & gutters
- Sidewalks
- Drainage facilities
- ◆ Planting and irrigation plans
  - Landscaping (if required)
    - Identification of existing and proposed
  - Irrigation facilities
    - Identification of existing and proposed
    - Sizes and dimensions
- ◆ Utilities and facilities
  - Identification between existing and proposed
  - Elevations, invert and top
  - Clearances
- ◆ Electrical plans
  - Identification of existing and proposed
  - Splice boxes
  - Location of loops
  - Location of power source
- ◆ Notes
  - General notes
  - Construction notes
  - Details
  - Material notes
    - Types
    - Quantities
    - Locations

- c) Relocation of any existing utilities or facilities shall be addressed and completed prior to issuance of the applicant's permit.
  - d) Dedication of Right of Way in conjunction with the project shall be completed prior to permit issuance.
3. Signals, Safety lighting and/or streetlights shall be in conformance with departmental requirements.
  4. Signalization and lighting projects shall be in conformance with the Guidelines for Traffic Signal Controllers and Inspection (appendix E – Encroachment Permits Manual).
  5. When required, permittee shall provide third-party inspection (electrical inspector and/or project inspector). Departmental representative shall provide oversight.
  6. When required, seven – fourteen day notification is required prior to Signal turn on. Signal turn-on is **only permitted** on Tuesday- Thursday, **not on** weekends or holidays.

DOT-14  
(cont'd)

**Response to Letter from State of California Department of Transportation, District 5, dated June 7, 2010**

Comment No.	Response
DOT-1	Comment noted.
DOT-2	<p>Based on subsequent correspondence with Caltrans (Kilmer;Talbert 2010), the safety barrier described in the DEIR is shorter than the one that would be required. The barrier described in the DEIR consists of a 32-inch concrete barrier with a 22-inch tall fence, for a total height of 54-inches. Caltrans has indicated that the concrete portion of the barrier would need to be 36-inches tall, making the total barrier height 58 inches. Further, Caltrans has indicated that the barrier would need to be installed anywhere that the bikeway is located within 30 feet of the edge-of – travelled-way (ETW), also known as the outer white stripe. As a result, the barrier length described in the DEIR and shown specifically in Appendix G underestimates the length of barrier necessary for the project.</p> <p>In addition to the barrier location shown in Appendix G, it would also need to be constructed along Segment 2, from Yerba Buena <i>north</i> approximately 1,000 feet. The barrier along the rip-rap (Segment 3) would extend approximately 100 feet further <i>south</i> than is currently indicated in Appendix G. North of Toro Creek, the Highway 1 right-of-way fence is approximately 45 feet from the ETW. As such, north of Toro Creek, the extent of the barrier shown in Appendix G is accurate.</p> <p>For the Eastern Alignment Alternative, the extent of the barrier as shown in Appendix G is accurate.</p> <p>As noted in the Aesthetic Resources section, the safety barrier would result in significant and unavoidable impacts to scenic resources. The fact that the barrier may be 4-inches taller than previously indicated and longer, does not change that conclusion. Where the additional 1,000 feet of barrier would be necessary, the bikeway is located below the grade of the highway, making it less visible. This is particularly true heading north from the Yerba Buena intersection. These changes would not result in new impacts, nor would additional mitigation measures reduce them. Impacts would still be significant and unavoidable.</p>
DOT-3	Comment noted.
DOT-4	Comment noted.
DOT-5	Comment noted.
DOT-6	Comment noted.
DOT-7	Section 2.6, page 2-10 of the DEIR indicates that the project would likely receive funding through the Federal Highway Administration.

Comment No.	Response
DOT-8	Section 2-5, and Table 2-1 of the DEIR have been modified to address the potential need for permit from responsible agencies not currently listed, including the NMFS and USFWS. Refer to Errata #4.
DOT-9	Discussions of Section 7 and 404 permitting are included in the Biological Resources chapter. Chapter 3, section 3.1.2, has been modified to include federal plans and policies. Refer to Errata #5.
DOT-10-11	Section 4.3.2.1 has been amended to reflect this comment. Refer to Errata #6.
DOT-12	Bio/mm-E5 has been amended to reflect this comment. Refer to Errata #7.
DOT-13	Section 4.4.2.1 has been amended to indicate that Caltrans, as the NEPA lead agency, would be required to comply with Section 106 of the NHPA, prior to implementation of the project. Refer to Errata 8.
DOT-14	The preliminary plans in Appendix G of the DEIR were not necessarily intended to meet Caltrans requirements.

# San Luis Obispo Council of Governments



Regional Transportation Planning Agency  
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 San Luis Obispo County

June 7, 2010

Mr. Jeff Oliveira  
 County of San Luis Obispo  
 Department of Planning and Building  
 Division of Environmental and Resource Management  
 County Government Center Room 200  
 San Luis Obispo, CA 93408

RE: Draft Environmental Impact Report for the Morro Bay to Cayucos Connector

Dear Mr. Oliveira,

Thank you for providing us the opportunity to comment on the Morro Bay to Cayucos Connector DEIR. Per email from Shaun Cooper of County General Services, we also thank you for allowing us to provide comment by June 7, 2010, as opposed to the prior due date of June 2, 2010.

As SLOCOG discussed with County Staff and Caltrans, SLOCOG has grave concerns about any alignment that is on the eastern side of Highway One in the project area. We have several reasons for this concern. As part of the California Coastal Trail, the alignment should be next to the Pacific Ocean. Placing the trail on the east side of highway endangers lives of people crossing at unsignalized or locations and jeopardizes the County's ability to receive construction funding for the project from both the Coastal Conservancy and SLOCOG.

COG-1

The Draft EIR shows the preferred alignment as traveling along the western side of the highway moving in and out of Caltrans Right of Way. SLOCOG supports this alignment. We understand that Caltrans has some concerns about the project being within their ROW (page 5-4) and that barrier types become an aesthetic issue along the corridor (pages ES-7 and 9, 5-2, 5-13). However, we would like to point out that the Highway Design Manual allows more flexibility in barrier type than what is presented in the EIR. Options include shrubs, fence, guardrail and concrete barrier, and while the probability of vehicles entering the bike path is a factor in barrier selection, no accident study was performed to see if vehicles historically ran off the road in the vicinity of the proposed path, which would justify a concrete barrier.

COG-2

The Draft EIR also reviews at project level an Eastern Alignment. SLOCOG does not support an eastern alignment of the trail. The eastern alignment would contribute to existing safety issues associated with bicyclists and pedestrians crossing at the Chevron Marine Terminal, Toro Creek Road, and Ocean/Chaney intersections. Cyclists would have to cross four lanes; the speed limit on SR 1 at these intersections is 65 mph. Given the safety issues associated with pedestrian and cyclist crossings at these intersections, scenarios which increase such crossings should be discouraged. SLOCOG does not support a recreational bicycle and pedestrian route that separates user from beach access and forces them to cross at multiple locations. Furthermore, the proposed signal at the Toro Road location would not meet the traffic warrants that would allow a signal at this location.

COG-3

SLOCOG would like to reiterate our support for a Morro Bay to Cayucos Connector. Over the years we have supported the project conceptually and financially. We would like to do so in the future. We are not in support of a project that is on the eastern side of Highway One as we think this is both dangerous and in conflict with the intent of a California Coastal Trail. If you have any questions, please call me at 805-781-5754.

COG-4

Sincerely,

  
 Richard Murphy  
 Programming and Project Delivery Manager

1114 Marsh St., San Luis Obispo, CA 93401 • Tel. (805) 781-4219 • Fax (805) 781-5703  
 Email: [slocog@slocog.org](mailto:slocog@slocog.org) • Internet: <http://www.slocog.org>

**Specific Comments:**

**Page ES-3** final paragraph indicates that "State Parks specifically raised concerns about the compatibility of the bikeway with snowy plover habitat".  
 SLOCOG Comment: Please clarify that the snowy plover habitat is below the bluffs and the path shouldn't interfere with the habitat.

COG-5

**Page ES-7 and ES-9** indicate that there are Class I impacts to aesthetic resources  
 SLOCOG Comment: Strongly disagree. Class I impacts are based on incorrect assumption that the barrier has to be concrete, mitigation measures (AR/mm-1) should include other acceptable options referenced in the Highway Design Manual (1003.1 section 5) such as fencing, landscaping, thrie-beam barrier, etc.

COG-6

**Page ES-25** Describes parking demand exceeding supply  
 SLOCOG Comment: All assessment of parking available have neglected to include informal parking on Beachcomber street. Additionally the assessment on page 4-83 shows parking is at 75% capacity on holidays and weekends. SLOCOG does not feel inclusion of a bicycle/pedestrian path would increase the use peak time parking lot use to more than 100% and might, in fact decrease the parking lot usage since beach users will be able to walk or bike to the beach once the path is constructed.

COG-7

**Page 4-80** states, "The San Luis Obispo County Circulation Element estimates a marginal level of service along Highway 1 in the future; however, no serious capacity deficiencies are predicted."  
 SLOCOG Comment: the SLOCOG traffic model shows 2008 AADT is 13,255 vehicles with an increase to 15,730 in 2035. This indicates that LOS will continue to be A at this location. We do not consider this LOS "marginal". LOS A is very good.

COG-8

**Pages 4-81 and 4-85** neglect to mention on-street parking on Beachcomber Drive.  
 SLOCOG Comment: If parking on Beachcomber Drive was included in the study, there would be approximately 175 additional parking spaces available. Beachcomber drive is approximately 4/10ths of a mile (2,100 ft). If the area was striped for 12 ft parallel parking spaces, an additional 175 spaces would be created.

COG-9

**Page 4-87** indicates that "some residents, particularly on Studio Drive have concerns regarding existing traffic safety on Studio Drive. They have indicated that those visiting Studio Drive to take advantage of coastal access sites are less aware of pedestrians and cyclists in the area"  
 SLOCOG Comment: This comment is perception, not proven nor verified by data or assessment.

COG-10

**Page 4-89** states that the Highway Design Manual requires "bike paths closer than 1.5 m (5 feet) from the edge of the shoulder shall include a physical barrier to prevent bicyclists from encroaching onto the highway. Bike paths within the clear recovery zone of freeways shall include a physical barrier separation"  
 SLOCOG Comment: the sentence after this in the HDM states, "Suitable barriers could include chain link fences or dense shrubs." This statement should be included and all references to a barrier should include this possibility, as it has been used along Highway One in other locations throughout the State (see attachment). Discussions that exclude use of a see-through barrier or assume that a concrete barrier will be required are inaccurate. This has not been determined to be the case.

COG-11

**Page 4-95** states "the increased traffic in established neighborhoods could create potentially dangerous driving conditions in residential areas."  
 SLOCOG Comment: Strongly disagree. This is not fact, nor is consistent with the State and Federal governments' focus on Complete Streets. AB 1358, the Complete Streets Act of 2008 requires all jurisdictions in the State of California to develop Complete Streets policies in their Circulation Element updates to meet the needs of all users (bicyclist, pedestrian, individuals with disabilities across all ages). While the City of Morro Bay and the County do not yet have an approved Complete Streets policies, the assumption that driving conditions for cars are more important than access for all users is contrary to current political sentiment or law.

COG-12

**Page 4-99** references the California Coastal Act of 1976  
 SLOCOG Comment: The California Coastal Act also includes the following goal:

COG-13

<p>Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners (Section 30001.5 c).  <i>The California Coastal Act also required the California Coastal Commission to enter into an agreement the State Coastal Conservancy to provide funding to carry out the goals of the Act (Section 30532). In discussions with SLOCOG and County Staff, the Coastal Conservancy has indicated that they will not fund the construction of the trail if it runs on the eastern side of Highway One. Additionally, if the County is unable to leverage Coastal Conservancy funds, SLOCOG may not provide match funds for the project. SLOCOG feels strongly that if the trail runs on the eastern side of Highway One, it will not be considered part of the California Coastal Trail and both the utility of the trail and the ability to access competitive funds will be compromised.</i></p>	<p>COG-13 (cont'd)</p>	<p><b>Page 5-13, Table 5-1</b> shows that the proposed project has significant and unavoidable impacts (to scenic vistas) despite application of mitigation measures.  <i>SLOCOG Comment: Strongly disagree. As noted earlier, barriers do not have to be concrete and can be made of material that does not impede views as severely as concrete will. Other more suitable barriers should be included in the mitigation discussion to reduce the aesthetic impact.</i></p>	<p>COG-20</p>
<p><b>Page 4-103</b> references California Coastal Conservancy Standards and Recommendations for Accessway Location and Development  <i>SLOCOG Comment: Siting and Design Standards for the CCT state, "The trail should be sited and designed to be located along or as close to the shoreline as is physically and aesthetically feasible." SLOCOG does not feel that the environmental constraints are severe enough to warrant placing the California Coastal Trail on the eastern side of Highway One, and, as noted above, the trail will not be competitive for funding if it is not part of the Coastal Trail.</i></p>	<p>COG-14</p>		
<p><b>Page 5-2</b> Project Objectives  <i>SLOCOG Comment: The California Coastal Trail should be included as a primary objective of the project.</i></p>	<p>COG-15</p>		
<p><b>Page 5-2</b> lists significant aesthetic impacts resulting from the proposed project includes impacts associated with the Highway One bikeway barrier necessary for segment three  <i>SLOCOG Comment: Strongly disagree. As previously noted, mitigation could include less visually obstructive barriers than concrete; this is allowed per Highway Design Manual (Section 1003.1, 5). Visual obstruction can be minimized with better design. Design does not have to consist of concrete barrier, a more suitable barrier will have less impact.</i></p>	<p>COG-16</p>		
<p><b>Page 5-3</b> East West Alignment alternative suggests the project would cross west over Highway One at Toro Creek Road, using a proposed signalized bicycle crossing.  <i>SLOCOG Comment: This is not a safe alternative, SLOCOG does not support a crossing of this sort at this location, nor does the amount of traffic warrant a signalized intersection. Caltrans will not approve a new traffic signal on a high speed route unless it meets the warrants.</i></p>	<p>COG-17</p>		
<p><b>Page 5-4</b> Right of way alternative says that Caltrans has "indicated that any bikeway alignment should avoid the Highway One ROW to maximum extent feasible".  <i>SLOCOG Comment: Caltrans Deputy Directive 64-R1 Completes Streets Implementation Action Plan states that, "Bicyclists, pedestrians, and nonmotorized traffic are permitted on all State facilities, unless prohibited (CVC, section 21960). Therefore the Department and local agencies have the duty to provide for the safety and mobility needs of all who have legal access to the transportation system". In addition the following actions are identified:</i></p> <ul style="list-style-type: none"> <li>• <i>Ensure bicycle, pedestrian, and transit user needs are addressed and deficiencies identified during system and corridor planning, project initiation, scoping, and programming.</i></li> <li>• <i>Collaborate with local and regional partners to plan, develop, and maintain effective bicycle, pedestrian, and transit networks.</i></li> </ul> <p><i>SLOCOG staff will work with the County, Coastal Conservancy and other agencies to ensure that Caltrans follows the directive issued and the intent of the directive which is to create and maintain access for all users.</i></p>	<p>COG-18</p>		
<p><b>Page 5-9</b> East/West Alignment Alternative, "would require the installation of a new signalized crossing of Highway One at Toro Creek Road."  <i>SLOCOG Comment: SLOCOG would not recommend or endorse a crossing at this location. Project would also not meet warrants that would allow for a signalized intersection.</i></p>	<p>COG-19</p>		

**Response to Letter from San Luis Obispo Council of Governments, dated June 7, 2010**

Comment No.	Response
COG-1	The DEIR notes potential safety concerns with all potential Highway 1 crossings.
COG-2	Based on information from Caltrans, the accident for this section of Highway 1 is 0.75 per million vehicle miles travelled, while a current statewide average is 0.69 collisions per million vehicle miles travelled. As part of the project development process, Caltrans was consulted regarding barrier design. During preparation of this response to comments they have confirmed that a barrier such as the one proposed would be necessary to address safety concerns. Refer to response DOT-2.
COG-3	Crossing Highway 1 at unsignalized intersections raises safety issues as noted in the DEIR.
COG-4	Comment noted.
COG-5	Plover habitat exists on the central foredunes. This area would be disturbed by the proposed project through undirected egress. This impact to foredunes occurs under existing conditions, but would be potentially increased as a result of construction of the trail.
COG-6	Refer to response to comment DOT-2.
COG-7	The DEIR does note that onstreet parking is available and would likely be utilized when designated formal or informal parking areas are full – particularly when the North Point Natural Area and Morro Strand Day Use areas are full. Based on the analysis in the DEIR and public comment, some lots are at capacity during peak periods, and this condition would continue as a result of the proposed project.
COG-8	The text has been amended to note that LOS A exists and would remain until at least the year 2035. Refer to Errata #9.
COG-9	The DEIR concluded that parking impacts would be less than significant. If regulatory agencies conclude that additional mitigation for parking impacts is necessary, striping parking spaces on Beachcomber could be considered a potential option. It should be noted that a lack of parking is not necessarily considered a physical impact on the environment.
COG-10	The comment was based on neighborhood impact during project development and the scoping process. The comment is considered relevant to the DEIR analysis as it was made by various residents over many years. It was considered one piece of data along with the parking data and the consultant's knowledge of local conditions.
COG-13	Comment noted.
COG-14	Comment noted.

Comment No.	Response
COG-15	The objectives were developed by the General Services Agency, as they are the project proponent.
COG-16	Refer to response to comment DOT-2.
COG-17	This alternative raises significant safety concerns and would potentially be infeasible. It was developed in an attempt to address the significant aesthetic and geologic impacts of the proposed project.
COG-18	It should be noted that avoidance of Caltrans right of way was suggested during project development because it would potentially result in a less burdensome permitting and design process.
COG-19	Comment noted.
COG-20	Refer to response to comment DOT-2.



**Chevron Environmental  
Management Company**  
4000 Highway One  
Morro Bay, CA 93442

June 24, 2010

County of San Luis Obispo  
Environmental Division  
County Government Center Room 200  
San Luis Obispo, California 93408

Attention: Mr. Jeff Oliveira

Subject: Morro Bay to Cayucos Connector Draft Environmental Impact Report, dated April 2010

Dear Mr. Oliveira:

Chevron has reviewed the Draft Environmental Impact Report (EIR) for the County-proposed Morro Bay to Cayucos Connector Trail project, dated April 2010. Chevron's comments on the Draft EIR are as follows:

Section 4.4 Cultural Resources – Impact CR-1: The Draft EIR has identified a significant impact to existing cultural resources along the proposed trail alignment. As you are aware, the Estero Marine Terminal sits on an extensive cultural resources site. The EIR recommends the completion of Phase II testing at a later date prior to starting construction on the trail project. As landowner and steward of the cultural resources at the Estero property, I am concerned that the County is deferring mitigation for impacts to cultural resources. Chevron has been required to complete full Phase II cultural resources testing for projects at the terminal site. Chevron requests that the County complete Phase II cultural resources testing now and recirculate the Draft EIR so that the public and interested parties are provided with full disclosure of the potential impacts from the proposed trail.

CEMC-1

Section 4.6 Hazards and Hazardous Materials – The cumulative impact discussion within the Hazards and Hazardous Materials section does not address potential impacts from the construction of the concrete separator wall which will block Chevron's access to its existing pier landing and access ramp to the beach area. Chevron has submitted preliminary application information to the California State Lands Commission for the decommissioning of the offshore marine terminal. The decommissioning activities will require construction access to the pier landing and the beach parcel for up to a year. Impacts to public safety would result if a concrete wall is built that will prevent access to the pier landing and beach area and Chevron is required to find alternative access to its property. Chevron again requests that the EIR address the construction of the concrete barrier and its impact on Chevron's access to its property during the planned offshore terminal decommissioning project.

CEMC-2

August 31, 2009  
Page 2

If you should have any questions, please contact me at (805) 772-2611, ext. 3.

Sincerely,

John Westenberger  
Project Manager

cc: Mr. Bill Almas, Chevron BRES  
Mr. Eric Snelling, Padre Associates, Inc.

**Response to Letter from Chevron Environmental Management Company, dated June 24, 2010**

Comment No.	Response
CEMC-1	<p>Numerous cultural resource surveys have been prepared for the proposed project, including a Phase I prepared for the 2006 Constraints Analysis, and an Extended Phase I (XP1) prepared for this EIR. The XP1 included subsurface excavation. The surveys indicated no surface resources and yielded only one subsurface artifact in the project area, west of Highway 1. Therefore, it appears that the significant resources, the "site", is predominately east of the highway, and that impacts from the proposed project would be less than significant. In some cases, appropriate mitigation for conditions such as these would include only monitoring during construction as a precautionary measure. However, in this case, because of the proximity of the project area to the significant resources east of Highway 1, and the significance of those resources, the recommended mitigation includes performing additional Phase II testing prior to construction. This will further refine the specific boundaries of the site and allow avoidance of any subsurface resources not detected during the XP1.</p>
CEMC-2	<p>Chevron has indicated that decommissioning activities at the Marine Terminal, including possible restoration of the Pier Landing area would potentially occur in the Summer of 2011. Even if the removal does not occur until 2012, due to funding and regulatory constraints it is unlikely that that the proposed project would be ready for construction in 2012. In any event, the General Services Agency has indicated that they do not intend to implement the proposed project until Chevron and the relevant regulatory agencies consider the decommissioning complete and access to the Pier Landing is no longer necessary. Refer to Errata #10.</p>

## ERRATA SHEET

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This Errata sheet contains the minor changes to the EIR to incorporate changes identified in the response to comments from agencies and the public. Deletions are shown as strikeout and additions in italics.

1. The following language shall be added to the Biological Resources section, after the Coast horned lizard discussion and prior to the section 4.3.6 Cumulative Impacts:

### *Morro shoulderband snail*

On December 15, 1994 the USFWS listed Morro shoulderband snail (MSS, [*H. walkeriana*]) as an endangered species, under the Federal Endangered Species Act. At the time of its listing MSS was considered to be a single species composed of two subspecies, *Helminthoglypta walkeriana walkeriana* and *H. walkeriana morroensis*. *H. walkeriana morroensis* was thought to be extinct at the time of listing (USFWS 2006). Studies completed by Roth and Tupen in 2004, determined that the two subspecies are actually two separate species, *H. walkeriana* and *H. morroensis* (USFWS 2006). Surveys completed in the greater San Luis Obispo area found that *H. morroensis* is not extinct and in fact is rather common in scrub habitats on many soil types extending from Cayucos in the north to San Luis Obispo in the south. Studies have indicated that *H. morroensis* occurs in shrubby vegetation on clay and serpentine soils; whereas, *H. walkeriana* occurs in shrubby vegetation on stabilized or back dune soils (Roth and Tupen 2004). This theory is further expressed on page 10 of the USFWS 2006 5-Year Review for MSS.

In their September 11, 2006 5-Year Review for MSS, USFWS recommended down-listing *H. walkeriana* to “threatened” and delisting *H. morroensis*. This opinion is also reflected in a USFWS letter dated June 7, 2004. The 2004 letter states “*To re-establish the spirit and intent of the original listing of walkeriana and eliminate unintended regulation of morroensis, we [USFWS] will continue to provide walkeriana the protections afforded it under the Endangered Species Act of 1973, as amended, in and around the community of Los Osos. Morroensis will not be provided these protections*”. The 2006 5-year review and the 2004 letter include maps of the range in which *H. walkeriana* will be protected. The *walkeriana* range includes all of the Los Osos area in the south and extends north to Alva Paul Creek in Morro Bay. The project area is approximately 0.85 miles north of Alva Paul Creek, indicating that the project would be located outside of the accepted range for *walkeriana*.

Even though the range for *walkeriana* is established in USFWS documents, debate on the accuracy of the species range exists. Staff from the State Department of Parks and Recreation (DPR) has indicated that they have observed *H. walkeriana morroensis* in foredune habitats at Morro Strand State Beach (Walgren pers. comm. 2010). Based on the timing of the observations (pre 2006), it is unclear if these observations were of *H. walkeriana* or *H. morroensis*. Morro Strand State Beach is located just south of Segment 2 and north of the *H. walkeriana* range as mapped by USFWS. Considering these observations and the potential affects of the proposed project activities, *H. walkeriana* deserves special considerations while planning and developing the project.

While providing considerations for MSS on the proposed project, this analysis is based on the current understanding of MSS habitat preferences. Currently, literature describes MSS habitat as consisting of coastal dune, coastal dune scrub, and maritime chaparral associated with back dune and stabilized dune systems (USFWS 2006). In these communities, MSS are typically

found in association with shrubs that have ample branches that touch the ground. Such shrubs include mock heather, seaside golden yarrow, deerweed, sand almond and others. MSS is not expected to occur in areas supporting clay soils, even if shrub vegetation is present.

Construction of Segments 2 and 3 of the proposed project will impact foredune habitat with sandy soil, and various other habitats on clay soils. The foredune habitat at Segments 2 and 3 does not support the shrub vegetation or back dune (stabilized dune) characteristics that MSS is typically associated with. However, the DPR observations at Morro Strand State Beach on similar foredune habitat indicate that MSS may occur in the foredune habitat on Segments 2 and 3. Based on the current understanding of MSS habitat preferences and the existing conditions at Segments 2 and 3, the presence of MSS in the project area is unlikely. However, if MSS are present in foredune habitat areas, the individuals could be impacted by project related activities such as grading, path construction, and habitat restoration. Such impacts may include being struck or crushed by equipment, stockpiled materials or construction personnel.

**BIO Impact 14    The proposed project could result in direct take of Morro shoulderband snail during construction of Segments 2 and 3.**

*BIO/mm-21    Within 30 days prior to site grading, a qualified biologist in possession of a valid 10(a)(1)(A) permit for MSS shall conduct a pre-construction survey for MSS in all areas of Segments 2 and 3 that contain sandy soil. The surveyor shall utilize hand search methods in areas of disturbance where MSS may be found (e.g., under vegetation and debris).*

*If MSS are observed in the work area and may be impacted by project activities, project activities in the area shall be delayed until the County can coordinate with USFWS regarding impacts to the individual(s).*

*If MSS are observed near the work area and project activities can avoid the individual(s), the contractors shall erect exclusion fencing that separates the individual(s) from the work areas. The exclusion fence shall be installed at the direction of the qualified MSS biologist, be constructed of t-posts and silt fence, and create a ten-foot buffer (minimum) between work activities and the individual(s). No work or other disturbances shall be allowed in the exclusion area. In addition, the following measures shall be applied:*

- a. All work shall be performed during dry conditions. If precipitation is predicted within 24 hours of the work day, work shall be postponed and rescheduled for a dry period.*
- b. Prior to site grading, all personnel shall attend an environmental awareness training conducted by the qualified MSS biologist. At a minimum, the training should included a description of the MSS and its habitat, the general provision of the Endangered Species Act of 1973, as amended, the specific measures being implemented to conserve the MSS as they relate to the project, the access routes to the project site, and the project boundaries. Brochures, photographs, books and briefings may be used in the training session, provided a qualified MSS biologist is available to answer any questions*

*If no MSS is observed during the survey, work may proceed without any further coordination in regards to MSS.*

Residual Impact

With implementation of the above mitigation measures, long-term impacts resulting from this project to Morro shoulderband snail would be *less than significant*.

2. Bio/mm-14 shall read as follows:

*BIO/mm-14 At the time of application for grading permits, the project plans shall clearly show habitat protection fencing extending parallel to the bikeway from the northern end of the riprap (where fencing on the west side of the bikeway is currently proposed to end) to the Toro Creek bridge. To minimize visual impacts of the fencing it shall be no more than 18” high wood post or steel rod, and cable. Fencing shall be approximately 36 inches tall, with horizontal rails and metal grid fencing (2-inch by 4-inch), similar to the fencing utilized at the Cloisters Park. The intent of the fence would be to deter bikeway users from trampling the foredune habitat while accessing the beach from the bikeway. One opening in the fence shall be allowed at the Pier Landing to maintain existing beach access.*

3. The Morro Strand State Beach label on Figure 2-2, page 2-5 shall be deleted.

4. Chapter 2, Section 2-5 shall read as follows:

Table 2-1 shows the permits and responsible agencies for the proposed project. *The General Services Agency would be required to obtain a A-coastal development permit ~~would be required~~ from the California Coastal Commission, as well as the County of San Luis Obispo and the City of Morro Bay, because a portion of the project is located in Coastal Original Jurisdiction. Caltrans has indicated that they would be the federal lead agency for the proposed project, and as such would be responsible for obtaining the take permits from USFWS and NMFS shown in Table 2-1, as necessary.*

Table 2-1 shall read as follows:

**Table 2-1. Responsible Agencies and Associated Permits**

Permit	Responsible Agency
Coastal Development Permit	County of San Luis Obispo Department of Planning and Building
Conditional Use Permit Coastal Development Permit Building Permits	City of Morro Bay Community Development Department
Coastal Development Permit	California Coastal Commission
Section 401, Stormwater Pollution Prevention Plan	Regional Water Quality Control Board

**Table 2-1. Responsible Agencies and Associated Permits**

Permit	Responsible Agency
Section 404	Army Corps of Engineers
Section 1603 Streambed Alteration Agreement	California Department of Fish and Game
Section 7	United States Fish and Wildlife Service and/or National Marine Fisheries Service Take Permits
Encroachment Permit	California Department of Transportation

- The following discussions of relevant federal policies shall be added to Chapter 3, Section 3.2:

**Coastal Zone Management Act**

*The U.S. Congress passed the Coastal Zone Management Act (CZMA) in 1972. The Act, administered by NOAA's Office of Ocean and Coastal Resource Management (OCRM), provides for management of the nation's coastal resources, including the Great Lakes, and balances economic development with environmental conservation. The CZMA creates a broad program based on land development controls within coastal zones, incorporating State involvement through the development of programs for comprehensive State management. The CZMA also requires Federal agencies or licensees to carry out their activities in such a way that they conform to the maximum extent practicable with a state's coastal zone management program. The California Coastal Act (CCA) is California's coastal zone management program.*

**Federal Endangered Species Act**

*The primary focus of the Federal Endangered Species Act (FESA) of 1973 is that all Federal agencies must seek to conserve threatened and endangered species through their actions. Section 7 imposes limits on the actions of Federal agencies that might impact listed species. In the case of salt water fish and other marine organisms, the requirements of FESA are enforced by the National Marine Fisheries Service (NMFS). The USFWS enforces all other cases.*

*Under Section 7 of FESA, all Federal agencies must, in consultation with USFWS (or NMFS), ensure that their actions do not jeopardize the continued existence of listed species or destroy or adversely modify critical habitat. Federal actions include permitting, funding, and entitlements for both Federal projects, as well as private projects facilitated by Federal actions (e.g., a private landowner applying to the Corps for a permit). In the case of the proposed project, Federal actions include the funding of the project by the Federal Highway Administration, through Caltrans. As a result, Caltrans becomes the "federal lead agency" and is responsible for complying with FESA.*

**Resources Conservation and Recovery Act of 1986 (RCRA)**

*The EPA is the Federal agency responsible for enforcement and implementation of Federal laws and regulations pertaining to hazardous materials; in addition, the EPA provides oversight*

and supervision for some site investigation/remediation projects. For disposal of certain hazardous wastes, the EPA has developed land disposal restrictions and treatment standards. Legislation includes the Resources Conservation and Recovery Act of 1986 (RCRA), the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

RCRA provides Federal regulation over facilities that generate, store, transport, treat, or dispose of hazardous waste. Federal, State, and local governmental agencies identify and track hazardous waste from the point of generation to the point of disposal. Facilities that are under permit from the EPA to treat, store, and/or dispose of hazardous waste are tracked in the Resource Conservation and Recovery Information System (RCRIS) database. The California Solid Waste Information System (SWIS) database consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations (including surface impounds) pursuant to the Hazardous Waste Control Law (HWCL) of 1972.

#### Section 404 of the Clean Water Act of 1977

Pursuant to Section 404 of the Clean Water Act (33 USC 1344), the United States Army Corps of Engineers (USACE) is responsible for the issuance of permits for the placement of dredged or fill material into "Waters of the United States". As defined by USACE at 33 CFR 328.3(a)(parts 1-6), the following summarizes Waters of the United States:

*"Those waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; tributaries and impoundments to such waters; all interstate waters including interstate wetlands; and territorial seas."*

Waters of the United States are typically identified by the presence of an OHWM and connectivity to traditional navigable waters or other jurisdictional features. If a project would result in dredge or fill of USACE jurisdictional waters, the project would be subject to USACE review under Section 404 of the Clean Water Act. Based on the site characteristics, three of the bluff drainages and Toro Creek are likely waters of the United States. In addition, areas below the mean high tide line are waters of the United States. Activities resulting in dredge or fill of these features would be subject to Section 404 of the Clean Water Act.

#### Section 401 of the Clean Water Act of 1977

Section 401 of the Clean Water Act and its provisions ensure that federally permitted activities comply with the federal Clean Water Act and state water quality laws. Section 401 is implemented through a review process that is conducted by the Regional Water Quality Control Board (RWQCB), and is triggered by the Section 404 permitting process. The RWQCB certifies via the 401 process that a proposed project complies with applicable effluent limitations, water quality standards, and other conditions of California law. Evaluating the effects of the proposed project on both water quality and quantity falls under the jurisdiction of the RWQCB. Proposed project activities that have the potential to result in impacts to water quality and quantity would require certification by the RWQCB.

6. Chapter 4, Section 4.3.2.1, the Federal Endangered Species Act of 1977 discussion shall read as follows:

Federal Endangered Species Act of 1973

The Federal Endangered Species Act provides legislation to protect federally listed plant and animal species. Impacts to listed species resulting from the implementation of a project would require the responsible agency, *Caltrans in this case, or individual* to formally consult with the USFWS or National Marine Fisheries Service (NMFS) ~~(NOAA Fisheries) to determine the extent of impact to a particular species.~~ If ~~USFWS or NOAA Fisheries~~ studies determine that impacts to ~~a species would likely~~ *federally listed species or critical habitat may occur*, alternatives and measures to avoid or reduce impacts must be identified. USFWS and ~~NMFS NOAA Fisheries~~ also regulate activities conducted in federal critical habitat, which are geographic units designated as areas that support primary habitat constituent elements for listed species.

7. BIO/mm-E5 shall read as follows:

BIO/mm-E5        ~~Prior to initiation of construction that the federal lead agency (Caltrans) shall initiate Section 7 consultation to obtain a Biological Opinion and Incidental Take Statement General Services Agency shall receive an incidental take permit from the USFWS that allows for capturing and relocating individuals as necessary. A qualified biologist shall survey the project area within 24 hours prior to ground disturbing activities and if any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, disturbance of the riparian vegetation shall be halted until the California red-legged frog individuals leave the area on their own accord, or until the biologist has coordinated with the USFWS and received permission to capture and relocate the individuals.~~

Before any construction activities begin on the project, the biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog and its habitat, the specific measures that are being implemented to conserve the species for the current project, and the boundaries within which the project may be accomplished.

The biologist will be present at the construction site until all initial disturbance of the upland habitat has been completed.

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

8. Chapter 4, Section 4.4.2.1 shall read as follows:

#### **9.1.1.1 Federal Policies and Regulations**

Authorized under the National Historic Preservation Act (NHPA) of 1966, the NRHP is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the NRHP include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The NRHP is administered by the National Park Service, which is part of the U.S. Department of the Interior.

*Section 106 of the NHPA requires Federal agencies, in this case Caltrans, to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. During the subsequent NEPA process for the proposed project, compliance with Section 106 would require the General Services Agency, on behalf of Caltrans, to follow Caltrans Programmatic Agreement for Section 106 and procedures outlined in the Caltrans Environmental Handbook.*

9. Section 4.7.1.1, fourth paragraph, shall be amended as follows:

~~The San Luis Obispo County Circulation Element estimates a marginal level of service along Highway 1 in the future; however, no serious capacity deficiencies are predicted. SLOCOG has indicated that the level of service in the vicinity of the proposed project is "A" and will continue to be "A" at least until the year 2035, which indicates there are no capacity issues. The other streets in the project area operate at acceptable levels. The Morro Bay Circulation Element reports that "traffic volumes on most streets in Morro Bay are well within their design capacities." Intersection traffic controls in Morro Bay are also satisfactory for present volume levels, except for a few locations which are not located within the project area.~~

10. Section 2.6 Timing shall include the following language:

*Chevron has indicated that decommissioning activities at the Marine Terminal, including possible restoration of the Pier Landing area would potentially occur in the Summer of 2011. Even if the removal does not occur until 2012, due to funding and regulatory constraints it is unlikely that that the proposed project would be ready for construction in 2012. In any event, the General Services Agency has indicated that they do not intend to implement the proposed project until Chevron and the relevant regulatory agencies consider the decommissioning complete and access to the Pier Landing is no longer necessary.*

11. The following references shall be added to Chapter 8:

*Kilmer, J.; Talbert, S. 2010 personal communication via electronic mail with Keith Miller on June 30, 2010.*

*United States Fish and Wildlife Service, 2006 (USFWS 2006). Banded Dune Snail (Helminthoglypta walkeriana) [Morro shoulderband snail (Helminthoglypta walkeriana) and Chorro shoulderband snail (Helminthoglypta morroensis)] 5-Year Review: Summary and Evaluation. U.S. Fish and Wildlife Service Ventura Fish and Wildlife Office. Ventura California. September 11, 2006.*

*United States Fish and Wildlife Service, 2004 (USFWS 2004). Type written letter to Stakeholders and Interested Parties (PAS 1475.1626.2205). U.S. Fish and Wildlife Service Ventura Fish and Wildlife Office. Ventura California. June 7, 2004.*

*Walgren, M. 2010 personal communications with Travis Belt and Bob Sloan on June 23, 2010.*

*Vanderweir J. 2010 personal communications with Bob Sloan on June 22, 2010.*

*Vanderweir J. 2010 personal communications via electronic mail with Travis Belt on July 8, 2010.*