XI. RESPONSE TO COMMENTS: 2013 RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT

The letters of comment for the 2013 Recirculated Draft Environmental Impact Report (RDEIR) are given in the order listed below, 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.

A. FEDERAL, STATE, AND LOCAL AGENCIES

Commenter and Address	Code	Letter Date	Page
San Luis Obispo County **Air Pollution Control District** 3433 Roberto Court San Luis Obispo, CA 93401 Contact: Melissa Guise, Air Quality Specialist	APCD(a)	June 5, 2012 December 2, 2008	XI.A.-3
Oceano Community Services District 1655 Front Street P.O. Box 599 Oceano, CA 93475 Contact: Matthew Guerrero, President-OCSD Board of Directors	OCSD	July 24, 2013	XI.A.-14
Native American Heritage Commission 1550 Harbor Boulevard West Sacramento, CA 95691 Contact: Dave Singleton, Program Analyst	NAHC	July 30, 2013	XI.A.-17
Coastal San Luis Resource Conservation District 645 Main Street, Suite F Morro Bay, CA 93442 Contact: G.W. Bates, PE, CPESC, District Engineer Neil Havlik, President of the Board	CSLRCD	August 16, 2013	XI.A.-24
San Luis Obispo County **Air Pollution Control District** 3433 Roberto Court San Luis Obispo, CA 93401 Contact: Melissa Guise, Air Quality Specialist	APCD(b)	August 22, 2013	XI.A.-31
United States Department of the Interior **Fish and Wildlife Service** 2493 Portola Road, Suite B Ventura, CA 93003 Contact: Carl T. Benz, Acting Field Supervisor	USFWS	August 23, 2013	XI.A.-34

Commenter and Address	Code	Letter Date	Page
County of San Luis Obispo **Department of Agriculture/Weights and Measures** 2156 Sierra Way, Suite A San Luis Obispo, CA 93401	SLOAG	August 26, 2013	XI.A.-42
State of California Department of Transportation **District 5** 50 Higuera Street San Luis Obispo, CA 93401-5415 Contact: Adam Fukushima, PTP, Development Review	CALTRANS	August 26, 2013 November 7, 2008 May 16, 2012	XI.A.-44

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San Luis Obispo County

June 5, 2012

Mr. Brian Pedrotti
San Luis Obispo County Department of Planning & Building
County Government Center
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the Laetitia Cluster Tract 2606 & CUP 2004-0001 NOP of an EIR. (CUP 2004-0001, Tract 2606)

Dear Mr. Pedrotti,

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 project located at 453 Laetitia Vineyard Drive in Arroyo Grande. **APCD-1**

The RDEIR consists of several revised sections of the 2008 Draft EIR, including water resources, biological resources and alternative analysis and addresses the environmental impacts that may be associated with the request to subdivide twenty-one parcels (approximately 1,910 acres) into 106 lots, including 102 residential lots for the future construction of 102 single-family homes and four open space lots. The proposed project is within the Agricultural and Rural Lands land use categories and is located approximately two miles north of Los Berros Road, between the City of Arroyo Grande and the community of Nipomo, in the South County Inland planning area of San Luis Obispo County.

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

GENERAL COMMENTS

On December 2, 2008 the SLOAPCD submitted comments on the 2008 EIR that was prepared for Laetitia Agricultural Cluster Subdivision. At that time, the SLOAPCD indicated several items were not adequately addressed and additional work was needed. Some of the main items discussed in the December 2nd letter include: **APCD-2**

1. **Construction Impacts** - Total impact from construction for the entire project were not adequately addressed. The grading for the dude ranch must be included in the calculations. The applicant should make an estimate of the cut and fill volumes for that portion of the project, as was done for the residential component. **APCD-3**
2. The construction calculations should be redone to include the dude ranch. The construction calculations should also include the drilling and construction of the new water wells. **APCD-4**

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Revised EIR for Laetitia Cluster Tract 2606 & CUP 2004-0001
June 5, 2012
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3. **Operational Impacts** – At that time, District staff had reviewed the emission analysis for the operational phase of the project. The estimated emissions that were presented in Table V.I.-6 of the 2008 EIR appeared to underestimate the emissions for the project for the following reasons: **APCD-5**
   a. It appears that the operational phase emissions were based on the traffic report and an estimated 1,234 daily trips. This number did not take into consideration the equestrian and other special events associated with the Dude Ranch, nor did it take into consideration hauling of the solids from the waste water treatment plant.
   b. Due to the remote location of this project, the APCD recommends the trip distance default be 13 mile for all categories of trips. The full URBEMIS report was not included in Appendix E, so it is not possible to determine what distance was used for the modeling. However, due to the remote location of this project all trip lengths should be set to 13 miles. **APCD-6**
   c. For future reference the full URBEMIS report should also be included in EIR, not just the summary sheets. **APCD-7**

   At that time, it was recommended the operational phase emission be recalculated to address the items listed above.

4. Greenhouse gases from the project were not quantified and associated mitigation was not recommended for this project. At the time, the EIR was originally conducted in 2008 the SLOAPCD did not have adopted thresholds of significance which was referenced in the EIR, however, as referenced in the APCD's 2008 letter SB 97 did clearly define the need to quantify and mitigate GHG emissions **APCD-8**
   - *"Senate Bill 97, enacted in 2007, amends the CEQA statute to clearly establish that GHG emissions and the effects of GHG emissions are appropriate subjects for CEQA analysis."*
   - *"CEQA obligates public agencies to consider less environmentally-damaging alternatives and adopt feasible mitigation measures to reduce or avoid a project's significant impacts."*
   - *"Public agencies are encouraged but not required to adopt thresholds of significance for environmental impacts. Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact."*

   Since the time the project was originally reviewed, the SLOAPCD board has adopted CEQA thresholds for GHG emissions.

District staff recommend prior to finalizing the EIR the above items along with all of the recommendations made in the December 2, 2008 letter be addressed (a copy of that letter is attached for your reference). **APCD-9**

Thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-4667.

Sincerely,

Melissa Guise

Melissa Guise
Air Quality Specialist
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AIR POLLUTION
CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

DEC 3 2008
SLO CO PLAN & BLDG DEPT

December 2, 2008

Brian Pedrotti
San Luis Obispo County Department of Planning and Building
County Government Center Room 310
San Luis Obispo, CA 93401

SUBJECT: APCD Comments Regarding the Laetitia Agricultural Cluster Subdivision Environmental Impact Report; SUB 2003-00001 (Tract 2606); SCH #2005041094

Dear Mr. Pedrotti,

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 project located at 453 Laetitia Vineyard Drive in Arroyo Grande. **APCD-10**

The proposed project would subdivide 21 parcels (1,910 acres) into 106 lots, including 102 residential lots and four open space lots. Approximately 113 acres of existing vineyard would be removed to accommodate proposed development and associated buffer zones. Approximately 140 acres of replacement vineyard would be replanted onsite. Development proposed within the open space lots includes a homeowner's association facility, recreation center, community center (ranch headquarters) and an equestrian facility. The proposed project would be developed in three phases. Additional components include the construction of a wastewater treatment plant, treated effluent storage ponds, effluent disposal/irrigation system, drilling of two new wells, construction of a water storage tank, and installation of private water service lines, entry gate and features, public utility extension, and landscaping. In addition to these three phases, the applicant proposed a 7.7 acre dude ranch (75 units) within one of the open space lots. The applicant is not currently requesting a permit to construct the dude ranch; however, the dude ranch is included in this environmental impact report as a future development proposal.

The following are APCD comments that are pertinent to this project. **APCD-11**

General Comments

This project will result in the conversion of agricultural land and an increase in vehicles miles traveled, both of which are inconsistent with the goals of the Clean Air Plan. Agricultural Residential Clusters (ARC) exacerbate the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency of private auto use as the only viable means of access to essential services and other destinations. **The APCD does not support this project or this type of development.** This type of development is inconsistent with:

1. The land use planning strategies recommended in the San Luis Obispo County Clean Air Plan (CAP) which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines (URL/VRL) to reduce vehicular emissions;
2. The Smart Growth Principles adopted by the SLO County Board of Supervisors on June 7, 2005 which support many of the land use planning goals in the CAP; **APCD-12**
3. The results of the 2006 Transportation System Performance Indicators Report that was adopted by the SLO County Council of Governments Board on March 7, 2007, a report that identified a **APCD-13**

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December 2, 2008
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system backslide with vehicular travel times and vehicle miles traveled increasing while the average vehicle ridership is decreasing; **APCD-13 (cont'd)**

4. Goals in the County's General Plan's Framework for Planning and the Resource Management System such as ensuring that vacant and underutilized parcels within URL/VRLs are developed first and that a distinction between urban and rural areas is maintained; and **APCD-14**
5. The land use goal of development that provides jobs/housing balance as a means of providing sustainable, low impact growth. **APCD-15**

Prohibition of Secondary Dwellings

The ARC subdivision's operational air quality impact analysis presented in the DEIR and Revised DEIR, identify what the impacts will be from the 102 single family residences. **Should the ARC subdivision move forward, to ensure that the these documents accurately represent the operational impact of the 102 homes, the DEIR should include an additional mitigation measure that prohibits secondary dwellings. Furthermore, this will help to ensure that the mitigation from the proposed project is not undermined by impacts not accounted for within the DEIR (i.e., secondary homes and associated vehicle trips). This recommendation would also be necessary should a reduced unit alternative be selected.** **APCD-16**

Incompatible uses

Another concern regarding this type of development is residential dwellings in close proximity to agricultural operations. Dust, odors, and particulate matter from agricultural burning can all present health concerns and issues for residents. While buffer zones have been proposed for this project, buffer zones often times fall short in providing adequate protection for the residences. Measures to address dust, odors and agricultural burning are proposed below. **APCD-17**

Specific Comments

1. Page V-229 - It should be noted that District staff recommend that all air quality emission calculations be conducted with the most recent version of URBEMIS with is 2007 not URBEMIS 2002. **APCD-18**

2. Page V-233 - Conoco Phillips is the current owner of the refinery on the Nipomo Mesa. **APCD-19**

3. Page V-234 - The 2001 Clean Air Plan (CAP) for San Luis Obispo County only addresses ozone. Paragraph 3 on this page incorrectly states that it addresses both ozone and PM10. **APCD-20**

4. Page V-238 - In addition to the list of special conditions which could result in a finding of significance, the following item should be added: **APCD-21**
   - If the project is sited in close proximity to a toxic air pollution source (ie. freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline dispensing facilities) then a health risk assessment may be required. **APCD-22**

5. Page V-242 – To assess the total impact from construction for the entire project, the grading for the dude ranch must be included in the calculations. **The applicant should make an estimate of the cut and fill volumes for that portion of the project as was done for the residential component. The construction calculations should be redone to include the dude ranch. The construction calculations should also include the drilling and construction of the new water wells.** **APCD-23**

6. Page V-240- A finding for construction emissions can not be made until the dude ranch construction has been included in the calculations. **APCD-24**

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7. Page V-246 - AQ/mm-7 - The developmental burning restricts will apply to any phase of construction. It is not clear what is meant by "construction of subdivision improvement plans". This should be changed to include: **any development addressed in the EIR will be subject to the development burning restrictions. It should be noted for this type of developmental burning will not be allowed.** APCD-25

8. Page V-247 - AQ/mm-8 - This measure requires compliance with NESHAP requirement and states that "*for any future propose development within the homeowner's association site*". It is not clear what is being referred to as development within the homeowner's association site. This should be changed to include **any development addressed in the EIR will be subject to the NESHAP requirements.** APCD-26

9. Page V-248 - AQ/mm-9 – District staff agrees with the requirement in AQ/mm-9 to prohibit residential green waste burning. APCD-27

However, the potential for agricultural burning can also result in incompatibility with future homeowners. The applicant has provided agricultural buffering for the ARC subdivision, however, **since the agricultural operation is controlled by the applicant, the APCD strongly urges the following mitigation measure to address the agricultural burning incompatibility issue for the ARC subdivision. If agricultural burning is not limited in this manner, it is possible that it will result in nuisance complaints from agricultural burning that could require enforcement action.** APCD-28

Add Air Quality Mitigation Measure as follows:

Limitation of Agricultural Burning APCD-29

APCD's Rule 501 allows for agricultural burning of agricultural green waste with agricultural burn permits. However, agricultural burning around agricultural clustered developments can result in nuisance and negative health impacts to residents and is an example of the incompatibility of allowing clustered residential developments inside land that has intensive agricultural practices. **Implement the following mitigation measures to minimize these public nuisance and health impacts:**

Prohibit agricultural burning of materials from the agricultural land that is upwind of residential units. For downwind locations, prohibit agricultural burning within 1000' of residential units. APCD-30

10. Page V-249 – **Operational Impacts – District staff have reviewed the emission analysis for the operational phase of the project. The estimated emissions presented in Table V.I.-6 appear to underestimate the emissions for the project for the following reasons:** APCD-31

a. It appears that the operational phase emissions were based on the traffic report and an estimated 1,234 daily trips. This number does not take into consideration the equestrian and other special events associated with the Dude Ranch, nor does it take into consideration hauling of the solid from the waste water treatment plant.

b. Due to the remote location of this project the APCD recommends the trip distance default be 13 mile for all categories of trips. The full URBEMIS report was not included in Appendix E, so it is not possible to determine what distance was used for the modeling. However due to the remote location of this project all trip length should be set to 13 miles. APCD-32

c. For future reference the full URBEMIS report should also be included in EIR, not just the summary sheets. APCD-33

d. Greenhouse gases should be quantified as part of the operational phase air quality impacts. APCD-34

The operational phase emission should be recalculated to address the items listed above. APCD-35

NOP of an EIR for Laetitia Cluster Tract 2606 & CUP 2004-0001
December 2, 2008
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In lieu of final emission calculations for the operational phase of this project; and based on data presented to date the APCD agrees that this project will exceed the CEQA Tier II threshold of 25 lbs/day. Due to the remote nature of the proposed project most of the emissions from this project will be related to vehicle trips which are not easily mitigated. For these reason as indicated in AQ/mm-13 off-site mitigation fees will be required to bring this project to a level of insignificance. The APCD will work with the County to define necessary offsite mitigation necessary for this project. **APCD-36**

11. Page V-253 -Generation of Dust - Dust generation from the equestrian facility is addressed in this section but fugitive dust on roadway and from other agricultural activities is not. **The following measures should be included in this section of the EIR.** **APCD-37**

- As indicated in the DEIR certain roadways within the development will be shared with agricultural equipment. Since San Luis Obispo County is a non-attainment area for PM_{10} dust control measures should be utilized to prevent agricultural equipment from tracking soil on to the roadway which could then create fugitive dust. **This could be accomplished by installing wheel washers or other control technologies where agricultural vehicles enter shared roadways. The applicant should develop a plan with best management practices to control fugitive dust on shared roadways. This requirement should be included in an agricultural best management practice plan and submitted to the APCD for review and approval.** **APCD-38**

- Agricultural activities can also generate fugitive dust, which could be a nuisance to residents in close proximity to agricultural activities. Dust complaint could result in a violation of the District's 402 "Nuisance" Rule. Measures should be implemented to prevent agricultural dust from impacting residential dwellings. **These measures should be included in an agricultural best management practice plan and submitted to the APCD for review and approval.** **APCD-39**

12. Page V-253 - AQ Impact 7 – The waste water treatment plant will require a permit from the Air Pollution Control District. Prior to the start of construction of the waste water treatment plant the project proponent will be required to obtain an Authority to Construction. In addition, other equipment and or processes may require a permit. For example portable generators and equipment with engines that are 50 hp or greater; or wineries expansions with the capacity of 26,000 gallons per year or more require a Permit to Operate for fermentation and storage of wine. **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.** **APCD-40**

13. Page V-253 - AQ Impact 7 – In addition to odor from the equestrian facility and proposed waste water treatment plant the existing waste water treatment plant used for agricultural purpose could also be a source of odors. **Proven methods for handling wastewater discharge and handling of the skins needs to be incorporated into the winery odor control plan to minimize the occurrence of anaerobic processes that mix with ambient air which can result in offsite nuisance odor transport.** **APCD-41**

14. Page V-258- With regard to greenhouse gases, the APCD suggests that projects subject to CEQA quantify project related GHG emissions and identify feasible mitigation. With the passage of AB32, the California Global Solutions Act, the evaluation of Green House Gas impacts during the CEQA review process has gained strong support from the California Attorney General. On June 19, 2008, the California Office of Planning and Research (OPR) released a Technical Advisory titled *CEQA and Climate Change: Addressing Climate Change Through CEQA Review (http://opr.ca.gov/index.php?a=ceqa/index.html).* **APCD-42**

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The following statement is made in paragraph 4 on page V- 258 regarding GHGs "*Due to the lack of significance thresholds and associated impact determinations, mitigation measures cannot be required for the proposed project*". **APCD staff does not agree with this statement.** The following excerpts have been taken from the OPR Technical Advisory cited above. **APCD-43**

- *"Senate Bill 97, enacted in 2007, amends the CEQA statute to clearly establish that GHG emissions and the effects of GHG emissions are appropriate subjects for CEQA analysis."*
- *"CEQA obligates public agencies to consider less environmentally-damaging alternatives and adopt feasible mitigation measures to reduce or avoid a project's significant impacts."*
- *"Public agencies are encouraged but not required to adopt thresholds of significance for environmental impacts. Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact."*

APCD recommends that the greenhouse gases from this project be quantified and the implementation of feasible mitigation measures that minimize project related GHG impacts for the residential, dude ranch and waste water treatment plant. **APCD-44**

The DEIR presents some potential mitigation measures for GHG on page V258. District staff recommends that the list of potential mitigation measures outlined in the California Air Pollution Control Officers Association's (CAPCOA) white paper entitled "CEQA and Climate Change," dated January 2008, be reviewed and additional measures be incorporated into the project. **APCD-45**
This document can be found at http://www.capcoa.org/ceqa/CAPCOA%20White%20Paper%20-%20CEQA%20and%20Climate%20Change.pdf

15. Page VI-4 - **On the list of Class I impact – APCD staff recommends adding the project will contribute to the cumulative impacts associated with an increase in greenhouse gases from the project.** **APCD-46**

16. Page VI-5 – Regarding Project Alternatives – APCD staff would support the no project alternative. While some of the other alternatives evaluated would decrease the number of dwelling units the development will still contribute to urban sprawl and is inconsistent with the goal and objective of the Clean Air Plan. **APCD-47**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-4667.

Sincerely,

Melissa Guise

Melissa Guise
Air Quality Specialist

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Responses to San Luis Obispo County Air Pollution Control District's Comments

Comment No.	Comment
APCD-1	Please refer to responses to specific comments below.
APCD-2	Please refer to responses to comments APCD-10 through 47 below.
APCD-3	Please refer to response to comment APCD-23.
APCD-4	Please refer to response to comment APCD-23.
APCD-5	Please refer to response to comment APCD-31.
APCD-6	Please refer to response to comment APCD-32.
APCD-7	Please refer to response to comment APCD-33. Full data sheets are included in EIR Appendix C.
APCD-8	Greenhouse gas emissions calculations have been conducted using the most current model (CalEEMod 2013.2.2). The updated GHG thresholds are included in the updated analysis.
APCD-9	The Final EIR includes recommended clarifications as noted above, and specific responses to comments are provided above. In addition, the air emissions modeling and discussion in the Final EIR has been modified to include recent (2012) changes and updates to the SLOAPCD's CEQA Handbook and identified thresholds of significance.
APCD-10	Please note the applicant is no longer proposing an equestrian center (refer to Chapter I Introduction, Recirculated EIR and Chapter III Project Description, Final EIR).
APCD-11	Please refer to Final EIR AQ Impact 8 and Impact 9, which identify a significant impact due to inconsistency with the Clean Air Plan.
APCD-12	Please refer to Final EIR Chapter IV.C. Environmental Setting, Consistency with Land Use Plan and Policies. The County decision makers (County Planning Commission and Board of Supervisors) will consider County and regional plans and policies during review of the project.
APCD-13	Please refer to Final EIR Chapter IV.C. Environmental Setting, Consistency with Land Use Plan and Policies. The County decision makers (County Planning Commission and Board of Supervisors) will consider County and regional plans and policies during review of the project.
APCD-14	Please refer to Final EIR Chapter IV.C. Environmental Setting, Consistency with Land Use Plan and Policies, including Table IV-1 Consistency with Framework for Planning (Inland). The County decision makers (County Planning Commission and Board of Supervisors) will consider County and regional plans and policies during review of the project.
APCD-15	Please refer to Final EIR Chapter IV.C. Environmental Setting, Consistency with Land Use Plan and Policies. The County decision makers (County Planning Commission and Board of Supervisors) will consider County and regional plans and policies during review of the project.
APCD-16	Pursuant to Section 22.22.150.I (Agricultural Lands Clustering, Allowed number of parcels and residential density): "Residential density within a cluster project shall be limited to a ratio of one dwelling unit per clustered parcel". Therefore, secondary dwellings are not permitted by existing ordinance (project is subject to the January 2, 2003 Land Use Ordinance). No changes to the EIR are necessary.
APCD-17	Potential impacts related to agricultural activities and inadequate land use buffers are identified in Section V.G. Agricultural Resources of the EIR. Further discussion of these effects has been provided in Final EIR Section V.C.5 Air Quality, Project-specific Impacts and Mitigation Measures. Please note that legal agricultural operations are not conducted at the discretion of the County, and are not subject to conditions of approval.
APCD-18	Air emissions calculations have been conducted using the most current model (CalEEMod 2013.2.2). Please refer to Final EIR Table V.C.-6 Agricultural Cluster Construction Emissions (Unmitigated), Table V.C.-7 Agricultural Cluster Construction Emissions (Mitigated), Table V.C.-8

Comment No.	Comment
	Dude Ranch Construction Emissions (Unmitigated), Table V.C.-9 Combined Project Long-term Operational Emissions (Unmitigated), Table V.C.-10 Combined Project Long-term Operational Emissions (Mitigated), Table V.C.-11 Dude Ranch Long-Term Operational Emissions (Unmitigated), and Appendix C of the Final EIR.
APCD-19	The Final EIR has been corrected (refer to Section V.C.1.f Air Quality, Existing Conditions, Existing Emissions).
APCD-20	The Final EIR has been corrected (refer to Section V.C.2.b Air Quality, Regulatory Setting, California Clean Air Act).
APCD-21	The Final EIR has been clarified to identify this threshold of significance (refer to Section V.C.3.c Air Quality, Thresholds of Significance, SLOAPCD CEQA Air Quality Handbook).
APCD-22	The Final EIR has been clarified to identify this threshold of significance (refer to Section V.C.3.c Air Quality, Thresholds of Significance, SLOAPCD CEQA Air Quality Handbook).
APCD-23	No conceptual plans or grading estimates have been provided for the dude ranch because the applicant is not requesting approval of this future development; therefore, construction emissions have been quantified using the limited information available (7.7-acre development and disturbance) and default settings provided in CalEEMod. This information has been added to the Final EIR to provide further clarification regarding potential construction-related impacts (refer to Final EIR Table V.C.-8 Dude Ranch Construction Emissions [Unmitigated]). The EIR assumes that mitigation measures identified for the Agricultural Cluster would also be required for the dude ranch at the time the applicant requests a land use permit for this identified future component. The applicant's current proposal would include the use of existing wells for domestic water supply, and therefore would not require additional grading activities to drill the wells.
APCD-24	Please refer to response to comment APCD-23 above. The dude ranch would not be considered for approval, and will require further environmental analysis at the time of application for consideration of the use. At this time, and as shown in Final EIR Table V.C.-8 Dude Ranch Construction Emissions (Unmitigated), construction emissions generated by the dude ranch would be significant, and mitigation would be required. In the event the dude ranch is constructed, this would either not occur during the same time period as the project under consideration (i.e., residences, roads, infrastructure), or the environmental baseline would consider projects currently under construction, providing full and accurate disclosure of environmental effects.
APCD-25	Draft EIR mitigation measure AQ/mm-7 (Final EIR mitigation measure AQ/mm-15) has been modified to address your comment, and states that no developmental burning shall be allowed.
APCD-26	Draft EIR mitigation measure AQ/mm-8 (Final EIR mitigation measure AQ/mm-16) has been modified to address your comment by removing "for any future proposed development within the homeowner's association site".
APCD-27	Please note this mitigation measure is identified as AQ/mm-17 in the Final EIR.
APCD-28	Potential impacts related to agricultural activities and inadequate land use buffers are identified in Section V.B. Agricultural Resources of the Final EIR. Further discussion of these effects has been provided in Section V.C.5 Air Quality, Project-specific Impacts and Mitigation Measures, in addition to Section V.B.5 Agricultural Resources, Project-specific Impacts and Mitigation Measures (refer to AG Impact 2). Please note that legal agricultural operations are not conducted at the discretion of the County, and are not subject to conditions of approval; therefore, the recommended mitigation measure is not currently included in the Final EIR.
APCD-29	Please refer to response to comment APCD-28 above.
APCD-30	Please refer to response to comment APCD-28 above. The County decision makers will consider the noted comment and recommended measures.
APCD-31	Air emissions calculations have been conducted using the most current model (CalEEMod 2013.2.2), and incorporate SLOAPCD recommendations. Please refer to Final EIR Table V.C.-9

Comment No.	Comment
	Combined Project Long-term Operational Emissions (Unmitigated), Table V.C.-10 Combined Project Long-term Operational Emissions (Mitigated), Table V.C.-11 Dude Ranch Long-Term Operational Emissions (Unmitigated), and Appendix C of the Final EIR. Please note that implementation of the dude ranch would not occur prior to subsequent environmental review, which would follow submittal of a land use application for the use. Trip generation is based on preliminary estimates provided by the applicant, and no information regarding events at the dude ranch has been identified at this time. The applicant is no longer proposing equestrian center, and no other special events are requested as part of the applicant's submittal. Potential trips generated by the wastewater treatment facility (one trip per week) are included in the updated model.
APCD-32	Air emissions calculations have been conducted using the most current model (CalEEMod), and incorporate SLOAPCD recommendations regarding the 13-mile trip length. Please refer to Appendix C of the Final EIR.
APCD-33	Please refer to EIR Appendix C of the Final EIR.
APCD-34	Greenhouse gas emissions calculations have been conducted using the most current model (CalEEMod 2013.2.2). The updated GHG thresholds are included in the updated analysis.
APCD-35	Please refer to responses to comments APCD-31 through APCD-34 above. The operational phase emissions have been recalculated and results in included in Final EIR Section V.C. Air Quality, and model outputs are provided in Final EIR Appendix C.
APCD-36	Comments regarding off-site mitigation are noted, and will be clarified further with APCD.
APCD-37	Please note that the applicant is no longer requesting approval of an equestrian facility. Legal agricultural operations are not conducted at the discretion of the County, and are not subject to conditions of approval; therefore, the additional mitigation is not included.
APCD-38	Potential impacts related to agricultural activities and inadequate land use buffers, including exposure to agriculturally-generated dust and use of shared roadways, are identified in Final EIR Section V.B. Agricultural Resources (refer to AG Impact 2). Please note that legal agricultural operations are not conducted at the discretion of the County, and are not subject to conditions of approval. Therefore, the recommended mitigation measures identified in the commenter's letter are not currently included in the Final EIR. The County decision makers will consider these comments and mitigation recommendations.
APCD-39	Please refer to response to comment APCD-38 above.
APCD-40	The applicant will be required to obtain all required permits from other agencies, including the APCD, prior to issuance of grading and construction permits from the County Planning and Building Department. Please refer to Draft EIR mitigation measures AQ/mm-2 and AQ/mm-4 (Final EIR mitigation measures AQ/mm-10 and AQ/mm-12), which identify these requirements. Final EIR mitigation measure AQ/mm-21 has been added to clarify a specific requirement to obtain an Authority to Construct for the wastewater treatment facility. Inclusion of this additional mitigation measure does not affect the impact determination identified in the Draft EIR.
APCD-41	The applicant is operating the existing winery under a previously issued use permit, and is not requesting any modifications to this use; therefore, the requested mitigation measure is not included. No changes to the EIR are necessary.
APCD-42	Updated calculations have been conducted using the most current model (CalEEMod 2013.2.2), including quantification of greenhouse gas emissions. Please refer to Final EIR Section V.C.5, and the following tables: Final EIR Table V.C.-6 Agricultural Cluster Construction Emissions (Unmitigated), Table V.C.-7 Agricultural Cluster Construction Emissions (Mitigated), Table V.C.-8 Dude Ranch Construction Emissions (Unmitigated). Greenhouse gas emissions are also discussed under Final EIR Section V.C.5.b and Section V.C.6.b. The EIR has been clarified to identify GHG mitigation, consistent with the APCD's recent CEQA Handbook (2012).

Comment No.	Comment
APCD-43	Refer to response to comment APCD-42 above. The EIR has been amended to include current language and thresholds from the 2012 CEQA Handbook.
APCD-44	Please refer to response to comments APCD-42 and APCD-43 above, as well as Final EIR Chapter VI Alternatives Analysis.
APCD-45	Refer to response to comment APCD-42 above. The EIR has been amended to include current mitigations from the 2012 CEQA Handbook.
APCD-46	The cumulative analysis has been clarified based on updated emissions modeling. Please refer to updated AQ Impact 9.
APCD-47	The agencies' statement regarding alternatives will be considered by the County decision makers.

Oceano Community Services District
1655 Front Street, P.O. Box 599, Oceano, CA 93475 (805) 481-6730 FAX (805) 481-6836

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JUL 31 2013

PLANNING & BUILDING

Sue Luft, Chairperson WRAC
Dr David Chipping, Subcommittee Chair

RE: Proposed Laetitia Ag Cluster
Hearing Date: August 7, 2013

July 24, 2013

Dear Members of the Water Resources Advisory Committee,

The Oceano Community Services District (OCSD) is alarmed about the proposed Laetitia Ag Cluster. We demand continued study into whether or not the necessary water resources exist, prior to approving development. It is our understanding that Laetitia proposes to take 113 acres out of agricultural production and convert that acreage into one hundred, one acre parcel homes. The impacts of this proposed new non-agricultural water demand will have significant effects on Los Berros Creek's stream flow and riparian underflow. Some attention has been afforded to the potential to undermine riparian resources for the red-legged frog and salmonids. More importantly water for our residents in the South County, and specifically Oceano, may be negatively affected. **OCSD-1** **OCSD-2** **OCSD-3**

As you are aware, the Los Berros Creek is a major source of water to recharge the Oceano area. As San Luis Obispo County is a signatory to the Stipulated Settlement that is designed to protect Basin resources for the residents in the Northern Cities Management Area, the County should not approve this proposed agricultural cluster subdivision unless those impacts can be specifically shown not to pose a risk to Oceano's water supply. **OCSD-4**

This development proposes to create a mutual water company. This mutual water company will not enjoy an economy of scale and will prove costly and inefficient for the participants. It is difficult enough to run a water company even when there is a steady and sustainable water supply. The Laetitia water company's problems will be compounded by the uncertainties of their wells in fractured rock. Given their proximity to agriculture, a water company could not monitor and regulate their impacts on the water supply. They have no control over how much water would be pumped in any year for agriculture. **OCSD-5**

The OCSD takes exception to the "Recirculated Draft EIR" which ignores the concerns of the public and the stakeholders in the WRAC, in their previous DEIR. The subcommittee should look at the previous subcommittee's report and incorporate the **OCSD-6**

language there, of the defects that are being ignored in the RDEIR and make sufficient inquiry to resolve these discrepancies. **OCSD-6 (cont'd)**

Both Fugro West and Geosyntec have independently expressed doubts that adequate water exists for this proposed ag cluster. The County of San Luis Obispo should require a Water Supply Assessment (per Section 10.9.10), ensuring that it is conducted by an independent firm. **OCSD-7**

In closing, the OCSD does oppose more projects going forward that threaten the water supply of our community or our neighbors. With these considerations, the OCSD requests the WRAC and the County of San Luis Obispo stop any project moving forward which could negatively impact the available water resources in the South County. **OCSD-8**

Sincerely,

Matthew Guerrero, President-OCSD Board of Directors

CC: Board of Supervisors

Brian Pedrotti, Project Manager
SLO Building and Planning
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

Responses to Oceano Community Services District's Comments

Comment No.	Comment
OCSD-1	Please refer to Final EIR Section W.P. Water Resources and Final EIR Appendix H, which include detailed analysis of water resources including reports submitted by the project applicant, peer reviews by the County's hydrogeological consultant and EIR hydrogeological consultant, and long-term testing and analysis.
OCSD-2	As noted by the commenter, the EIR analysis included an assessment of streamflow within Los Berros Creek (refer to Final EIR Section W.P. Water Resources). As noted in the Final EIR, the proposed domestic wells were modified by the applicant to reduce adverse effects to Los Berros Creek, and further restrictions are recommended (refer to WAT/mm-1).
OCSD-3	Please refer to Final EIR Section V.P.5.a.1.a (Project Specific Impacts, Effects to Groundwater, Santa Maria Groundwater Basin, Seawater Intrusion, and Subsidence). As noted in the Final EIR, "groundwater inflow flow from the project area comprises approximately six percent of the reported water budget for the Tri-Cities Mesa – Arroyo Grande Plain" and as documented in Nipomo Mesa Management Area reports and summarized in the EIR, groundwater flow from bedrock formations to the NMMA is likely negligible. As noted above (OCSD-2) and in the Final EIR, project modifications and additional restrictions would be implemented to avoid a reduction in flow within Los Berros Creek, and subsequently downstream flow into the Santa Maria Groundwater Basin.
OCSD-4	Please refer to response to comments OCSD-2 and OCSD-3 above. The estimated demand of 46.3 afy comprises less than 1% of the reported total water budget of 7,200 afy for the Tri-Cities Mesa – Arroyo Grande Plain portion of the Santa Maria Groundwater Basin (Table 25, pg. 135, DWR, 2002). The project as proposed would avoid domestic well pumping directly from Los Berros Creek, and with incorporation of recommended mitigation including pumping restrictions potential off-site effects would not be significant.
OCSD-5	As noted in the Project Description (Chapter III), the applicant is proposing the mutual water company. The mutual water company would monitor and regulate water use, including well pumping and indoor and outdoor use by residents/occupants. The commenter is correct in that the mutual water company would not regulate use of non-domestic agricultural wells. The Final EIR includes mitigation measures that require monitoring and reporting of indoor and outdoor water use, in addition to well pumping and yield data (refer to mitigation measures WAT/mm-1 and WAT/mm-8)
OCSD-6	The Recirculated Draft EIR (2013) and Final EIR consider information and comments provided by the public and WRAC, and specific comments are addressed in this Final EIR as noted.
OCSD-7	As noted in the Final EIR, a significant amount of additional analysis, peer review, and well testing occurred following the release of the 2008 Draft EIR. A "Water Supply Assessment" was not conducted because the project does not meet the criteria identified in Senate Bill 610 (Water Code §§ 10910-10915), because the development is less than 500 units and would not result in a water demand similar to 500 units.
OCSD-8	The commenter's opposition is noted for consideration by the decision makers.

pdf ✓

STATE OF CALIFORNIA Edmund G. Brown, Jr., Govemor

NATIVE AMERICAN HERITAGE COMMISSION
1550 Harbor Boulevard
West Sacramento, CA 95691
(916) 373-3715
(916) 373-5471 – FAX
e-mail: ds_nahc@pacbell.net

July 30, 2013

Ms. Kami Griffin, Assistant Director
County of San Luis Obispo Planning and Building
976 Osos Street, Room 300
San Luis Obispo, CA 93408-2040

RE: SCH#2005041094 CEQA Notice of Completion; Revised draft Environmental Impact Report (RDEIR) for the "**Laetitia Agricultural Cluster Subdivision Tract Map and Conditional Use Permit Project;**" located in the City of Arroyo Grange; San Luis Obispo County, California

Dear Ms. Griffin:

The Native American Heritage Commission (NAHC) has reviewed the CEQA Notice regarding the above referenced project. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites. **NAHC-1**

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Contact the appropriate Information Center for a record search to determine :If a part or all of the area of project effect (APE) has been previously surveyed for cultural places(s), The NAHC recommends that known traditional cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report (DEIR). **NAHC-2**

If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native **NAHC-3**

American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10. **NAHC-3 (cont'd)**

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources. Lack of surface evidence of archeological resources does not preclude their subsurface existence. **NAHC-4**

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. **NAHC-5**

Sincerely,

Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

Native American Contacts
San Luis Obispo County
July 30, 2013

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Salinan

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Chumash

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Chumash

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Chumash

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Salinan
Chumash

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed LSCH#2005041094; CEQA notice of Completion; Revised draft Environmental Impact Report (RDEIR) for the Laetitia Agricultural Cluster Subdivision Tract Map and CUP; located in the City of Arroyo Grande; San Luis Obispo County, California.

Native American Contacts
San Luis Obispo County
July 30, 2013

Santa Ynez Tribal Elders Council
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Xolon Salinan Tribe
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yak tityu tityu - Northern Chumash Tribe
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Native American Contacts
San Luis Obispo County
July 30, 2013

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed LSCH#2005041094; CEQA notice of Completion; Revised draft Environmental Impact Report (RDEIR) for the Laetitia Agricultural Cluster Subdivision Tract Map and CUP; located in the City of Arroyo Grande; San Luis Obispo County, California.

Native American Contacts
San Luis Obispo County
July 30, 2013

Coastal Band of the Chumash Nation
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Coastal Band of the Chumash Nation
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Coastal Band of the Chumash Nation
Michael Cordero
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Carpinteria , CA 93013
805-684-8281

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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed **LSCH#2005041094; CEQA notice of Completion; Revised draft Environmental Impact Report (RDEIR) for the Laetitia Agricultural Cluster Subdivision Tract Map and CUP; located in the City of Arroyo Grande; San Luis Obispo County, California.**

Responses to Native American Heritage Commission's Comments

Comment No.	Comment
NAHC-1	Comment noted. No changes to the EIR are necessary.
NAHC-2	The archaeological technical studies included a records search, including cultural resources within the APE, which is documented in the confidential reports on file at the County of San Luis Obispo. No changes to the EIR are necessary.
NAHC-3	As noted in Final EIR Section V.D. Archaeological Resources, Phase One surface surveys and an extended Phase One/Phase Two subsurface investigation was conducted for the site. The reports were submitted to the University of California Santa Barbara Information Center. No changes to the EIR are necessary.
NAHC-4	An archival records search was conducted as part of the technical studies. Native American representatives were onsite during subsurface testing. No changes to the EIR are necessary.
NAHC-5	Please refer to AR/mm-1 through AR/mm-11, which address the noted recommendations for mitigation. No changes to the EIR are necessary.

Coastal San Luis Resource Conservation District
645 Main Street, Suite F, Morro Bay, CA 93442 *phone:* 805-772-4391
web: www.coastalrcd.org

August 16, 2013

Mr. Brian Pedrotti
County of San Luis Obispo
Department of Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

Re: Laetitia Revised Recirculated Draft EIR, Comments on Water Resources

Mr. Pedrotti,

Thank you for the opportunity to comment on the Revised Recirculated Draft EIR for the Laetitia Ag Cluster Subdivision. In an effort to mitigate the environmental impacts and make the proposed development beneficial to the local community, the Coastal San Luis Resource Conservation District (CSLRCD) has prepared the following comments. Please consider these comments as you prepare the Final EIR. **CSLRCD-1**

Our primary concern is related to flooding and sedimentation impacts as discussed in Section V.P Water Resources. The current San Luis Obispo County design standards (Storm drainage section 5.1) state that "there must not be damage to either the development site itself or any other land, either upstream or downstream. "Damage" as used here, is defined as water having sufficient depth or velocity to damage improvements or to deposit or scour soil. The proposed development project will increase stormwater flow in Arroyo Grande Creek which already has considerable flood risk and sediment concerns. Increasing the peak flow in a channel that is undersized in an area that is prone to flooding could potentially cause "damage" even if the increase is small. The standards also state that the design shall seek to improve adverse conditions that affect the site or adjacent lands where it is reasonable to do so. In the opinion of the CSLRCD, the best way to mitigate flooding and sedimentation impacts is to construct a retention / sedimentation basin to serve the development and improve conditions downstream. Our comments to specific impacts and mitigation measures are discussed below. **CSLRCD-2**

Laetitia Draft EIR comments

Flooding

The proposed development project is located on Los Berros Creek, a tributary to Arroyo Grande Creek and San Luis Obispo County Flood Zone 1/1A. The Revised Draft EIR focuses on Los Berros Creek and does not adequately address the downstream capacity constraints in Arroyo Grande Creek. In the CSLRCD's opinion, the proposed mitigation measures are inadequate to reduce flood risk in Arroyo Grande Creek to a less than significant level. CSLRCD-3

In 2006, Swanson Hydrology and Geomorphology prepared the Arroyo Grande Creek Erosion, Sedimentation and Flooding Alternatives Study for the CSLRCD with support from the County of San Luis Obispo. This study indicates that Arroyo Grande Creek has severe capacity constraints and is likely to overtop in a 5-year storm event. With such severe downstream capacity constraints, any increase in peak flow generated by the proposed development has the potential to exacerbate the existing flood risk. CSLRCD-4

We agree with WAT Impact 2 which states: CSLRCD-5

> "Implementation of the proposed project would create additional impervious surfaces, and would result in a net increase in peak stormwater discharge, resulting in a potentially significant impact."

However, we disagree with the assertion that the mitigation measures identified in WAT/mm-9 and WAT/mm-10 can reduce the potentially significant impact to a level that is less than significant. WAT/mm-9 and WAT/mm-10 require the use of Low Impact Development (LID) measures to reduce stormwater runoff. LID measures are beneficial in smaller storm events and we support their use in this project to increase infiltration and reduce hydromodification. However, LID measures are not effective at reducing runoff in large storm events and should not be considered a flood control strategy. A retention basin could effectively mitigate the increased flood risk.

Coastal San Luis Resource Conservation District
645 Main Street, Suite F, Morro Bay, CA 93442 *phone:* 805-772-4391

Laetitia Draft EIR comments

Sedimentation

The 2006 Swanson Hydrology study also indicated that there is an existing sedimentation problem in the watershed. Roads are by far the most destructive element in the landscape with regard to excessive fine sediment generation. Erosion from road surfaces, ditches, and shoulders contribute sediment to creeks. Paved and unpaved roads modify local hill slope drainage patterns, concentrate flow, and increase erosion. CSLRCD-6

We agree with WAT Impact 4 which states:

> "The creation of additional impervious services may result in accelerated and concentrated stormwater runoff within natural drainages, causing gully erosion, down-gradient sedimentation, and discharge of fuel, oils, and other hydro-carbon based pollutants into sources of surface water including Los Berros Creek."

However, the proposed mitigation measures do not clearly show that this impact can be mitigated.

WAT/mm-14 states:

> "Prior to issuance of construction permits for tract improvements, the applicant shall submit plans incorporating best management practices to reduce diffuse stormwater (e.g., rip-rap or other technologies)."

Diffusing stormwater at the site does not address the implication of increased impervious surfaces on downstream resources. We believe that the proposed best management practices should be analyzed prior to approval of the EIR to adequately assess their effectiveness and fully understand the environmental impact. In our opinion, a retention / sedimentation basin could potentially reduce the impact to a less than significant level. We also request that the CSLRCD be involved in reviewing the proposed long term sediment mitigation measures prior to approval.

Coastal San Luis Resource Conservation District
645 Main Street, Suite F, Morro Bay, CA 93442 *phone:* 805-772-4391

Laetitia Draft EIR comments

WAT/mm-13 states: CSLRCD-7

> "Prior to issuance of grading permits, the applicant shall incorporate Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG) practices into all grading, erosion, and sedimentation control plans. The NRCS or the Upper-Salinas-Las Tablas Resource Conservation District can be contacted at (805) 434-1036 for assistance in implementing FOTG practices."

Since this project is in the Coastal San Luis Resource Conservation District service area, it is appropriate for the applicant to contact the CSLRCD at (805) 772-4391 for assistance rather than the Upper Salinas-Las Tablas RCD.

Hydrology Report

In addition to reviewing the Water Resources section (Section V.P) of the Revised, Recirculated, Draft EIR, the CSLRCD reviewed the Hydrology and Hydraulic Report cited in the Draft EIR. This report was prepared by RRM Design Group and is dated January 5, 2004. In our opinion this report does not adequately evaluate the downstream impacts of the proposed project for the following reasons: CSLRCD-8

1. The report indicates that the project will "increase the net peak flow rates of stormwater runoff leaving the site", but it does not address potential flood concerns downstream of the project in Arroyo Grande Creek.
2. The report analyzes the need for on-site stormwater detention but does not evaluate possible stormwater retention. CSLRCD-9
3. The report does not include sufficient background information to illustrate the methods and assumptions used or determine the accuracy of the findings. CSLRCD-10

The CSLRCD believes that further study is warranted in order to adequately assess the potential impacts. In our opinion any hydrologic and hydraulic studies cited in the Revised, Recirculated, CSLRCD-11

Coastal San Luis Resource Conservation District
645 Main Street, Suite F, Morro Bay, CA 93442 *phone:* 805-772-4391

Laetitia Draft EIR comments

Draft EIR should be appended to the document to allow the public to evaluate the adequacy of the analysis. **CSLRCD-11 (cont'd)**

The Coastal San Luis Resource Conservation District continues to look for ways to work with the agricultural community to develop projects that benefit water and soil resources in our district. It is our belief that the Laetitia Ag Cluster Subdivision offers an opportunity to improve existing water quality and flooding concerns. **CSLRCD-12** In our opinion, this development could create or contribute runoff which would exceed the capacity of Arroyo Grande Creek and the proposed mitigation methods are inadequate to reduce this impact to an acceptable level. At a minimum, additional study should be considered to evaluate the impact of the proposed development on Arroyo Grande Creek prior to approval of the EIR. **CSLRCD-13** Constructing retention / sedimentation basins on the Laetitia property is the best way to mitigate flood and sediment risk to less than significant. With 1,787 acres of open space proposed, we think that this is both reasonable and feasible. Any additional analysis should include the use of retention / sedimentation basins as an alternative. Should you have any questions regarding these comments please feel free to contact us directly.

Regards,

G.W. Bates, PE, CPESC

District Engineer
Coastal San Luis Resource Conservation District
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Neil Havlik

President of the Board
Coastal San Luis Resource Conservation District
645 Main St. Suite F
Morro Bay, CA 9344

Responses to Coastal San Luis Resource Conservation District's Comments

Comment No.	Comment
CSLRCD-1	Reponses to specific comments are provided below.
CSLRCD-2	The EIR identifies a potentially significant impact due to increase stormwater runoff, and WAT Impact 2 has been clarified to note that the increase runoff may result in flooding off-site, including Arroyo Grande Creek. Although retention of stormwater is not proposed by the applicant, compliance with the County Land Use Ordinance (Section 22.52.110) will likely require construction of a basin and/or implementation of other stormwater management improvements to ensure runoff does not exceed the estimated pre-development rate. Please refer to Final EIR Section V.P. Water Resources, 5. Project-specific Impacts and Mitigation Measures, a. Project-wide, 3) Drainage and Flooding, which includes additional information regarding flooding in Arroyo Grande Creek. Mitigation measure WAT/mm-9 has been revised to specifically require analysis of 2-year, 5-year, and 10-year storm events using the recommended model to demonstrate to the County Public Works Department that the project would not increase stormwater flow within Arroyo Grande Creek. WAT/mm-9 and WAT/mm-14 identify several potential measures to manage and diffuse stormwater. Compliance with identified mitigation measures requires a final drainage study demonstrating no net increase in stormwater runoff. The discussion of residual impacts has been expanded to address potential secondary impacts resulting from construction and operation of retention basins.
CSLRCD-3	Please refer to response to comment CSLRCD-2 above.
CSLRCD-4	Refer to response to comment CSLRCD-2 above.
CSLRCD-5	Please refer to response to comment CSLRCD-2 above.
CSLRCD-6	Please refer to Final EIR mitigation measure WAT/mm-14, which has been revised to specifically identify the County's Post-Construction Requirements Handbook (March 2014), and to specifically identified BMPs identified in the Arroyo Grande Creek Erosion, Sedimentation, and Flooding Alternatives Study (Swanson Hydrology + Geomorphology 2006). Please also see mitigation measure WAT/mm-13, which identifies your agency as a resource and contact for the applicant upon preparation of project grading, drainage, and construction plans.
CSLRCD-7	The Final EIR has been clarified to note that the "Coastal San Luis Resource Conservation District can be contacted at (805) 772-439" (refer to revised mitigation measure WAT/mm-13). This clarification does not change the analysis or impact determination identified in the EIR.
CSLRCD-8	Please refer to Final EIR Section V.P. Water Resources, 5. Project-specific Impacts and Mitigation Measures, a. Project-wide, 3) Drainage and Flooding, which includes additional information regarding flooding in Arroyo Grande Creek. Mitigation measure WAT/mm-9 has been revised to specifically require analysis of 2-year, 5-year, and 10-year storm events using the model from the Arroyo Grande Creek Erosion, Sedimentation, and Flooding Alternatives Study (Swanson Hydrology + Geomorphology 2006). The mitigation measure requires no increase in stormwater discharge flow rates from the project site. Please refer to Final EIR mitigation measures WAT/mm-9 through WAT/mm-14.
CSLRCD-9	Please refer to response to comments CSLRCD-2 and CSLRCD-8 above.
CSLRCD-10	Please refer to response to comments CSLRCD-2 and CSLRCD-8 above.
CSLRCD-11	Please refer to response to comment CSLRCD-2 above. As noted in the EIR, all documents incorporated by reference in the EIR are available for review at the County Department of Planning and Building.
CSLRCD-12	Please refer to WAT/mm-13, which requires incorporation of FOTG practices, in consultation with the RCD.

Comment No.	Comment
CSLRCD-13	Please refer to responses to specific comments above (CSLRCD-2 through CSLRCD-12).

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

August 22, 2013

Brian Pedrotti
San Luis Obispo County Department of Planning & Building
County Government Center
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the Laetitia Cluster Tract 2606 & CUP 2004-0001, RDEIR Environmental Impact Report. (CUP 2004-0001, Tract 2606)

Dear Mr. Pedrotti,

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 project located at 453 Laetitia Vineyard Drive in Arroyo Grande. **APCD(c)-1**

The Revised Recirculated Draft EIR consists of several revised sections of the 2008 DEIR including water resources, biological resources, and alternative analysis and along with the 2008 DEIR, addresses the environmental impacts that may be associated with an Agricultural Cluster subdivision of twenty-one parcels into 106 lots, including 102 residential lots and four open space lots. Approximately 113 acres of existing vineyard would be removed to accommodate proposed development and buffer zones. Approximately 140 acres of replacement vineyard would be replanted onsite. Development proposed within the open space lots includes a homeowner's association facility, recreation center, and community center (ranch headquarters). The proposed project would be developed in three phases. In addition to these three phases, the applicant purposes a 7.7 acre dude ranch within one of the open space lots.

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

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **APCD(c)-2**

On December 2, 2008 the SLOAPCD submitted comments on the DEIR dated September 2008. Additional comments were submitted on June 5, 2012 when the EIR was recirculated (April 2012).

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

Environmental Impact Report for Laetitia Cluster Tract 2606 & CUP 2004-0001, RDEIR
August 22, 2013
Page 2 of 2

In both letters, numerous items were mentioned that needed further evaluation including but not limited to greenhouse gases (GHGs) emission evaluation. SLOAPCD staff recommends, prior to finalizing the EIR, the comments contained in our previous two letters (copies attached) be addressed, as well as the comments included below. **APCD(c)-2 (cont'd)**

Page VI-2, Alternative Selection

As indicated in previous letters, both the construction and operation emissions associated with the project appear to be underestimated. As previously recommended, these items need to be addressed to be able to fully assess the air quality impacts from this project. On page VI-5, Table VI-2 of the RRDEIR indicates the applicant's proposed project description changes would reduce AQ impact 6 from a Class I to a Class II impact. Mitigation both on and off-site will be required to reduce the impacts from Class I to Class II. **APCD(c)-3**

Based on a preliminary evaluation conducted by the SLOAPCD, the project's operational and construction emissions would exceed the District's thresholds. Due to the transportation related emissions associated with this type of development, it will be very difficult to reduce the operational phase emissions to levels below the SLOAPCD thresholds. Also, as indicated in our letter dated June 5, 2012, due to the rural location of this project the SLOAPCD recommends the trip distance default be 13 miles for all categories of trips. As indicated in the September 2008 DEIR, mitigation measures AQ/mm-13 operational phase emission over the APCD Tier II threshold will need to be mitigated using off-site mitigation. The applicant will need to work with the APCD to define and implement off-site mitigation which would apply to both criteria pollutants and GHGs.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-4667.

Sincerely,

Melissa Guise

Melissa Guise
Air Quality Specialist

MAG/arr

h:\plan\ceqa\project_review\2000\2800\2827-7\2827-7.doc

Responses to San Luis Obispo County Air Pollution Control District's Comments

Comment No.	Comment
APCD(c)-1	Comment noted.
APCD(c)-2	Please refer to response to comments APCD(a) and APCD(b), which address the previous letters provided by the APCD.
APCD(c)-3	Please refer to the updated modeling and analysis in the EIR (Section V.C. Air Quality and Appendix C) as well as responses APCD(a) and APCD(b).

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
08EVEN00-2013-CPA-0169

August 23, 2013

Mr. Brian Pedrotti, Project Manager
County of San Luis Obispo
Department of Planning and Building
County Government Center, Room 200
San Luis Obispo, California 93408

Subject: Recirculated Revised Draft Environmental Impact Report for the Laetitia Agriculture Cluster Subdivision Tract 2606

Dear Mr. Pedrotti:

This letter provides the U.S. Fish and Wildlife Service's (Service) comments on the above-referenced recirculated revised draft environmental impact report (rrDEIR) that addresses revisions to water resources, biological resources, and alternatives sections of the previous draft environmental impact report circulated for public review in 2012. It is our understanding from the notice at the beginning of the Biological Resources section that the County will not consider our previous comments from 2008 and 2012 but that we are required submit a new comment letter in order to ensure your consideration. **USFWS-1**

The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines "take" to mean "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to a listed species by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take can be obtained in two ways. If a project is to be funded, authorized, or carried out by a Federal agency, and may affect a listed species, the Federal agency must consult with the Service pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply to the Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Act.

Brian Pedrotti 2

As it is not our primary responsibility to comment on documents prepared pursuant to the California Environmental Quality Act, our comments on the rrDEIR do not constitute a full review of project impacts. We are providing our comments based upon a review of the revised biological resources, project activities that have potential to affect federally listed species, and our concerns for listed species within our jurisdiction related to our mandates under the Act. Please note that much of the information contained in this letter reiterates those comments provided in our December 1, 2008, and June 11, 2012 comment letters. Based upon our review, we continue to have a number of concerns regarding how presence of, and impacts to, federally listed species have been characterized in this document. **USFWS-2**

According to the Biological Resources section of the rrDEIR, those federally listed species identified, or with the potential to occur, on-site include the California red-legged frog (*Rana draytonii*) and south-central California coast steelhead (*Oncorhynchus mykiss irideus*). The section also discusses designated critical habitat for both species, stating Los Berros Creek at the southern boundary of the project site supports suitable habitat and the primary constituent elements for steelhead but that is not located within any of the San Luis Obispo County California red-legged frog critical habitat units. Steelhead fall under the authority of NOAA Fisheries and, as such, is not be further addressed herein. Our comments on the presence of federally listed species and other Federal resources under our jurisdictions as they relate to the proposed project are provided below. **USFWS-3**

California Red-Legged Frog

Surveys for the California red-legged frog were conducted in October and November of 2000, making information for this species 13 years old. We do not consider these data suitable for use in the characterization of the extent of current site occupation and use by the species. While the document provides numerous mitigation measures for California red-legged frog, these measures do not appear to have changed substantially since 2008. The very general nature of the impact discussion makes it impossible to determine if take of California red-legged frogs can be avoided or minimized. The Service does not consider pre-construction surveys to constitute mitigation, as typically there is no indication of what action would be taken should species be identified at this stage. If implementation of a restoration plan for riparian habitat is to be included as a mitigation measure (see BIO-mms 6 and 8), plan development should include coordination with the Service. The County concludes that BIO-mm 19 would reduce significant impacts to California red-legged frog to a level that is less than significant (i.e., Class II); however, takes no responsibility for the implementation of this measure. Rather, the County defers responsibility to the Service as part of the issuance of an incidental take permit pursuant to section 10(a)(1)(B) of the Act or exemption pursuant to section 7(a)(2) of the Act. Additionally, BIO-mm 19-e seems to allow biologists to move the species out of harm's way as part of pre-construction monitoring. It should be noted that this activity cannot be conducted absent exemption afforded by section 7 or authorized by an incidental take permit issued pursuant to section 10(a)(1)(B). BIO-mm-20 states that the timing would be "prior to approval of subdivision public improvements or grading permit issuance." This effectively means that mitigation would be deferred until such time as one of these actions occur and puts the responsibility on the Service absent any real involvement **USFWS-4** **USFWS-5** **USFWS-6** **USFWS-7** **USFWS-8**

Brian Pedrotti 3

in project prior to its approval by the County of San Luis Obispo. For the Service to receive an already permitted project often forecloses on options that we must consider and evaluate in order to meet permit issuance criteria or demonstrate that impacts to the species are avoided or minimized to the maximum extent practicable. **USFWS-8 (cont'd)**

California red-legged frogs travel well in excess of 100 feet from breeding habitat. Researchers in Santa Cruz County documented California red-legged frogs making overland movements of up to 2 miles over the course of a wet season. Individual frogs were observed to make long-distance movements that were straight-line, point-to-point migrations over variable upland terrain rather than using riparian corridors for movement between habitats. For this reason, we again recommend the County conduct current, protocol-level surveys for California red-legged frog wherever suitable habitat is present throughout the project area. Surveys should not be restricted to proposed development areas because, as a mobile species that uses both wetland and upland habitats, there is the possibility that the species could show up in development areas adjacent to areas where development has not been proposed but frogs could occur. **USFWS-9**

Pismo Clarkia (*Clarkia speciosa* ssp. *immaculata*)

The Biological Resources section of the rrDEIR it still states: **USFWS-10**

> "David Wolff Environmental conducted focused Pismo Clarkia surveys on June 1, 2, and 4, 2004. Mr. Wolff surveyed areas not previously disturbed by agricultural practices and proposed for development. Rincon Environmental Consultants conducted botanical surveys on the northwest portion of the property on December 20, 21, and 22, 2000; and, January 19, April 4, and June 8, 2001. The Rincon surveys covered the approximate locations of proposed Lots 46 through 85 and the associated roads; however, the survey did not cover the eastern portion of the property. The surveys conducted by Morro Group, Mr. Wolff, and Rincon were timed to coincide with the appropriate blooming periods of special-status plant species that have suitable habitat within the proposed project site and were sufficient to establish the presence/absence of special-status plant species."

The text in this paragraph seems to focus on all sensitive plant species rather than speak specifically to the potential for Pismo clarkia to occur onsite.

Table V.E.1 states that "Soils are not suitable" for Pismo clarkia." Our current knowledge about Pismo clarkia is extremely limited; however, we do know that Pismo clarkia typically occurs in native and non-native grasslands and openings associated with chaparral and oak woodland habitats, often, but not exclusively, on sandy substrates. It should be noted that the soils and vegetation in those areas where occurrences are found have been mapped at a fairly gross/broad scale that does not capture inclusions of less than the minimum mapping unit. Pismo clarkia may occur in these inclusion areas. By way of example, a population of Pismo clarkia north of Grover City occurs on Santa Lucia shaly clay loam soils in the ecotone between coast live oak woodland and valley grassland. The Santa Lucia shaly clay loam series occurs within the project **USFWS-11**

area as indicated in the Geology and Soils section of the previous DEIR. We also know that Pismo clarkia is an annual herbaceous species that does not always express itself in the same location(s) in consecutive years. This suggests that there may be seed dormancy and seed bank issues that should be addressed in the impact analysis. **USFWS-11 (cont'd)**

The entire project area was not subject to survey. Surveys for the purposes of an environmental analysis should not be restricted to those areas proposed for development. Many surveys conducted for Pismo clarkia were not conducive to its detection as the dates upon which they were performed were too early in the season. It is also unknown if a reference population was checked to ensure that the timing of any surveys would be sufficient to verify negative findings. The referenced report by Mr. Wolf (*Focused Pismo Clarkia Survey Letter of Findings*; David Wolff Environmental, June 17, 2004) should be included in Appendix D to allow for its review. Table V.E.1 of Biological Resources section states that the nearest population of Pismo clarkia is located "1.68 miles south of the project site north of Black Lake Golf Course" but our review of the 2013 California Natural Database shows that this population was not found during surveys conducted for the species at this location in 2006. **USFWS-12**

Based upon the level of information provided for Pismo clarkia, we cannot agree that the limited and dated surveys conducted are sufficient to establish its absence within the project site. We recommend that the County base their impact analysis on current surveys for this species. The surveys should be done by a qualified botanist with experience with the species and during the proper time of year. We also recommend that species expression for the given year be cross-referenced with known populations. **USFWS-13**

Gambel's watercress (*Nasturtium gambelii*) and marsh sandwort (*Arenaria paludicola*)

As noted in our 2008 letter, the Service considers the Black Lake populations of Gambel's watercress extirpated. It is likely that the population of marsh sandwort from this area is also extirpated. The only natural population of Gambel's watercress is at Vandenberg Air Force Base (Santa Barbara County); marsh sandwort is known to occur in the wild only from Oso Flaco Lake and as introduced populations in Sweet Springs Marsh and Guadalupe Dunes National Wildlife Refuge (San Luis Obispo County), Wilder Ranch (Santa Cruz County), and Golden Gate National Recreation Area (Marin County). Additional populations could exist elsewhere on unsurveyed lands. **USFWS-14**

The "Sensitive Species Descriptions" section (Appendix D2) still states that potential habitat for marsh sandwort is present in the wet portions of the various drainages and within sandy openings of Los Berros Creek and the project would require installation of road crossings in several drainages that could support marsh sandwort. While marsh sandwort was not observed during the botanical surveys, they "were conducted towards the end of the species normal blooming period." There is no discussion of Gambel's watercress in this appendix; however, in Table V.E.1 of Biological Resources section it states "Site elevation is too high. Species not observed during surveys." Aside from this brief information, no other information regarding the actual survey dates or time expended searching for these species is included in the Biological Resources **USFWS-15**

Brian Pedrotti 5

section or Appendix D of the rrDEIR. We consider Gambel's watercress and marsh sandwort to be critically endangered species. Their detection can be difficult and, as such, it is important that surveying botanists have experience with these plants and that surveys are conducted at the proper time of year to maximize detection. Once suitable habitat is established, focused surveys for these species should be conducted. Please note that elevations provided for plant species are typically of a general nature and should not be used to dismiss the likelihood of occurrence if suitable habitat is present otherwise. **USFWS-15 (cont'd)**

Based upon the information provided, we do not agree that surveys conducted for Gambel's watercress and marsh sandwort are sufficient to establish species absence within the project site and, again, recommend the County conduct current-year surveys.

Migratory Birds

For both the Agricultural Residential Cluster Subdivision and Future Development Program, the Service is concerned about potential impacts to migratory birds in the proposed project area. We have conservation responsibilities and management authority for migratory birds under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 *et seq.*). Any land clearing or other surface disturbance associated with proposed actions should be timed to avoid potential destruction of bird nests or young of birds that breed in the area, as such destruction may be in violation of the MBTA. Under the MBTA, nests with eggs or young of migratory birds may not be damaged, nor may migratory birds be killed. If this seasonal restriction is not possible, we recommend that a qualified biologist survey the area for nests or evidence of nesting (e.g., mated pairs, territorial defense, carrying of nesting material, transporting food) prior to the commencement of land clearing activities. If nests or other evidence of nesting are observed, a protective buffer should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active. **USFWS-16**

Coast Live Oak Woodland

Impacts to coast live oak woodland and coast live oaks are considered "significant, adverse, unavoidable." It is difficult to comprehend how it is not possible to achieve desired project objectives without having to disturb up to 169 coast live oaks (of which 55, or 33 percent, would be removed) and modifying over 14 acres of coast live oak woodland such that its ability to function as wildlife habitat would be substantially diminished. **USFWS-17**

While coast live oak woodland is not a resource typically regulated by the Service, the loss of approximately 55 coast live oaks (*Quercus agrifolia*) and disturbance of over 14 acres of coast live oak woodland habitat bears notice by our agency. Coast live oak woodlands provide habitat for a diversity of species, notably raptors. A proposed mitigation measure intended to compensate for up to 50 percent of the oak impacts involves recordation of a conservation easement to protect 2,000 square feet of oak woodland habitat for each tree removed in perpetuity. Furthermore, "If the applicant is not able to establish a conservation easement, the applicant shall provide funding to the California Wildlife Conservation Board to be used for the

Brian Pedrotti 6

purchase of Oak Woodland Conservation Easements. The final funding amount shall include $970.00 for each tree removed." For the first scenario, the area of projected impact is 14.35 acres. To account for half of that, 7.2 acres would be needed. Protecting 2000 square feet for half of the oaks lost (150) would require an area of approximately 6.9 acres. This represents a ration of less than a 1:1. Additionally, if the second scenario is selected, it is difficult to imagine that $145,500 could effectively purchase and manage over 7 acres of coast live oak woodland habitat in perpetuity. **USFWS-17 (cont'd)**

We encourage the applicant and County of San Luis Obispo to explore a project design that could meet desired project objectives but also avoid coast live oak woodland and its namesake trees. At a minimum, we would recommend minimizing the effects to a greater extent than currently proposed. **USFWS-18**

In summary, we again find the 2013 rrDEIR to be lacking in specificity of information regarding the presence of federally listed species needed to accurately characterize project impacts, as proposed, on resources of Federal concern. It does not appear that our comments provided in our June 11, 2012, letter were considered by the County. It remains our opinion that current information on California red-legged frog, Pismo clarkia, Gambel's watercress, and marsh sandwort is still needed to allow for a careful assessment of the impacts that are likely to result from the proposed project and all of the alternatives considered. We believe that such an assessment would better inform the County regarding identification of the environmentally preferred alternative. We would like to see impacts to federally listed species avoided whenever possible or minimized to the maximum extent practicable prior to the assignment of mitigation measures. We remain available to work with you to achieve this goal. **USFWS-19**

We appreciate the opportunity to provide comments on the Laetitia Agriculture Cluster Subdivision Tentative Tract Map and Conditional Use Permit rrDEIR. If you have any questions regarding our comments contained herein or the section 7(a)(2) and 10(a)(1)(B) processes, please contact Julie M. Vanderwier at (805) 644-1766, extension 222.

Sincerely,

Carl T. Benz
Acting Field Supervisor

cc:
Brandon Sanderson, California Department of Fish and Wildlife

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Responses to United States Department of the Interior Fish and Wildlife Service's Comments

Comment No.	Comment
USFWS-1	Comment noted. No changes to the EIR are necessary.
USFWS-2	Please refer to responses to specific comments below.
USFWS-3	Comment noted. No changes to the EIR are necessary.
USFWS-4	Biological surveys, including California red-legged frog surveys, were submitted by the applicant with the project application. These surveys were peer reviewed during preparation of the Draft EIR; the peer review included field reconnaissance by the County's EIR consulting biologists. Although the protocol surveys were conducted in 2000, the environmental baseline has not changed since that time. The noted drainages and ponds located onsite have remained, and as noted in the EIR, provide habitat for California red-legged frog. As noted by the commenter, several components of project construction may have an adverse effect on California red-legged frog, based on their documented occurrence onsite. It is assumed that the species would move throughout the site, based on variations in habitat characteristics, which change over time due to ongoing agricultural operations. Potential impacts noted in the Final EIR include: BIO Impact 1 (construction of road crossings and other structures within jurisdictional drainages) (please see page V.E.-31); BIO Impact 2 (construction and future uses of the project) (please see page V.E.-34); BIO Impact 4 (impact to natural communities as a result of understory management, grading, paving, building, and replacement agriculture) (please see page V.E.-41); and BIO Impact 6 (construction of road crossings, removal of an existing pond, grading, and lot development affecting breeding and dispersal habitat for California red-legged frog) (please see page V.E.-43).
USFWS-5	Please refer to mitigation measure BIO/mm-19(c), which states the following regarding California red-legged frog discovered during pre-construction surveys: "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, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The USFWS-approved biologist will relocate the California red-legged frog the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the proposed project. The USFWS-approved biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, any distinguishing features, photographs [digital preferred]) to assist him or her in determining if trans-located animals are returning to the point of capture".
USFWS-6	Please refer to revised BIO/mm-6, which has been clarified to require applicant coordination with regulatory agencies: "*The applicant shall coordinate with resource agencies during development of the Plan, including the United States Fish and Wildlife Service, United States Army Corps of Engineers, and California Department of Fish and Wildlife*". Mitigation measure BIO/mm-7 stated "subject to review and approval by jurisdictional agencies" and does not require further clarification. This clarification does not change the analysis and impact finding identified in the EIR.
USFWS-7	Pursuant to CEQA, the County is responsible for ensuring that all mitigation measures adopted as part of the Mitigation Monitoring and Reporting Plan are implemented, and does not defer this responsibility to USFWS. The mitigation does acknowledge the jurisdictional authority of the USFWS, including additional permits and approvals that would be required. The applicant is required to obtain all required permits and authorizations and submit evidence to the County.
USFWS-8	Implementation of BIO/mm-20 would require a 35-foot vegetated buffer between mapped jurisdictional areas and new vineyards, which would improve water quality and habitat conditions for special-status species. Adoption of this measure does not prohibit USFWS from requiring stricter measures through subsequent permitting efforts.

Comment No.	Comment
USFWS-9	Please refer to response to USFWS-4 above.
USFWS-10	The noted botanical surveys included surveys for all potential state and federal special-status plant species, including Pismo clarkia.
USFWS-11	The County recognizes that Pismo clarkia may occur in inclusion areas, as noted by USFWS; however, based on the surveys conducted in various years of rainfall and other climatic conditions, no Pismo clarkia was observed.
USFWS-12	At the time the botanical surveys were conducted, the survey boundaries were limited to the project area. No additional development, aside from non-discretionary agricultural production and livestock grazing has occurred and will occur outside of the area proposed for development. Surveys conducted by Rincon Environmental Consultants included June 2001, within the blooming period (May-July). Therefore, the survey efforts provide adequate information for inclusion in the EIR. In addition, as noted in the EIR, SWCA biologists conducted field surveys in January and April of 2006; July, August, and September of 2007; and April, June, and July 2008 as part of the peer review of the applicant's submitted biological study. Regarding reference populations, the Pismo clarkia survey letter (David Wolff Environmental 2004) states the following: "Given the importance of the timing of rare plant surveys to ensure they are conducted when the target species are both noticeable and identifiable, a field survey of a known Pismo clarkia population was conducted to determine the current status of this year's seasonal growth pattern". The report notes that "DWE conducted a field review of known Pismo clarkia occurrence near James Way in Arroyo Grande on May 26, 2004 to determine if Pismo clarkia was noticeable and identifiable. While the typical annual grassland species was brown and well on the dry side, the Pismo clarkia was in full bloom with unopened flower buds on many of the plants observed at this location. Based on this observation, it was determined that surveying for the Pismo clarkia at this time was appropriate given the readily observable occurrence even with the overall dry spring rainfall pattern during 2004".
USFWS-13	As noted above (USFWS-10 through USFWS-12) and as documented in the EIR, three separate environmental firms conducted surveys for botanical species onsite, and no Pismo clarkia was observed. The EIR's determination that the species is not present is based on substantial evidence documented in the EIR and associated technical reports.
USFWS-14	The additional information regarding Gambel's watercress and marsh sandwort has been incorporated into the EIR (refer to Table V.E.-1 Sensitive Plant Species Potentially Occurring within the Project Site).
USFWS-15	As noted in the EIR, SWCA biologists conducted field surveys in January and April of 2006; July, August, and September of 2007; and April, June, and July 2008, within the appropriate blooming periods. Gambel's watercress and marsh sandwort were not observed during SWCA's surveys, or during surveys conducted by Rincon Consultants and David Wolff.
USFWS-16	Please refer to BIO Impact 5 discussion (Final EIR pages V.E.-42 and V.E.-43) and mitigation measure BIO/mm-18, which address pre-construction surveys and buffer zones as noted.
USFWS-17	Please refer to EIR Chapter VI Alternatives Analysis, which includes project alternatives that would result in substantially less impacts to oak woodland and individual oak trees.
USFWS-18	Please refer to Chapter VI. Alternatives Analysis, which includes alternatives to the project that would avoid or reduce significant impacts to individual oak trees and oak woodland.
USFWS-19	Please refer to response to comments above.

COUNTY OF SAN LUIS OBISPO
Department of Agriculture/Weights and Measures
2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401 - 4556
MARTIN SETTEVENDEMIE (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX: (805) 781-1035
www.slocounty.ca.gov/agcomm AgCommSLO@co.slo.ca.us

DATE: **August 26, 2013**

TO: **Brian Pedrotti, Project Manager**

FROM: **Lynda L. Auchinachie, Agriculture Department**

SUBJECT: **Laetitia Agricultural Cluster Recirculated Draft Environmental Impact Report SUB2003-00001 (0825)**

Thank you for the opportunity to review the Revised Draft Environmental Impact Report (RDEIR) for the Laetitia Agricultural Cluster project. The Agricultural Cluster subdivision tool is designed to protect resources for long-term sustainable agriculture while allowing for residential development that does not conflict with agriculture production. SLOAG-1

Alternatives Analysis
The Agriculture Department agrees that the Applicant's Mitigated Project Alternative would result in significant adverse impacts to agricultural resources. However, the analysis of such impacts should identify all acreage that would be converted or no longer available for agricultural production rather than just quantifying vineyard acreage to be removed. Impacted areas include all residential components of the project (i.e., residential lots, roads, water and wastewater facilities, buffers areas from residential lots, areas no in between lots that could practically be used for agricultural production etc). The analysis should identify that this total area proposed for residential development would far exceed the five percent development area that is allowed by the ordinance.

If we can be of further assistance, please call 781-5914.

Responses to County of San Luis Obispo Department of Agriculture/Weights and Measures' Comments

Comment No.	Comment
SLOAG-1	Loss of vineyards includes removal for lot development, buffer zones, access roads, and irrigation ponds. The Agricultural Resources discussion has been clarified to note that: "*Including buffer areas, the total area proposed for the development would exceed the five percent development area that is allowed by the applicable section of the LUO*".

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
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August 26, 2013

Mr. Brian Pedrotti, Project Manager
County Planning & Building Dept
976 Osos St, Rm 300
San Luis Obispo CA 93408-2040

SLO 101 PM 9.66
SCH 2005041094

Dear Mr. Pedrotti:

COMMENTS ON THE REVISED RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LAETITIA AGRICULTURAL CLUSTER SUBDIVISION

The California Department of Transportation (Caltrans) appreciates the opportunity to comment on the Revised Recirculated Draft Environmental Impact Report (RRDEIR) for the Laetitia Agricultural Cluster Subdivision. The document offers an amended Alternatives Analysis for the project. **CALTRANS-1**

Regarding each alternative, Caltrans refers to our November 7, 2008 comments (attached). With respect to access onto US 101, the existing comments from 2008 (paragraph 1) remain in effect in their entirety. Due to concerns of public safety and traffic operations, Caltrans cannot support any proposal which has the possibility of adding a single trip to the existing winery driveway on US 101. Only a "crash-gate" type emergency access can be supported. **CALTRANS-2**

Caltrans is currently in the process of updating the *Transportation Concept Report* for US 101 (adoption expected early 2014). The likely planning concept for US 101 through all of San Luis Obispo County is to upgrade the facility to a freeway. This concept entails a long term strategy to incrementally remove all median openings and consolidate access to US 101 with interchanges. This will be a long term effort and intensifying of the use of the existing winery driveway for the proposed project would be inconsistent with this plan. **CALTRANS-3**

With respect to the US 101 / Los Berros Road interchange, the existing comments from 2008 (paragraphs 2, 3 and 4) still apply unless new analyses are performed which demonstrate that the requirements identified in the 2008 DEIR are no longer required or can be modified. **CALTRANS-4**

In addition, it should be noted that Caltrans would consider roundabouts at the ramp nodes rather than signalization as a possible mitigation strategy. **CALTRANS-5**

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Mr. Brian Pedrotti
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If you have any questions or concerns, please feel free to contact me at (805) 549-3131 or adam.fukushima@dot.ca.gov. **CALTRANS-6**

Sincerely,

Adam Fukushima, PTP
Caltrans District 5
Development Review

Enclosure: Laetitia comment letters from 2008 and 2012

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

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November 7, 2008

SLO 101 PM 9.66

Brian Pedrotti, Project Manager
County of San Luis Obispo
Department of Planning & Building
967 Osos Street, Room 300
San Luis Obispo , CA 93408

Dear Mr. Pedrotti,

LAETITIA AGRICULTURAL CLUSTER SUBDIVISION TRACT MAP AND CONDITIONAL USE PERMIT, DRAFT EIR, SCH # 2005041094

Thank you for submitting the above referenced project for our review. The following comments were generated as a result. **CALTRANS-7**

Project-specific Impacts and Mitigation Measures

1. *(Transportation and Circulation*, Page V-204, (2.) *Existing With Project Intersection Operations, (a) Highway 101/Laetitia Vineyard Drive Intersection)* We would like to acknowledge and confirm that Caltrans will not accept any additional traffic introduced onto U.S. 101 at the Laetitia Winery driveway from the proposed Ag Cluster Development. This would include right-in/right-out turning movement traffic from the Laetitia Winery driveway. We are gratified that the traffic study acknowledges our position on this matter as Caltrans agrees that to add traffic at this location via any type of turning movement, is to introduce a significant traffic impact on U.S. 101.

   The mainline segment of U.S. 101 at the Laetitia Winery Intersection location currently experiences traffic traveling at high rates of speed with those traffic volumes continuing to increase. The Ag Cluster project proposes to generate a total of 1,234 daily trips with 90% of that estimate, 1,110 daily trips, being assigned to travel on U.S. 101 everyday. Caltrans must assume that most if not all of these 1,110 daily trips would not voluntarily comply with the intent of the gate restricting access type of emergency access. All of those 1,110 daily trips could theoretically and easily access this high-speed facility.

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Although the Ag Cluster proposal has designated the Laetitia Winery driveway as its secondary access, Caltrans is aware that this secondary access or "emergency access" provides a much shorter and direct route onto U.S. 101 compared to the primary access route that connects to Upper Los Berros Road. Commuters tend to resist traveling out of their way, or out of direction, to reach their destination. The "gate restricting access" to the Laetitia Winery's access to U.S. 101 as proposed, could be remotely actuated by drivers coming in and out of the proposed development's "secondary access". Drivers wouldn't even have to get out of their cars to open the gate restricted access. **CALTRANS-7 (cont'd)**

Caltrans cannot "assume" voluntary compliance whereby non-emergency traffic (daily traffic) will not be indiscriminately traveling onto U.S. 101, unless a "crash-gate" type emergency access will be required instead of the "gate restricting access" promoted by Cal Fire. Caltrans views the traditional type of crash gate, i.e., a chain link suspended between and attached by a pad lock to two posts set in concrete, as one way of assuring that only emergency-event traffic will be able to access U.S. 101 at the Laetitia Winery entrance. We therefore request that the Lead Agency condition the proposed Ag Cluster development to install the traditional "crash-gate" type of emergency access barrier. **CALTRANS-8**

Caltrans asks that Cal Fire provide documentation formally stating the policy that now requires, "gate restricting access" instead of the traditional "crash-gate" type of emergency access. Is this a state-wide policy for Cal Fire or a county specific requirement? We ask for clarification on this matter. **CALTRANS-9**

Please be advised that Caltrans recently held a kick-off Project Development Team (PDT) meeting for the "Construct Median Barrier" project on U.S. 101. This project proposes to construct a median barrier from south Arroyo Grande down to the 101/Thompson-Los Berros Interchange location. The construction of the median barrier will effectively eliminate all left-turn capability in and out of the Laetitia Winery driveway. **CALTRANS-10**

2. *(Transportation and Circulation*, Page V-205, (2.) *Existing With Project Intersection Operations, (b) Highway101 Southbound Ramps/Los Berros Road)* Caltrans acknowledges the signal warrants analysis within the traffic study stating the need for traffic signals at the 101/southbound ramp intersection. Please be advised that early consultation with our Traffic Operations Staff regarding the placement of traffic signals at this location would be of benefit. Caltrans has final authority regarding the construction of traffic signals within our Right of Way (R/W). Please contact Julie Gonzalez, Senior Traffic Operations Engineer (549-3048), regarding the project approval condition involving the placement of a traffic signal at this location. This proposed mitigation will require an encroachment permit from Caltrans. **CALTRANS-11**

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3. *(Transportation and Circulation*, Page V-205, (2.) *Existing With Project Intersection Operations, (c) Highway101 northbound Ramps/Los Berros Road)* Caltrans acknowledges the signal warrants analysis within the traffic study stating the need for traffic signals at the 101/northbound ramp intersection. Please be advised that early consultation with our Traffic Operations Staff regarding the placement of traffic signals at this location would be of benefit. Caltrans has final authority regarding the construction of traffic signals within our Right of Way (R/W). Please contact Julie Gonzalez, Senior Traffic Operations Engineer (549-3048), regarding the project approval condition involving the placement of a traffic signal at this location. This proposed mitigation will require an encroachment permit from Caltrans. **CALTRANS-12**

4. *(Transportation and Circulation*, Page V-209, (4.) *Existing With Project Intersection Operations, (b) Highway101/Los Berros Road/North Thompson Road Ramp Junctions)* Caltrans acknowledges the mitigation being offered, i.e., the lengthening of various ramps to add extra acceleration and deceleration distances. Early consultation with Paul McClintic, Senior Traffic Operations Engineer (549-3473) regarding the feasibility of constructing this mitigation measure, would prove beneficial. This proposed mitigation would require an encroachment permit from Caltrans. **CALTRANS-13**

The Encroachment Permit
All work done in the State's R/W shall be done to the Department's engineering and environmental standards and at no cost to the State. Furthermore, the conditions of approval and the requirements for obtaining the encroachment permit are at the sole discretion of the Permits Office, and nothing in this letter shall be implied as limiting those future conditions and requirements. **CALTRANS-14**

Please contact Mr. Steve Senet at (549-3206) for more information regarding the encroachment permit process or visit The Department's website at: http://www.dot.ca.gov/hq/traffops/developserv/permits/.

If you have any questions regarding the foregoing, please contact me.

Sincerely;

James Kilmer

Development Review for San Luis Obispo County
(805) 549-3683
james.kilmer@dot.ca.gov

Cc: James Worthley - SLOCOG

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

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May 16, 2012

Brian Pedrotti
County of San Luis Obispo Planning
976 Osos Street, Room 300
San Luis Obispo, CA 93408

SLO 101 pm 9.66
SCH 2005041094

Subject: Laetitia Agricultural Cluster Subdivision Tract Map and Conditional Use Permit Re-circulated Draft Environmental Impact Report

Dear Mr. Pedrotti:

Thank you for the opportunity to review and comment upon the subject Re-circulated Draft Environmental Impact Report (DEIR). The document includes an expanded suite of project alternatives, including the "Alternative Access Alternative". This alternative anticipates the possibility of expanding local road connectivit y which would eliminate the need to provide secondary access through the existing winery facility. **CALTRANS-15**

Regarding each alternative, Caltrans refers to our November 7, 2008 comments (attached). With respect to access onto US 101, the existing comments from 2008 (paragraph 1) remain in effect in their entirety. Caltrans refuses to support any proposal which has the possibility (deliberate or inadvertent) of adding a single trip to the existing winery driveway on US 101. **CALTRANS-16**

With respect to the US 101/Los Berros Road interchange, the existing comments from 2008 (paragraphs 2, 3, and 4) remain in effect in their entirety unless or until new anal yses are performed (for whichever alternative is preferred and/or approved by the lead agency) which demonstrates that the requirements identified in the 2008 DEIR are no longer required or can be modified. **CALTRANS-17**

If you have any questions regarding these comments please call me at (805) 549-3632.

Sincerely,

Chris Shaeffer
Development Review
Caltrans District 5

Attachment

C: J. Worthley, SLOCOG
G. Marshall, PWorks

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Responses to State of California Department of Transportation District 5's Comments

Comment No.	Comment
CALTRANS-1	Please refer to responses to specific comments below.
CALTRANS-2	Please refer to responses to comments CALTRANS-6 through 14 below.
CALTRANS-3	Concerns identified by Caltrans are noted by the County and documented in the Final EIR.
CALTRANS-4	Please refer to Section X.A. Responses to State of California Department of Transportation District 5's Comments (2008).
CALTRANS-5	Mitigation measures TR/mm-1 and TR/mm-2 have been clarified to note that Caltrans would consider a roundabout in this location.
CALTRANS-6	Comment noted.
CALTRANS-7	Please refer to response to CALTRANS-3 above. The EIR acknowledges that compliance with the secondary access gate may be compromised. As noted in the EIR, installation of a "crash gate" is not consistent with Cal Fire requirements for secondary access, based on CAL FIRE's review of this project. CAL FIRE indicates that the applicant's current proposal for a manned guard gate would be acceptable; however, the Final EIR notes Caltrans concerns that the proposed gate would not sufficiently restrict access.
CALTRANS-8	Please refer to response to comment CALTRANS-7 above.
CALTRANS-9	Further consultation with CAL FIRE, including an agency meeting with the County, your agency, and CAL FIRE was conducted on February 22, 2011 and additional consultation occurred in 2014. Based on these meetings, CAL FIRE verified that a "crash gate" is not acceptable, pursuant to Section 503.6 of the 2010 California Fire Code and the applicant proposed a manned guard gate. The Final EIR notes Caltrans concerns that the proposed gate would not sufficiently restrict access.
CALTRANS-10	Based on further consultation with your agency (February 22, 2011), Caltrans is no longer proposing a median barrier at the Laetitia Vineyard Drive and Highway 101 intersection; however, the County is aware that the median project may be proposed in the future. No changes to the EIR are necessary.
CALTRANS-11	Please refer to mitigation measure TR/mm-1, which states that the improvements would be constructed and implemented under a Caltrans encroachment permit or Project Study Report. No changes to the EIR are necessary.
CALTRANS-12	Please refer to mitigation measure TR/mm-2, which states that the improvements would be constructed and implemented under a Caltrans encroachment permit or Project Study Report. No changes to the EIR are necessary.
CALTRANS-13	Please refer to mitigation measure TR/mm-5, which states that the improvements would be constructed and implemented under a Caltrans encroachment permit or Project Study Report. No changes to the EIR are necessary.
CALTRANS-14	The County notes Caltrans' comment regarding encroachment permits.
CALTRANS-15	Comment noted.
CALTRANS-16	Please refer to responses to comments CALTRANS-6 through 14 above.
CALTRANS-17	Please refer to responses to comments CALTRANS-6 through 14 above.