Applicant Comments and Responses

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City of San Luis Obispo
Community Development Department
Attn: Phil Dunsmore, Associate Planner
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Dear Phil:

Chevron representatives have reviewed the *Chevron Tank Farm Remediation and Development Project Public Draft EIR* (SCH #2009031001) prepared by Marine Research Specialists dated June 2013 (DEIR) and have prepared comments.

Major issues that we wanted to highlight are discussed in this letter. These comments are redundant to those in the attached Comments Matrix and do not need a separate response. Comments specific to sections of the DEIR are provided in the attached Comments Matrix.

RESTORATION

Restoration Mitigation Ratios for Wetlands and Vernal Pool Fairy Shrimp

CEMC-a

The Mitigation Measures in the DEIR propose wetland and Vernal Pool Fairy Shrimp replacement ratios that differ from the proposed project.

For wetland restoration, two conflicting replacement ratios are proposed. Mitigation Measure BIO-4a requires a 2:1 ratio and Mitigation Measure HM-4 requires a 1:1 ratio. The DEIR evaluation states that, if either of these Mitigation Measures is implemented, the other will be a Class I impact. For Vernal Pool Fairy Shrimp, Mitigation Measure BIO-1c requires a 2:1 ratio for replacement of impacted habitat.

We believe that this conclusion is not justified and that impacts to wetlands and Vernal Pool Fairy Shrimp can be reduced to a less than significant level by the mitigation measures proposed in our application package. This conclusion is based upon an assessment of the quality of the areas that will be impacted and the quality of the proposed mitigation. It is also based on extensive work with the state and federal resource agencies with special knowledge of and jurisdiction over these resources. As you know, in addition to the City and the County of San Luis Obispo, there are multiple agencies with various and sometimes conflicting interests, priorities and requirements regarding these two resources, such as the U.S. Army Corps of Engineers (Corps), the U.S. Fish and Wildlife Service (USFWS), and the Airport Land Use Commission (ALUC). The ALUC wants the area of wetlands on the site minimized, as they attract birds which can cause aircraft safety issues. The Corps and USFWS, with jurisdictional authority over Waters of the U.S. and the Federally-listed VPFS, have advised us that they will require replacement or enhancement of the wetland and VPFS habitat function and service at a

1:1 ratio for temporal impacts (i.e., the remediation/restoration areas) and at a 2:1 ratio for permanent impacts (i.e., the development areas).

The mitigation approach in the proposed project was developed in consultation with these agencies and the rest of the SERRT. To address bird strike concerns expressed by airport representatives, the proposed project replaced "open water" wetlands with "meadow" wetlands and minimized wetland areas, instead focusing on improving function and service.

Discussions with the Corps and USFWS resulted in efforts to preserve wetlands and VPFS habitat where feasible through project design and execution and replacing or enhancing the function and service of wetlands and VPFS habitat impacted by the project using suggested ratios (1:1 for temporal impacts and 2:1 for permanent impacts, or development areas) as the guideline.

We are proposing a combination of preservation and restoration of VPFS habitat that will replace and enhance habitat functions and service. Implementation of this approach through an agency-approved Restoration Plan will provide success criteria for VPFS habitat and repopulation. The USFWS will issue a Biological Opinion for the VPFS handling and restoration. The proposed project also ensures that the areas with preserved and restored wetlands and VPFS habitat will be retained in perpetuity as open space that Chevron intends to dedicate to a municipality or non-profit organization via a conservation easement.

The DEIR states that the 2:1 mitigation ratio for VPFS is necessitated by the potential failure of the VPFS restoration. While creation of vernal pools in areas that did not previously support vernal pool systems often have high failure rates, the site currently has vernal pool habitat known to be occupied. Given that the unintentional creation of the existing man-made VPFS habitat within berms and other oil storage facilities was successful, it is a reasonable expectation that the creation of more engineered natural habitat as part of site restoration will also be successful.

The DEIR gives the loss of an unspecified number of VPFS cysts as the basis of the determination that VPFS impacts are Class I. However, loss of the cysts will be minimized and mitigated through standard procedures and guidance established by the USFWS (e.g. proper collection and storage of cyst-bearing topsoil, limitation of work in occupied habitat to periods when pools are dry, etc.) Although the take of some individuals may occur during project implementation, the proposed mitigation measures will offset those losses and preserve the regional viability of the affected species. Section 7 Consultation with the USFWS and the resulting Biological Opinion will further ensure protection of the species. Accordingly, we do not believe that this impact is significant after mitigation.

CEMC-b

There are several mitigation measures that are included in the DEIR which we believe are unnecessarily detailed and ask that they be revised to allow flexibility while still ensuring that the impacts will be mitigated to a less than significant level. For example, Mitigation Measure BIO-1j includes very prescriptive requirements for VPFS cyst collection, storage and handling. These measures were largely taken from the cultural assessment BO, which was a small scale project, and can't be reasonably implemented for the full-scale remediation project. We believe that the intent of minimizing impacts to VPFS cysts can be met by implementing USFWS protocol given that the USFWS is federal agency with primary expertise in addressing VPFS impacts.

CEMC-c

We believe that the mitigation measures proposed in the project description are sufficient to offset potential impacts, provided that it can be demonstrated that the proposed mitigation fully replaces the functions and service of the impacted areas. Chevron has recently conducted a number of field studies updating and supplementing the prior surveys and will complete a baseline functional assessment prior to project implementation. We request modification of Mitigation Measures BIO-4a, HM-4, BIO-1c and any others addressing handling and restoration of these resources to use replacement and enhancement of function and service as the success criteria rather than relying solely on replacement ratios. These measures will reduce the impacts to less than significant with mitigation as Chevron is prepared to meet at least a 1:1 on-site mitigation ratio given the proposed final restoration plan as described in the Project Description.

Restoration Mitigation Measures

CEMC-d

Chevron submitted a conceptual restoration plan, the *75% Basis of Design Report Landscape Restoration for the Chevron EMC San Luis Obispo Tank Farm* (75% Plan), which was intended to convey the conceptual approach to site restoration. The DEIR acknowledges this intention for the 75% Plan in Section 2.4, which states, "The specific details of the final restoration plan will be developed by a working subgroup of the applicant and agency representatives to reach consensus between conflicting priorities and incorporate mitigation measures established by the environmental analysis."
However, DEIR Mitigation Measures applicable to restoration include specific detailed requirements taken from the 75% Plan, such as hard acreage numbers for specific types of wetland and terrestrial habitats, quantities of each type of plant to be used, etc. Given the conceptual nature of the 75% Plan, we ask that the Mitigation Measures for restoration requirements be based on performance standards which will ensure that the intent of the restoration goals are met and that the potential impacts are reduced to a less than significant level while at the same time allowing for the flexibility necessary to develop workable final restoration plan. We have proposed clarifying language in the attached Comments Matrix document to accomplish this.

CONSTRUCTION SCHEDULING AND IMPLEMENTATION

CEMC-e

The mitigation measures as proposed include construction constraints that will prevent timely implementation of the project. We recognize the basis for the timing restrictions but believe that in many cases the intent of the restrictions can be met while still allowing flexibility in the overall construction schedule.

For example, the DEIR includes a number of Mitigation Measures for biological resources which considerably narrow the available construction window. Mitigation Measure BIO-1g does not allow work during the rainy season (10/15 – 5/1) to avoid impact to VPFS. Mitigation Measures BIO-2d and 2e limit work involving vegetation trimming to the months of September, October and November to avoid disturbing nesting birds. Mitigation Measure BIO-7b prohibits all night time operations except for safety or emergency operations, although the proposed project included equipment maintenance as a night and weekend activity. With regard to this last measure, we are uncertain what potential impact the proposed limited nighttime activities could have on biological resources given the fact that under existing conditions Tank Farm Road

allows vehicles traveling at a high rate of speed to pass through the middle of the site at any time, day or night.

CEMC-f The impact of the construction window timing limitations associated with the Biological Mitigation Measures is compounded by Mitigation Measure AQ-1g, which requires the construction work to be conducted over an extended period of time to ensure that diesel particulate emissions do not exceed quarterly thresholds.

CEMC-g Another issue involves distance restrictions in lieu of performance-based requirements that would allow alternative ways to meet the intent of the condition. For instance, Mitigation Measure AQ-2c prohibiting staging, queuing and idling within 1000 feet of sensitive receptors. The project has quarry operations in the Northeast corner of the site. Soccer fields are located within 1000 feet, but they are only used on weekends and nights. A trailer park is also located within 1000 feet, but engineering or operational controls could be used to meet performance measures at these locations.

CEMC-h As written, these Mitigation Measures leave no flexibility for problem-solving approaches to balance the various priorities. For instance, if the intent of Mitigation Measure BIO-7b and other requirements could be sufficiently met by limiting the scope of nighttime activities, construction traffic concerns could be reduced by loading trucks early in the morning ahead of the 7:30 to 9 AM rush hour traffic on Tank Farm Road. In the attached Comment Matrix document, we have proposed clarifying language that will provide flexibility.

MONITORING REQUIREMENTS

CEMC-i In Section 4.0 of the DEIR, there is a requirement for funding of an Environmental Monitor (EM). This is referred to as a Mitigation Measure (EM-1). Other Mitigation Measures require funding of a County-qualified biological monitor or other specialty monitors.

It is unclear from the wording of this requirement what phases of work that the Environmental Monitor would be involved in. EM-1 is not included in Appendix J, the Summary of Mitigation Measures, so there is no reference to which aspects of the projects would be subject to this condition. It is our understanding from discussions with the City and County that the requirement for an EM would be in effect on an as-needed basis for the duration of activities involving remediation construction, restoration grading, planting and maintenance/performance monitoring, and early (Phase 1) development construction.

In concept, the environmental monitor would be responsible for ensuring that mitigation efforts are properly executed, supervising the work of various monitoring specialists and subject matter experts, and coordinating communication with agencies. It is our expectation that Chevron would be responsible for the compliance program and the EM position would be a supervisory and inspection role ensuring that compliance is maintained by providing compliance and construction oversight with periodic inspections, and requiring correction of deficiencies. We ask that this understanding be confirmed.

Given that the City and the County will have an EM under direct contract, we do not believe that it is necessary to have the biological monitors who will be working daily on the site to be under

direct contract with the County and that this requirement will add an unnecessary cumbersome level of bureaucracy to project implementation. As reflected in the attached comments, we believe that the intent of these conditions can be met by giving the County approval authority over the selected biological monitors.

CITY DEVELOPMENT

Project Alternatives - Reduced Development

CEMC-j

The DEIR determines that the reduced development project is the next Environmentally Superior alternative after the No Project alternative.

The alternatives discussion in the DEIR discusses CEQA Objective #5 for this project, which states: "develop an economically viable commercial project with infrastructure and development phased over 25 years". Discussion of this alternative in the DEIR states that economic viability of the reduced development was not considered in the analysis, although CEQA Section 15126.6(f)(1) explicitly allows consideration of economic viability as a factor when addressing the feasibility of alternatives.

Discussion in the alternatives section also states, "The Applicant's position has been that all of the building square footage would be needed to allow for the public infrastructure that would be required for the Project, and that any reduction in the building square footage would make the Project uneconomical." While it is true that Chevron has evaluated the economic viability of the project and determined that is marginally viable at full-scale, this same conclusion was independently arrived at by the City's consultant in the "Goodwin Report" (Goodwin Consulting Group, 2010 report which stated, "Without reimbursements, it looks like the project doesn't work; with reimbursements the project looks to be feasible."). An additional independent analysis is being completed now by KMA, another City consultant, which we anticipate will have a similar conclusion.

The reduced project assumes 30 % less development and associated revenue, yet a similar cost for infrastructure and other costs as the full-scale project. If the revenues from a full scale development project are economic marginal, it is a reasonable conclusion that a reduced project will be economically infeasible if it must support the same costs. We are requesting that, consistent with the CEQA Guidelines, economic feasibility be used as an evaluation criteria so that it is clear that the Reduced Development alternative is environmentally superior because of reduced size but does not meet the economic evaluation criteria and is therefore not a feasible alternative.

Bicycle Paths

CEMC-k

The bicycle paths in the proposed project evolved over years of working with the City's Natural Resources staff and other agency representatives. One of the objectives of these past working groups was to limit public access to the site south of Tank Farm Road and establish it as an ecological reserve area.

We understand from the comments made during public hearings that the objectives and priorities have changed and we are willing to work with the City and County to find solutions. We are willing to remove bike paths that are now considered superfluous and replace them with others, as long as there is no net increase in cost over the current bike path plans. The project will construct a Class II commuter bike lane on the north and south side of Tank Farm Road, a Class 1 path from Tank Farm Road to the north side of the property and a Class 1 path from Tank Farm Road to the south side of the property. This will more than offset the project's impacts and nothing further should be required.

We also understand that having commuter bike paths along Tank Farm Road during the remediation activities is a priority for the biking public. Again, we are willing to work with the City and County to explore potential solutions, but we are concerned about potential safety hazards that would be posed by these concurrent activities. We also do not believe that the remediation activities result in any impacts that justify the imposition of this requirement.

Regional Infrastructure and Public Service

CEMC-l

The City and Chevron are negotiating a Development Agreement to establish a program that will allow accelerated construction of regional infrastructure funded by Chevron with reimbursement of fees and money paid beyond the fee structure presented in the AASP. The Development Agreement (including reimbursement of fees and costs over the fee structure) is essential to maintaining economic feasibility of the Project.

Mitigation Measure T-3a requires construction of a roundabout at the intersection of Tank Farm and Santa Fe Roads prior to the occupancy of Phase 1 development/buildings. The project description includes a traffic signal at this intersection consistent with AASP planning (see AASP Sections 6.2.4; 6.4.7; 6.4.7.1; 6.4.7.2). We have concerns about the safety of a roundabout associated with the system of bike paths that are desired through this area. Further, we estimate that a roundabout will cost approximately $1,100,000 more than the proposed traffic signal. The roundabout will have a larger footprint than a signalized intersection, requiring the acquisition of additional right-of-way and loss of development property.

The rationale for this Mitigation Measure in the DEIR is potential queuing issues during morning peak hour traffic. However, the traffic analysis indicates that a second left-hand turn lane will adequately address this queuing issue. Although the DEIR traffic study dismisses the left-hand turn lane as being inconsistent with the AASP, the sections cited in the paragraph above demonstrate the turn signal is consistent. Given the additional cost, expropriation of additional land, and safety concerns, we therefore request that this condition be removed from the FEIR and that the FEIR clarify that, based on the traffic study, the traffic signal is sufficient to reduce potential traffic impacts to a less than significant level.

Fire Response Mitigation Measures

CEMC-m

Mitigation Measure PS/U-5a requires Chevron to deed property to the City for a public fire station. PS/U-5b states that development will only be approved when the City deems that response times are adequate.

These requirements pose an unreasonable burden for payment of public services on a single development. The only property available to deed to the City would be the 15 acre parcel joined Recreational, which would reduce the area that could be donated for public recreation. Utilization of commercially zoned property without compensation would reduce the revenues of an already economically marginal project significantly. Since there are many ways to address response time short of a new fire station as part of the project, we request this "menu" option be dropped from the list.

COUNTY DEVELOPMENT

Wastewater discharge into San Luis Creek

CEMC-n

The DEIR concluded in Impact # WW.3 that "discharges from the wastewater treatment plant would increase surface water flow rates and impact downstream properties." This had been identified as a Class I impact on the basis that the addition of any water to a flooded area is a significant impact.

During a storm event in which the evaporative capacity of the site is unusable, the WWTP could discharge up to 27,000 gallons of treated wastewater. If the water is discharged to Tank Farm Creek on-site, the impact would be mitigated to Class II due to the flood improvements that will be constructed on site. Those improvements provide more than 62 million gallons of storm water detention capacity and can readily accommodate the 27,000 gallons (0.04 percent of available capacity) that might be discharged from the WWTP.

If the WWTP discharges directly to the East Fork of San Luis Obispo Creek, the storm water detention system would not mitigate the impact. However, the impact could be mitigated to Class II or lower level of significance by providing tanks with storage capacity for a flood event. We are proposing language which will clarify the measures that will be implemented to ensure that no significant impact occurs and request that this language be included in the FEIR and that this impact be reduced to a Class II impact.

Onsite Water Wells

CEMC-o

The DEIR concluded in Impact # WR.9 that, *"The use of groundwater for the County Development Plan could result in the migration of hydrocarbons from the shallow groundwater to the deep groundwater wells."* The DEIR further concluded that the migration of TPH from shallow groundwater to the deep groundwater wells would be significant and unavoidable impact (Class I) due to the permanent loss of the water supply.

The *Technical Memorandum: Environmental Issues Concerning Future Water Supply Wells* by Avocet Environmental dated 12/2/11 is included in Appendix G.3 of the DEIR. It references studies conducted at the site showing that the liquid petroleum will not migrate to the deep wells irrespective of the duration or intensity of pumping. This is due to the high viscosity (akin to molasses) of the petroleum, as well as the subsurface geology. Consequently, the concern that the wells could be lost as a water source will not occur as a result of the influx of liquid petroleum.

As described in the various technical documents supporting the DEIR, dissolved phase non-polar TPH compounds are not observed in on-site monitoring wells anywhere close to Well Nos. 1-3. Further, the TPH in question is crude oil, a substance with very low solubility in water. Well # 4, which is off-site, has a different condition, but this well is proposed for use during the construction phase of the remediation project as contingency. It would only be used in the unlikely event overlapping remediation and development activities require more water during peak periods than is available in the onsite wells. As described in the Technical Memorandum the geology and construction of Well #4 make TPH related impacts improbable. By limiting the duration and rate of pumping the potential for TPH related impacts becomes negligible.

Additionally, in the unlikely event that dissolved phase TPH were detected in the potable water supply, there are proven and cost-effective technologies that remove TPH from water. In the event a water treatment system for TPH is needed, it would most likely include a set of pressure vessels filled with activated carbon. The specific type of carbon and other supporting processes in the treatment design (e.g., filtration) would depend upon the actual physical and chemical characteristics of the supply water. These activated carbon systems, typically supplied through Siemens or Calgon Carbon Corporation, are used throughout California in similar applications. For example, the City of SLO approved the use of activated carbon to treat groundwater removed from excavation pits in 2006 at 2238 and 2240 Broad Street. Activated carbon systems can be augmented with other filtration or separation processes (e.g., oil/water separators, dissolved air flotation, trickling filter, extended aeration, and secondary clarification augmented by chemicals) where the dissolved TPH exceeds its theoretical solubility in water. Examples of this are found in county approved oil-water separation and treatment processes at the Plains Exploration operation on Price Canyon Road and the Phillips 66 refinery operation on the Arroyo Grande Mesa
Since liquid or dissolved-phase TPH migration is improbable (an assessment that is not disputed by the DEIR), and that there are proven existing treatment technologies which readily address that unlikely occurrence, the site will not lose the use of its water supply due to TPH migration. WR-9 should therefore be reclassified as a Class II impact provided WR-9a includes a requirement to provide an effective TPH removal process if non-polar TPH is detected in the sentinel wells.

Prohibition of Polishing Ponds

CEMC-p

Mitigation Measure HM-10 prohibits polishing ponds as part of the WWTF design, as they would attract birds and increase the potential for bird strikes.

The FAA Advisory Circular No. 150/5200-33B, dated 8/28/07, and the UC Davis Bird Hazing Manual, dated 2008, were reviewed for information on widely accepted engineering controls that could be applied to a polishing pond associated with a wastewater treatment plan. Both reports include methods for deterring birds from being attracted to open water ponds, including wastewater ponds.

Examples included in the FAA Circular include bird balls, floating pillows, wire grids, and netting. The UC Davis Bird Hazing Manual also recommends use of netting and wire grids on fixed facilities. Floating pillows or bird balls are recommends for use on small areas of open water. Both documents indicate that there are accepted engineering controls that could be implemented to mitigate the attraction to wildlife and bird strike hazards should the polishing

pond be constructed. Since there are feasible methods to mitigate this impact, the DEIR should include these measures, clarify that this is a Class II impact and remove the prohibition against polishing ponds.

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#	Page Number	Paragraph, table or figure	Subject of Comment (Specific Item or language)	Comment/explanation of issue	Recommended Action
CEMC-1	ES -8	Paragraph below Figure ES-4	LUO (Title 22) amendment needed to allow parcel sizes smaller than 20 acres	Parcel sizes smaller than 20 acres are allowed for both existing and proposed land use designations as the property is inside the City URL	Clarify the need for a LUO (Title 22) amendment and include the location from the LUO with this requirement.
CEMC-2	ES – 8	Paragraph below Figure ES-4	LUO (Title 22) amendment needed to allow the array of uses proposed	The application listed example uses. Some examples are not specifically named in the County LUO; however they are substantially the same. Example: The application listed "medical research". The County LUO allows offices but does not specifically call out medical research. This should require a routine interpretation, not an amendment of the LUO.	Chevron can comply with the existing LUO (Title 22) list of allowable uses for the proposed land use designations. No amendment is needed.
CEMC-3	ES-9	Bottom paragraph	VPFS impacts are Class I even with the proposed restoration: "… Even with repopulation mitigation measures, these impacts cannot be fully mitigated. … "	See comments for 4.2-46, BIO 1c 4.2-52.	See comments for 4.2-46, BIO 1c 4.2-52.
CEMC-4	ES-13	Hazards and Hazardous Materials Section	The biological resources section of the EIR requires 2:1 replacement for wetlands as mitigation, while hazards mitigation proposes a 1:1 replacement to reduce impacts due to bird strikes. The analysis indicates that either mitigation ratio results in a Class I Significant and Unavoidable Impact.	See comments for 4.2-55, BIO-3b; 4.2-56; 4.2-57, BIO-4a; 4.2-44; and 4.11-6, HM-4.	See comments for 4.2-55, BIO-3b; 4.2-56; 4.2-57, BIO-4a; 4.2-44; and 4.11-6, HM-4.
CEMC-5	ES-17	End of 5th paragraph	"The EIR does not address the issue of economic viability."	As is discussed below in comment on 5-75 to 5-77, Section 5.4.2.2, the CEQA regulations specifically recognize that economic viability should be considered when evaluating whether an alternative is potentially feasible. Where, as here, it can be shown that an alternative is not economically feasible, it cannot constitute the preferred alternative.	Remove referenced sentence and replace with the following: Given that this alternative does not meet the project objectives and is not economically feasible, it is not the preferred alternative.
CEMC-6	ES-17	3rd para under the sub-heading Reduced Development Alternative	"The applicant's position has been . . . any reduction in the building square footage would make the Project uneconomical."	The conclusion that the economic viability of the full-scale project is marginal is verified by the "Goodwin Report," an analysis prepared by a City consultant. Any reduction to the proposed project further decreases the already marginal viability. This discussion should include information regarding the results of the analysis by the Goodwin Consulting Group, which was an independent evaluation by a City consultant of the development project's economic feasibility.	Add the following information to this discussion: "The applicant's position has been . . . any reduction in the building square footage would make the Project uneconomical. This conclusion was confirmed in the Memorandum: *Chevron Restoration/Redevelopment Project Gap Analysis/Feasibility Test*, an analysis prepared for the City by Goodwin Consulting Group in 2009 and 2010, which found that the economic viability of the project as proposed is economically marginal.
CEMC-7	IST-1-6	BIO-2c	See comment for 4.2-50, Mitigation Measure BIO-2c	See comment for 4.2-50, Mitigation Measure BIO-2c	See comment for 4.2-50, Mitigation Measure BIO-2c

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CEMC-8	IST-1-11	Impact Summary Tables-Remediation AQ-1d.a-c	Mitigation measures for stockpiles	See comments for 4-1-32, Mitigation Measures AQ-1d	Clarify per comments for Mitigation Measure AQ-1d
CEMC-9	IST-1-13	BIO-1a, 2nd para	Draft open space easement…..in a form approved by County Counsel……."	The applicant has proposed in the project description to dedicate a conservation easement in perpetuity over the open space lands. Therefore for this mitigation measures is not necessary.	Remove this mitigation measure and revise language on 2-61 under Conservation/Open Space as follows (before the last sentence): The Applicant will dedicate a perpetual conservation easement over the open space lands and will obtain approval of the form of the easement from the County. The conservation easement shall be recorded prior to final inspection of the restoration sites(s) to protect biological resources in perpetuity. At some point in the future, the Applicant may also dedicate the open space ...
CEMC-10	IST-1-14	BIO-1d	Applicant-funded County biological monitor.	See comments in 4.2-46, Mitigation Measure BIO-1d	See comments in 4.2-46, Mitigation Measure BIO-1d
CEMC-11	IST-1-14	BIO-1g	BIO-1g Remediation and restoration activities shall be scheduled to avoid the rainy season (approximately Oct 15 to May 1) to reduce potential impacts to VPFS habitat outside of the construction and remediation boundaries.	See 4.2-47, BIO-1g	See 4.2-47, BIO-1g
CEMC-12	IST-1-34	AE-1b	Requirements for site fencing	See comments for 4.10-19, AE-1b	See comments for 4.10-19, AE-1b
CEMC-13	IST-1-35	AR.3, Impact Description	"The remediation…. could result in the conversion of farmland to non-agricultural use."	The subject property is not currently in "farmland" use (i.e. County defines farm land use as production of food and fiber as a primary use).	Clarify that the property is not currently in farmland use
CEMC-14	IST-2-1	Impact T-5a, page IST-2-1	"Due to its size and complexity…additional impact beyond cumulative conditions."	It is unclear what "impacts beyond cumulative conditions" means and we do not believe that there is a basis for creating a new City impact fee program to address "beyond cumulative conditions."	There is no justification for imposing mitigation beyond cumulative conditions and therefore, this condition should be deleted
CEMC-15	IST-2-1	Impact T-5a, page IST-2-1	"…he City shall amend this project into one of the City's impact fee programs…."	It is unclear what this recommendation means and as noted above, the basis for such an action is not adequately explained or supported.	There is no justification for imposing mitigation beyond cumulative conditions and therefore, this condition should be deleted
CEMC-16	IST-2-1, 2,3	Mitigations T-5a through 5i	Mitigation costs are unknown for mitigation measures involving pro-rata share.	The potential cost of these mitigations is not defined so the "pro-rata" share of these mitigations is unknown. See discussion in 4.3-34 and 35, T5a-1; 4.3-39, Tb-b; 4.3-39, T5d.	The potential cost of these mitigations is not defined so the "pro-rata" share of these mitigations is unknown. See discussion in 4.3-34 and 35, T5a-1; 4.3-39, Tb-b; 4.3-39, T5d.

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CEMC-17	IST-2-4	Mitigation AQ-6a	Increase walls and attic insulation by 20% above Title 24 requirements.	CA Title 24 requirements are not static. The current requirements far exceed from prior versions. In addition the State has adopted the Cal Green Code which also sets energy efficiency requirements and targets. This mitigation is unnecessary	Design walls and attic insulation consistent with Title 24 and Cal Green requirements.
CEMC-18	IST-2-9 and IST 3-11	Mitigation T-3a, Bicycle and Pedestrian 3	Requirements for bike paths	See comment for 4.3-25 (4.3.5.2 discussion and T-3a last paragraph)	See comment for 4.3-25 (4.3.5.2 discussion and T-3a last paragraph)
CEMC-19	IST-2-9	Mitigation T-3b	Coordination/consolidation of access to the Northwest parcel with adjacent property owner	While we are willing to try to consolidate access with the adjacent property owner, it must be recognized that coordination with adjacent landowners is beyond our control. If consolidation is not feasible, we will design our driveway to avoid minimize the potential for vehicular conflicts and, if feasible, without a break in the median.	Allow for alternative measures for insuring adequate left turn access into the Chevron Northwest property if access consolidation with the adjacent property is infeasible.
CEMC-20	IST 2-9 & IST 3-11	T.3a 2nd paragraph	Transit: Prior to the occupancy of Phase 1 buildings/development, the Applicant shall install a bus stop at the east and west end.	The adopted City Transit Map "Fall 2008" does not show transit facilities along Tank Farm Road. Transit stops should be coordinated with the City Transit Manager. Two bus stops along the TFR frontage are too many and will be difficult to achieve with Phase 1. In coordination with City Transit Systems Management, we will ensure sufficient transit facilities are installed to accommodate ridership associated with the project.	Replace condition with the following: Prior to the occupancy of Phase 1 building/development, the Applicant shall meet with City Transit Management to discuss design and placement of transit facilities and Applicant shall install sufficient transit facilities to meet the increased ridership demand associated with that portion of the Project."
CEMC-21	IST 2-9 & IST 3-11	T.3a 3rd paragraph and Mitigation Measure T-3a	Requirements for bike and pedestrian paths.	See discussion in 4.3-25, 4.3.5.2 and Mitigation Measure T-3a	See discussion in 4.3-25, 4.3.5.2 and Mitigation Measure T-3a.
CEMC-22	IST 2-10 & IST 3-12	T-4	Prior to issuance of applicable construction permit, the Applicant shall submit a construction traffic management plan that includes a revised phasing plan minimizing the duration of construction	Project phasing plan was designed to ensure that sufficient mitigation is provided with each phase of development to offset the impacts of the phase of development. The phasing plan was considered in the traffic analysis and the project is including sufficient measures to ensure no significant traffic impacts related to the construction work. Therefore, the revised plan is not required to offset a potentially significant impact. We ask that this analysis be modified to reflect these facts. As provided in the Project Description, the Project proposes to use South Higuera is the primary truck route to the freeway. This proposal is consistent with the City's Circulation Element. LOVR would only be used on a temporary basis in the unlikely event that that South Higuera was closed temporarily	Revise the analysis on 4-3-25 to reflect the fact that the Project phasing will not result in a significant traffic impact given the requirement of the various mitigation measures. Revise condition T.4 as follows: Prior to issuance of construction permits <u>for each phase of development</u>, the Applicant shall submit a construction traffic management plan which includes a ~~revised~~ phasing plan which minimizes the duration of construction. In addition to the components described in mitigation measure T-1~~a~~, the plan shall ensure, <u>within each phase of development</u>, that adjacent sections of infrastructure be modified at the same time to minimize disruption of travel. The plan <u>shall provide that the primary truck route will be from South Higuera.</u>

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CEMC-23	IST-2-15	Mitigation PS/U-5a	Applicant shall dedicate land for a fire station	See comments for 4.13-25 and 4.13-26, PS/U5a. There is no justification for requiring a dedication of land, as Mitigation Measure PS/U-5b provides alternative ways to meet the response time.	Delete Mitigation Measure PS/U-5a and the requirement for dedication of land. Mitigation Measure PS/U-5b provides a performance-based requirement that notes the deficiency in response time and alternative ways to achieve the requirement.
CEMC-24	IST 3-19	HM.10	Polishing ponds shall not be allowed as part of the design of the WWTF	See discussion in 4.11-75, Mitigation Measure HM-10. As discussed in this section, there are feasible and effective ways for addressing concerns about attraction of birds to polishing ponds. Additionally, the ponds can be sited in areas that will not provide a risk to air traffic in the vicinity.	See discussion in 4.11-75, Mitigation Measure HM-10. If polishing ponds are constructed in areas within the flight path, incorporate engineering methods to reduce the attraction of such ponds. Such measures may include birdballs, floating pillows, wire grids and netting. Applicant must present a plan which demonstrates, to the satisfaction of the City, that the measures will ensure no increase in bird population on the site will result from the construction and operation of the polishing pond.
CEMC-25	IST-3-29	Impact Summary Tables	The only Class IV (beneficial) impact listed is an increase to the stock of recreational land	There are more beneficial impacts to this project, which should be added: • Remediation • Habitat enhancement • Open Space donation (over and above what is required for development mitigation) • Flood control improvements • Reduced aircraft safety hazard (Reservoir 2) • Accelerated infrastructure (City scenario)	Revisit the impact analysis and consider the potential for these proposed activities to be included as Class IV (Beneficial) impacts.
CEMC-26	2-61	Conservation/Open Space Bullet	Description of conservation easement	Add language included in comment on IST-1-13, Bio-1a above.	Add language included in comment on IST-1-13, Bio-1a above.
CEMC-27	2-65	Third bullet under TFR proposed improvements	"Underground existing power lines:"	Chevron has not agreed to undergrounding of overhead lines adjacent to the project open space frontage.	Clarify this bullet item: "Underground existing power lines <u>adjacent to project development frontage;"</u>
CEMC-28	4.1-5	First full paragraph under 4.1.7 Cumulative Analysis	Notes that none of the cumulative projects will be constructed in the immediate vicinity.	Please confirm accuracy and how "immediate vicinity" was identified. A number of the other resource areas note there are projects with overlap.	Confirm accuracy of statement and update if required.

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CEMC-29	4.1-25	4, 5, and 8th bullet	The following three bullets are included in the list of significance criteria. "project impacts may be considered significant if one or more of the following special conditions apply: . . . Remodeling or demolition of operations where asbestos-containing materials will be encountered; If naturally occurring asbestos has been identified in the project area; . . If more than 4 acres are graded at any time."	The asbestos issue is not addressed in the analysis but mitigation measure AQ2-f addresses naturally occurring asbestos. Asbestos issues also addressed in Section 4.11 Hazards and Hazardous Material. With regard to the 4 acre criteria of significance this is not referenced in any of the analysis. Need adequate discussion in air section or reference to evaluation in other section.	Address specifically in the analysis to demonstrate that the potential significance of these issues are adequately addressed through the mitigation measures included.
CEMC-30	4.1-31 4.1-37	AQ-1a(g) AQ-1a(h) AQ-2c(a) and (b)	Diesel idling within 1,000 feet of sensitive receptors is not permitted. "Staging and queuing activities shall not be locate within 1,000 feet of sensitive receptors". "Staging and queuing activities shall not be locate within 1,000 feet of sensitive receptors".	These mitigation measures impose distance restrictions in lieu of performance-based requirements that would allow alternative ways to meet the intent of the condition. Staging, queuing and idling is prohibited within 1000 feet of sensitive receptors. The project has quarry and remediation operations in the Northeast corner of the site and it is not possible to relocate these activities. Soccer fields are located within 1000 feet, but they are only used on weekends and nights. A trailer park is also located within 1000 feet, but engineering or operational controls could be used to meet performance measures at these locations. We understand the intent of this condition to protect sensitive receptors from diesel particulate emissions and will include avoidance provisions in the Construction Air Monitoring Plan submitted to the SLOAPCD for review and approval. Anticipated measures will include no staging, queuing or idling within 1000 feet of the recreational fields when in use and employing air monitoring to ensure that the trailer park residences are not receiving particulates above acceptable thresholds.	Revise the mitigation measure to allow alternative provisions such as no staging, queuing or idling within 1000 feet of the recreational fields when in use and employing air monitoring to ensure that the trailer park residences are not receiving particulates above acceptable thresholds to be included in the Construction Air Monitoring Plan submitted to the SLOAPCD for review and approval.
CEMC-31	4.1-32	MM AQ-1d	"Prior to issuance of applicable grading permit, the Applicant shall obtain the required SLOAPCD permits for the hydrocarbon contaminated soil. In addition, the following measures shall be implemented:"	Conditions in this section are not realistic and sometimes conflict (see detailed discussions per item). Given the SLOAPCD expertise over air issues, we believe it is reasonable and appropriate to defer to them with regard to the specific measures that are required to meet the requisite conditions.	"Prior to issuance of applicable grading permit, the Applicant shall obtain the required SLOAPCD permits for the hydrocarbon contaminated soil. In addition, the following measures shall be implemented unless otherwise directed by the SLOAPCD upon a finding that alternative measures will result in equal or greater reduction in emission of air contaminants:"

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CEMC-32	4.1-32	MM AQ-1d.a	Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;	Need clarification that covers (potentially including soil sealants) will be maintained on hydrocarbon contaminated stockpiles when the stockpile is not being actively worked and will be idle for more than one working day.	Clarify language: "Covers on hydrocarbon contaminated storage piles shall be maintained in place at all times when the pile is not actively involved in soil addition or removal and will be idle for more than 24 hours;"
CEMC-33	4.1-32	MM AQ-1d.b	"Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH-non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate."	Stating the specific acceptable cover methods is limiting and may not allow the implementation of the best system or resolution of conflicts with other requirements. MM AQ-1f requires segregation of clean soil from contaminated soil, which conflicts with the use of clean soil for cover. Plastic tarp generates more affected material for disposal. Other methods for covering contaminated soil have been used effectively on other projects with the approval of the SLOAPCD. The wording in this mitigation measure should allow more flexibility for other cover methods approved by the SLOAPCD.	Revise mitigation measure to provide clarification: "Contaminated soil shall be covered in a manner which shall ensure that emissions are within thresholds acceptable to the SLOAPCD and as specified in erosion control plans and directed by the SLOAPCD. Some potential methods include application of packed uncontaminated soil, other TPH-non-permeable barrier such as plastic tarp or soil sealant. No headspace shall be allowed where vapors could accumulate."
CEMC-34	4.1-33	AQ-1g	Scheduling of work to ensure that SLOAPCD particulate thresholds are not exceeded.	We will attempt to schedule the project work to level construction activities and resulting diesel particulates and other emissions to keep them below quarterly thresholds. However, with the many biological and other constraints on the construction activities, this will not always be feasible. Mitigation Measure AQ-1e requires coordination with the SLOAPCD to secure SLOAPCD-approved off-site reductions for project emissions that exceed quarterly thresholds.	Add diesel particulates to the potential off-site reduction program in Mitigation Measure AQ-1e. Add a statement in Mitigation Measure AQ-1g referencing the program if diesel particulates will exceed quarterly thresholds.
CEMC-35	4.1-36	AQ-2a(e)	Exposed ground areas that will be reworked at dates greater than one month after initial grading should be sown with grass seed and germinated.	This requirement may conflict with requirements in the dust control plan or the SWPPP measures under the general storm water construction permit.	Add a clarification, "unless other dust and erosion control measures are specified in the agency-approved Dust Control Plan or SWPPP."
CEMC-36	4.1.44	Mitigation AQ-6b-b	Transit: Prior to the occupancy of Phase 1 buildings/development, the Applicant shall install a bus stop at the east and west end.	The adopted City Transit Map "Fall 2008" does not show transit facilities along Tank Farm Road. Transit stops should be coordinated with the City Transit Manager. Two bus stops along the TFR frontage are too many and will be difficult to achieve with Phase 1. In coordination with City Transit Systems Management, we will ensure sufficient transit facilities are installed to accommodate ridership associated with the project.	Replace condition with the following: Prior to the occupancy of Phase 1 building/development, the Applicant shall meet with City Transit Management to discuss design and placement of transit facilities and Applicant shall install sufficient transit facilities to meet the increased ridership demand associated with that portion of the Project."
CEMC-37	4.2-25	Section under Invertebrates	Discussion does not mention the three potential pools in the northeast areas described on 4.2-8 and 4.2-10.	Need to make sure that discussion is consistent.	Make discussion in section 4.2-25 consistent.

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CEMC-38	4.2-25 and 4.2.26	Last paragraph and Table 4.2-4	DEIR states that California linderiella is a federal species of concern. The DEIR also states that California linderiella were not observed during fairy shrimp surveys and are therefore not expected to occur within the Project Site. For California linderiella Known/Potential Occurrence at the Project Site, the table states: "Vernal pools are present within the Project Site; however, species not observed during field surveys. Nearest known location: 4 miles west of San Luis Obispo, between Dairy Creek and Chorro Creek (CNDDB 2010)"	USFWS no longer maintains a federal species of concern list. Species protected under the FESA only include Endangered, Threatened, Proposed, or Candidate. California linderiella do occur on the Project site and were observed during protocol surveys conducted between 2003 and 2005 and were also observed during supplemental surveys conducted during 2011/2012 wet season. Reference Rincon, 2005 and Padre, 2012a reports for discussion of occurrence of *L. occidentals.*	Proposed clarifying revisions to text: California linderiella, a ~~federal species of concern~~ non-listed species, tend to live in... California linderiella were ~~not~~ observed during protocol surveys and ~~therefore are not expected to occur within the project site~~ are known to occur on the Project Site. Vernal pools are present within the Project Site~~however, species not observed during field surveys. Nearest known location: 4 miles west of San Luis Obispo, between Dairy Creek and Chorro Creek (CNDDB 2010)~~ and California linderiella is known to occur on the Project Site (Rincon 2005; Padre 2012a).
CEMC-39	4.2.40-41		State and Local Authority discussion	The State and Local Authority discussion does not include a discussion of a Section 401 Water Quality Certification from the Regional Water Quality Control Board.	Revise this discussion to include a discussion of a Section 401 Water Quality Certification from the Regional Water Quality Control Board.
CEMC-40	4.2-44	2nd paragraph	One of the primary goals of the proposed restoration of the Project Site is to replace and improve the overall functions of the entire Site so as to end up with a net increase of functioning sensitive species habitat. The proposed restoration activities would restore and enhance VPFS habitat through (1) habitat creation in areas previously containing upland habitat; and (2) improvement of existing habitat functions by removing contaminated material, increasing hydrologic flow, and eliminating existing constricting features in areas containing disturbed or partially functioning habitat.	The DEIR does not include preservation (avoidance) of VPFS habitat. The applicant is preserving VPFS habitat, which will not be impacted by remediation or development activities and which will be protected in perpetuity and managed for the benefit of sensitive species. See discussion in 4.2-55, Mitigation Measure BIO 3b.	Make correction: "…The proposed restoration activities would preserve, restore, and enhance VPFS habitat through (1) preservation of habitat which will not be impacted by remediation or development activities; (2) habitat creation in areas previously containing upland habitat; and (3) improvement of existing habitat functions by removing contaminated material, increasing hydrologic flow, and eliminating existing constricting features in areas containing disturbed or partially functioning habitat. The preserved, restored and enhanced VPFS habitat will be protected and managed in perpetuity for the benefit of VPFS and other sensitive species The preserved, restored and enhanced VPFS habitat will be protected and managed in perpetuity for the benefit of VPFS and other sensitive species.
CEMC-41	4.2-44	Last paragraph	DEIR states…"Repopulation of newly created or restored pools would be stimulated by inoculation, consisting of material gathered	Per discussions with the USFWS, repopulation of VPFS populations in created/restored habitat will be established by using inoculum from top soils collected from occupied impacted pools prior to project disturbance. "Donor" pools	Proposed revision to text: "Repopulation of newly created or restored pools would be stimulated by inoculation, consisting of

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			from "donor" pools unaffected by remediation."	will only be used as a contingency in case additional inoculum is needed.	material collected from topsoil of impacted occupied VPFS habitat or, if needed, gathered from "donor" pools unaffected by remediation.
CEMC-42	4.2-46	BIO-1b	The Applicant shall conduct updated surveys of sensitive species habitats (including sensitive plant species, CRLF, wetland habitat, and VPFS habitat) within the project site immediately prior to (within the appropriate season) the onset of any ground disturbance associated with the project in order to evaluate the current occupancy of suitable habitat for sensitive species and to refine the final habitat mitigation replacement acreages.	The timing and need for updated surveys within the project site will be specific to the species, work to be done, resource agency protocols for surveys, etc. For instance, surveys for CRLF and VPFS are generally considered to be valid for five years. Plant populations in areas planned for ground disturbance that were not recorded in previous botanical surveys will be documented during standard pre-activity surveys, (BIO-1i). The final habitat replacement areas will be revised as necessary to adequately mitigate actual disturbance to habitats for listed and special status species.	Proposed revision to clarify BIO-1b text: The Applicant shall conduct updated surveys of sensitive species habitats for surveys that are outdated (including sensitive plant species, CRLF, wetland habitat, and VPFS habitat) within the project site prior to (within the appropriate season) the onset of any ground disturbance associated with the project in order to evaluate the current extent of suitable habitat for sensitive species and to refine the final habitat mitigation replacement acreages. Updated surveys shall be completed per the timing and methodology specified by resource agency protocol.
CEMC-43	4.2-46	BIO-1c	BIO-1c states…The final restoration plan shall include a 2:1 replacement of all VPFS habitat impacted by remediation efforts (or at least 25.8 acres of VPFS habitat depending on final disturbance acreages).	The restoration approach does not focus on use of area ratios alone to achieve VPFS or other habitat mitigation. In addition, the DEIR gives no credit for preserved VPFS habitat, which has been a major part of the SLOTF mitigation approach as directed by the USFWS in previous mitigation discussions. Because the Ventura Fish and Wildlife Office does not have specific guidance on VPFS mitigation requirements, CEMC mitigation strategy is based on 2:1 ratio for preservation and a 1:1 ratio for creation/restoration based on general guidance from the Sacramento Fish and Wildlife Office (USFWS, 1996) on VPFS mitigation in a Mitigation Bank Setting. Although the SLOTF is not a mitigation bank, the restoration site has many of the same attributes as a mitigation bank, primarily the size of the site and extensive occurrence of VPFS habitat throughout the site. Additionally, the SLOTF VPFS population is regionally significant due to the relatively few occurrences of VPFS in San Luis Obispo and Santa Barbara counties and paucity of suitable habitat in the area. Additionally, if 2:1 mitigation is required for impacts to VPFS habitat, it may have a detrimental impact on the species due to the limited amount of topsoil available for use as inoculum in restored habitat. If the restored/created habitat is expanded to twice that of the impacted habitat, inoculum will be spread more thinly and cyst density will effectively be reduced by half in restored habitat.	Proposed Revision to clarify BIO-1c text: The final restoration plan shall provide for restoration and/or creation of habitat suitable for special status plant species including Cambria morning glory, Congdon's tarplant, San Luis Obispo owl's clover, Hoover's button-celery, and purple needlegrass. To offset impacts to VPFS, the final restoration plan shall include a minimum of 2:1 preservation and a 1:1 creation or restoration of all VPFS habitat impacted by remediation efforts ~~(or at least 25.8 acres of VPFS habitat depending on final disturbance acreages)~~. The final plan shall also include defined schedules of restoration efforts, success criteria, weed management methods, monitoring schedules, reporting requirements, and a Long-Term Habitat Management and Evaluation Plan, (see mitigation measure BIO-5c). The objective of the Long-Term Habitat Management and Evaluation Plan shall be to assess if the restored habitats have met the success criteria as specified in the agency-approved restoration plan. The assessment of function shall be based on indicators in the restoration plan, such as wildlife use and presence of sensitive species within the habitats compared to pre-Project conditions.

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CEMC-44	4.2-46	BIO-1c BIO-1f	"The final plan shall include….and a Long-Term Habitat Management and Evaluation Plan…to assess if the restored habitats are functioning equal to or better than pre-Project conditions…and presence of sensitive species within the habitats compared to pre-Project conditions.", "Monitoring results collected as part of the Long-Term Habitat Management and Evaluation Plan shall be reported at least annually…"	The final Restoration Plan, which will be a refinement of the 75% Landscape Restoration Plan, will include a monitoring and reporting plan (at least annually submitted) that will function the same as the proposed "Long-Term Habitat Management and Evaluation Plan". The final Restoration Plan has a monitoring plan for assessing if the restored habitats are functioning equal to or better than pre-Project conditions and will base such functioning on indicators such as wildlife use and presence of sensitive species within habitats compared to pre-Project conditions. Functions and Faunal Support habitat are driving principals within the revised Restoration Plan, and all functions will be monitored and evaluated. The monitoring schematic designed in the final Restoration Plan will document the effects of the proposed Project to the VPFS and include acreage of occupied habitat impacted, as documented from previous surveys, and during pre-activity surveys, as well as discuss problems encountered and recommendations for adaptive management.	See proposed revision to clarify Mitigation Measure BIO 1c above (4.2-46). Proposed language to clarify BIO-1f text: The monitoring results collected as part of the monitoring effort in the final restoration plan shall be reported at least annually to the County, City, and appropriate resource agencies (e.g., USFWS and CDFW). The annual report shall document the effects of the proposed Project . . .
CEMC-45	4.2-46	BIO-1d	Applicant shall enter into an agreement with the County to fund a biological monitor to regularly review and monitor remediation and restoration efforts to ensure that conditions of approval are being enforced and that success criteria are being met.	There are a number of "Applicant-Funded Monitors" being required for the project. Given that the City and the County will have an EM under direct contract as required by Mitigation Measure EM-1, we do not believe that it is necessary to have the biological monitors who will be working daily on the site to be under direct contract with the County and that this requirement will add an unnecessary cumbersome level of bureaucracy to project implementation. As reflected in the attached comments, we believe that the intent of these conditions can be met by giving the County approval authority over the selected biological monitors. Approved/permitted biological monitors are required in multiple other conditions to monitor remediation and restoration efforts. Monitoring reports submitted to the County and responsible agencies will document success criteria. Both agency and Chevron representatives have "Stop Work" authority to temporarily halt activities if permit requirements and conditions are not being met. Mitigation Measure EM-1 calls for a lead agency monitor to provide general oversight for compliance issues. We would anticipate that this Environmental Monitor will have specialists, such as a biologist, to call in intermittently as needed. This individual requirement for a County-funded biological monitor is unnecessary.	Revise section to reference and to discuss how this requirement will be implemented consistent with mitigation measure EM-1. Clarify that the daily ongoing biological monitoring will be done by Applicant consultants and any County oversight requirements for a biological monitor will be handled through the Environmental Monitor requirement discussed in Mitigation Measure EM-1.

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CEMC-46	4.2-46	BIO-1e	"If performance standards detailed in the (LTHMEP) are not achieved in any restoration area…..implement an alternative or adaptive mitigation strategy during restoration and monitoring phase.	The final Restoration Plan (Plan) will include success criteria and an adaptive management approach to restoration performance standards. The final Restoration Plan will include a monitoring program and adaptive manage for any restoration areas that do not achieve the functions described within the Plan.	"If performance standards detailed in the final restoration plan are not achieved in any restoration area…..implement an alternative or adaptive mitigation strategy during restoration and monitoring phase."
CEMC-47	4.2-47	BIO-1g	BIO-1g Remediation and restoration activities shall be scheduled to avoid the rainy season (approximately Oct 15 to May 1) to reduce potential impacts to VPFS habitat outside of the construction and remediation boundaries.	Remediation and restoration activities should avoid VPFS habitat areas during the rainy season. Activities in upland areas should still be able to continue during the rainy season with mitigation in place, such as avoidance of VPFS habitat during the rainy season, installation of exclusion fencing indicating avoidance areas during the rainy season, establishment of buffers to VPFS habitat if necessary, presence of a qualified VPFS biologist to monitor activities occurring in the vicinity of VPFS habitat during the rainy season. For other projects, such as the Sargent Fee property, we have submitted a mitigation plan based on rain events (not the calendar), based on two USFWS No Take Concurrence memos received in 2011, which allowed site assessment work to go on Nov-Dec, 2012 when little rain occurred.	BIO-1g Proposed Clarifying Language: Remediation and restoration activities within 25 feet of preserved VPFS habitat shall be scheduled to avoid the rainy season (approximately Oct 15 to May 1) or measures will be used to avoid impacts to VPFS habitat as determined by the USFWS. Project activities in upland areas can occur during the rainy season with appropriate mitigation in place such as the installation of exclusion fencing to indicate avoidance areas, establishment of buffers to preserved VPFS habitat if necessary, presence of a qualified VPFS biologist to monitor activities occurring in the vicinity of VPFS habitat,.
CEMC-48	4.2-47	BIO-1i	The VPFS-qualified biologist shall conduct sensitive species surveys immediately prior to the start of construction activities (within the appropriate season) and monitor during construction activities in the vicinity of habitats to be avoided. The final habitat replacement ratios shall be revised as necessary to adequately mitigate actual disturbance to habitats for listed and special status species due to remediation.	The timing and need for updated VPFS surveys within the project site will be determined by USFWS protocols. Surveys for VPFS are conducted to determine occupied vs. unoccupied status and are generally considered to be valid for five years. Because additional supplemental wet season VPFS surveys were conducted at the request of the USFWS during the wet season of 2011/2012, we have the current occupancy of suitable habitat for the VPFS onsite. The final habitat replacement areas will be revised as necessary to adequately mitigate actual disturbance to habitats for listed and special status species.	Proposed Revision to BIO-1i: The VPFS-qualified biologist shall ~~conduct sensitive species surveys immediately prior to the start of construction activities (within the appropriate season) and~~ monitor during construction activities in the vicinity of VPFS habitat to be avoided. The final habitat replacement ratios shall be revised as necessary to adequately mitigate actual disturbance to habitats for listed and special status species due to remediation.

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CEMC-49	4.2- 47	BIO-1j	The VPFS-qualified biologist shall conduct cyst collection efforts (cyst-bearing soil) prior to construction activities from the entire work area of each impacted pool when the ephemerally wet areas are dry. The soil shall be removed in chunks and shall be segregated separately for each work site. The cysts shall be stored in labeled bags or boxes that are adequately ventilated. The cysts shall be kept out of direct sunlight to prevent excessive heating of the soil. The cysts shall be kept out of direct contact with water. When excavation activities are complete, the inoculum shall be returned to the corresponding work site and shall be placed in a manner that preserved the orientation of the cysts within the surface layer of the soil. The inoculum shall be shallowly distributed within the vernal pools so that the cysts have the potential to be brought into solution when inundated.	Chevron is working with USFWS on the proposed topsoil collection effort that would prioritize topsoil collection based on density of cysts in the soil. This alternative method would not collect topsoils from VPFS impact pools with extremely low cyst densities so as not to "dilute" the inoculum. This alternative method has not yet been finalized with the USFWS, but will be approved prior to issuance of the Biological Opinion. Additionally, returning inoculum to the corresponding worksite may not be feasible, as the pools that are restored will not strictly correspond with pool sizes and locations of impact pools. We also want to have the ability to remove it from one pool and place it immediately into a restoration site. The requirement for boxing or bagging of soil may not be practical. Individual work areas may require storage of hundreds to thousands of cubic yards of cyst containing soil. A more practical soil management solution is required. Need more flexibility to scale these measures to size of project. Measures referenced base on small limited projects which are not feasible here.	Proposed Revision to clarify BIO-1j: The VPFS-qualified biologist shall conduct cyst collection and storage efforts from work areas (cyst-bearing soil) prior to construction activities per USFWS protocols or other guidance. The cysts shall be stored in labeled containers that are adequately ventilated. The cysts shall be kept out of direct sunlight to prevent excessive heating of the soil. The cysts shall be kept out of direct contact with water. When restored VPFS habitat is constructed, the inoculum shall be placed within the surface layer of the soil.
CEMC-50	4.2-48	Paragraph 1	"the impact to VPFS habitat would be less than significant with mitigation (Class II)"	In the Table for BIO.2, impacts to VPFS are shown as Class I. Based on the analysis and the proposed mitigation, we believe that the language in the analysis is correct.	Clarify that residual impacts to VPFS are Class II.
CEMC-51	4.2-50	BIO-2c	"Prior to issuance of demolition permit, the Applicant shall enter into an agreement with the County to fund a biological monitor, selected by the Applicant and approved by the County in consultation with the City to minimize potential impacts to sensitive species."	Mitigation Measure EM-1 provides for an environmental manager under contract with the County and in coordination with the City to provide oversight of Applicants compliance with all environmental mitigation measures. Given this oversight, we do not believe it is necessary for the onsite biological monitor to be under contract directly with the County. Giving the County approval authority over the selected biologist and ensuring that such biologists hold all necessary permits to complete necessary tasks will ensure that impacts to sensitive species are minimized.	Clarify the requirements in BIO-2c: "Prior to issuance of grading or construction permits, the Applicant shall enter into an agreement qualified biological monitors, selected by the Applicant and approved by the County in consultation with the City to conduct the monitoring requirements called for under the Final Restoration Plan and the Project's Conditions of Approval."

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CEMC-52	4.2-51	BIO-2c	"The County-qualified biologist shall conduct sensitive species' (including CRLF) surveys immediately prior (within the appropriate season) to construction activities and shall monitor during construction activities in the vicinity of habitats to be avoided. Any sensitive species observed during the pre-construction surveys shall be relocated out of harm's way into the nearest suitable habitat outside the disturbance area. Construction and sediment control fencing shall be inspected daily during construction activities to ensure that sensitive species are not exposed to hazards."	A biologist qualified by the County may not have the appropriate resource agency permits or approvals to handle Federal or State-listed species, so clarification of the mitigation measure is proposed to limit handling of listed species by a qualified biologist. For instance, to relocate a federal or state listed species, a biologist is required to have a permit from the USFWS and/or CDFW to do so, such as a 10(a)(1)(a) permit or 2081 permit. Fencing inspections will be conducted daily during work days.	" A qualified biologist shall conduct sensitive species' (including CRLF) surveys prior (within the appropriate season) to construction activities and shall monitor during construction activities in the vicinity of habitats to be avoided. Any Federal or State-listed wildlife species observed during the pre-construction surveys shall be relocated out of harm's way by a qualified biologist into suitable habitat as determined in consultation with the jurisdictional resource agency outside the disturbance area. Construction and sediment control fencing shall be inspected each work day during construction activities to ensure that sensitive species are not exposed to hazards."
CEMC-53	4.2-51	BIO-2d	"*To minimize potential impacts to nesting native bird species, and in compliance with the federal Migratory Bird Treaty Act and Sections 3503, 3503.5, or 3513 of the California Fish and Game Code, all activities resulting in ground disturbances . . . The buffer would be delineated by orange construction fencing and signage and would remain in place until the nest is abandoned or the young have fledged. The qualified avian biologist shall be present when any buffer fencing is established. Alternatively, the qualified avian biologist shall monitor the nest to ensure that Project activities do not violate the Migratory Bird Treaty Act or the California Fish and Game Code. At minimum, the biologist would check for new active nests, and determine the status of ongoing active nests, weekly during the specified nesting season. The biologist would ensure that all fencing and signage was properly maintained, and would*	Typically, bird monitoring for a construction site is conducted by the general biologist, not a specialized "avian" biologist. The mitigation measure specifies orange construction fence for delineation, which precludes the use of acceptable alternatives. We request that "other delineators" be added as an alternative to fencing. Monthly email updates may suffice for monitored bird nests, the frequency can be increased if requested by the resource agencies.	"*To avoid potential impacts to nesting native bird species, and in compliance with the federal Migratory Bird Treaty Act and Sections 3503, 3503.5, or 3513 of the California Fish and Game Code, all activities resulting in ground disturbances . . . The buffer would be delineated by orange construction fencing or other delineators and signage and would remain in place until the nest is abandoned or the young have fledged. The qualified biologist shall be present when any buffer fencing/delineation is established. Alternatively, the qualified biologist shall monitor the nest to ensure that Project activities do not violate the Migratory Bird Treaty Act or the California Fish and Game Code. At minimum, the biologist would check for new active nests, and determine the status of ongoing active nests, weekly during the specified nesting season. The biologist would ensure that all fencing/delineation and signage was properly maintained, and would provide email updates at least monthly . . .*"

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			provide weekly email updates . . . "		
CEMC-54	4.2-52	First full paragraph	"Although most of the impacts to the federally threatened VPFS are best mitigated via the replacement and improvement of functions of occupied habitat (MM BIO-1a), the temporal loss of habitat, the chance of failure for the proposed habitat restoration and enhancement, and most specifically, the loss of an unspecified number of individuals of the federally threatened VPFS would result in a significant and unavoidable (Class I) impact. This species would further require and receive additional protection through the Section 7 Incidental Take permitting process."	Chevron does not agree that the project would result a significant and unavoidable (Class I) impact. Although direct impacts to vernal pools are significant, these direct impacts are mitigated to below a level of significance by preservation and enhancement of known VPFS occupied habitat onsite and restoration of impacted VPFS habitat onsite. Temporal Loss: The temporal loss of habitat is mitigated by preservation and restoration of VPFS habitat that has the potential to improve VPFS habitat functioning beyond current levels thereby improving VPFS habitat values onsite. Potential for Failure: While creation of vernal pools in areas that did not previously support vernal pool systems often have high failure rates, the SLOTF site should be viewed as a restoration site where habitat would be created/restored on a site that previously supported vernal pool habitat known to be occupied by the VPFS. Given that the unintentional creation of man-made VPFS habitat at the site through the construction of berms and placement of oil tanks and storage reservoirs was successful in providing habitat for the VPFS, creation of more natural habitat as part of site restoration should be reasonably expected to be successful. Loss of unspecified number of individuals of VPFS: The loss of an unspecified number of the federally threatened VPFS will be minimized and mitigated through standard procedures and guidance established by the USFWS (e.g. proper collection and storage of cyst-bearing topsoil, limitation of work in occupied habitat to periods when pools are dry, etc.) Although the take of some individuals may occur as a result of project activities, proposed mitigation measures are sufficient to ensure that the project will not contribute to the decline of the affected species population in the region to the extent that their decline would impact the viability of the regional population. Additionally, Section 7 Consultation with the USFWS and the resulting Biological Opinion will further ensure protection of the species. It should be concluded that preservation of VPFS habitat and vernal pool restoration efforts as proposed along with future monitoring of habitat restoration measured by metrics known to adequately characterize vernal pool restoration as successful should be acceptable as mitigation for impacts to vernal pool	Proposed Clarifying Revisions: ~~Although most of~~ the Impacts to the federally threatened VPFS are ~~best~~ mitigated via the replacement and improvement of functions of occupied habitat (MM BIO-1a). ~~The temporal loss of habitat, the chance of failure for the proposed habitat restoration and enhancement, and most specifically, the loss of an unspecified number of individuals of the federally threatened VPFS would result in a significant and unavoidable (Class I) impact.~~ The final restoration plan shall provide a monitoring program to measure the success of VPFS habitat restoration as measured by metrics known to demonstrate the success of site restoration in providing vernal pool habitat that supports sustainable populations of VPFS. In addition, impacts to individual VPFS will be minimized through the implementation of established standard procedures including collection of cyst bearing topsoil for use as inoculum (MM BIO-1j) and seasonal restrictions on activities in VPFS occupied habitats (MM BIO-1g). These measures would reduce impacts to VPFS to less than significant *with mitigation (Class II)*. This species would further require and receive additional protection through the Section 7 Incidental Take permitting process.

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				habitat and the VPFS.	
CEMC-55	4.2-54	Second para.	Mitigation measure BIO-1c requires that the final restoration plan include a 2:1 replacement of all VPFS habitat impacted by remediation efforts, or at least 25.8 acres of VPFS habitat depending on final disturbance acreages. Mitigation Measure BIO-1b requires updated surveys of sensitive species habitats (including VPFS habitat) immediately prior to the onset of any ground disturbances in order to refine the final habitat mitigation replacement acreages.	See comments for page 4.2-46 BIO-1b and BIO-1c.	See recommended actions for page 4.2-46 BIO-1b and BIO-1c.
CEMC-56	4.2-55 4.2-55 and 56	BIO-3b Last paragraph on 4.2-55 and first paragraph on 4.2-56	"The final restoration plan shall require a 2:1 replacement of all Waters of the U.S. impacted by remediation efforts (26.06 acres) in accordance with mitigation measure BIO-4a and a 1:1 replacement of habitat disturbed during restoration or enhancement efforts (11.33 acres)." "Wetlands: The implementation of the restoration plan would result in a 2:1 replacement ratio for wetlands impacted due to Project remediation disturbances and a 1:1 replacement for all wetlands that are impacted for restoration efforts (Table 4.2-8). The Applicant-proposed mitigation included in the Conceptual Restoration Plan accounted for restoring 55.63 acres (which included the proposed 1.7:1 replacement of 26.06 acres (44.3 acres) for remediation impacts and the 1:1 replacement of 11.33 acres for restoration impacts). The EIR-proposed mitigation requires a 2:1 habitat replacement for a total of 63.45 acres; this represents an additional 7.82 acres not accounted	For wetland restoration, two conflicting replacement ratios are proposed. Mitigation Measure BIO-4a requires a 2:1 ratio and Mitigation Measure HM-4 requires a 1:1 ratio. The DEIR evaluation states that, if either of these Mitigation Measures is implemented, the other will be a Class I impact. For Vernal Pool Fairy Shrimp, Mitigation Measure BIO-1c requires a 2:1 ratio for replacement of impacted habitat. We believe that this conclusion is not justified and that impacts to wetlands and Vernal Pool Fairy Shrimp can be reduced to a less than significant level by the mitigation measures proposed in our application package. This conclusion is based upon an assessment of the quality of the areas that will be impacted and the quality of the proposed mitigation. It is also based on extensive work with the state and federal resource agencies with special knowledge of and jurisdiction over these resources. As you know, in addition to the City and the County of San Luis Obispo, there are multiple agencies with various and sometimes conflicting interests, priorities and requirements regarding these two resources, such as the U.S. Army Corps of Engineers (Corps), the U.S. Fish and Wildlife Service (USFWS), and the Airport Land Use Commission (ALUC). The ALUC wants the area of wetlands on the site minimized, as they attract birds which can cause aircraft safety issues. The Corps and USFWS, with jurisdictional authority over Waters of the U.S. and the Federally-listed VPFS, have advised us that they will require replacement or enhancement of the wetland and VPFS habitat function and service at a 1:1 ratio for temporal impacts (remediation/restoration areas) and 2:1 ratio for permanent	Revise mitigation measure to provide that the final restoration plan shall require that the functions and values of the impacted waters of the U.S. be fully replaced through the creation, restoration and enhancement of wetlands on site and that the creation and enhanced wetlands replace the impacted wetlands on a 1:1 acreage basis. Proposed revisions to Mitigation Measure BIO-3b: The final restoration plan shall require that the applicant fully replace the functions and service currently provided for by the onsite wetland resources through the restoration, creation and enhancement of onsite wetlands a 1:1 restoration/creation of all Waters of the U.S.) impacted by remediation and restoration efforts. The mitigation will be developed in accordance with the U.S. Army Corps of Engineers requirements. Also revise the discussion in the last paragraph on 4.2-55 and first paragraph on 4.2-56 to be consistent.

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			for in the Conceptual Restoration Plan."	impacts (development areas). The mitigation approach in the proposed project was developed in consultation with these agencies and the rest of the SERRT. To address bird strike concerns expressed by airport representatives, the proposed project replaced "open water" wetlands with "meadow" wetlands and minimized wetland areas, instead focusing on improving function and service. Discussions with the Corps and USFWS resulted in efforts to preserve wetlands and VPFS habitat where feasible through project design and execution and replacing or enhancing the function and service of wetlands and VPFS habitat impacted by the project using suggested ratios (1:1 for temporal impacts and 2:1 for permanent impacts, or development areas) as the guideline. We are proposing a combination of preservation and restoration of VPFS habitat that will replace and enhance habitat functions and service. Implementation of this approach through an agency-approved Restoration Plan will provide success criteria for VPFS habitat and repopulation. The USFWS will issue a Biological Opinion for the VPFS handling and restoration. The proposed project also ensures that the areas with preserved and restored wetlands and VPFS habitat will be retained in perpetuity as open space that Chevron intends to dedicate to a municipality or non-profit organization via a conservation easement. The DEIR states the 2:1 mitigation ratios for VPFS is necessitated by the potential that VPFS restoration will fail. While creation of vernal pools in areas that did not previously support vernal pool systems often have high failure rates, the site currently has vernal pool habitat known to be occupied. Given that the unintentional creation of the existing man-made VPFS habitat within berms and other oil storage facilities was successful, it is a reasonable expectation that the creation of more engineered natural habitat as part of site restoration will be successful. The DEIR gives the loss of an unspecified number of VPFS cysts as a basis of the determination that VPFS impacts are Class I. However, loss of the cysts will be minimized and mitigated through standard procedures and guidance established by the USFWS (e.g. proper collection and storage of cyst-bearing topsoil, limitation of work in occupied habitat to periods when pools are dry, etc.) Although the take of some individuals may occur as a result of project activities,	

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				proposed mitigation measures are sufficient to ensure that the project will not contribute to the decline of the affected species population in the region to the extent that their decline would impact the viability of the regional population. Section 7 Consultation with the USFWS and the resulting Biological Opinion will further ensure protection of the species. Accordingly, we do not believe that this impact is significant after consideration of the required mitigation.	
CEMC-57	4.2-56	Third paragraph	The recommended mitigation measure in the hazards and hazardous material for impact HM.4 is to limit the replacement ratio of impacted wetland to a ratio of 1:1 at the Project Site. With this mitigation measure, the Project would not result in the potential for an increase in aircraft wildlife strikes. If this hazards and hazardous material mitigation measure were to be implemented, then the Bio.3 impacts to wetland from the remediation and restoration project would be considered *significant and unavoidable (Class I).*	Per discussion immediately above, we are requesting that the DEIR be revised to base mitigation requirements on the replacement of the wetlands functions and values in coordination with the Corps of Engineers and at a minimum of 1:1 ratio. Based on site assessments and preliminary discussions with the Corps, we believe that 1:1 ratio will be sufficient to fully offset the impact. Therefore, we do not believe that there will be any increase in aircraft wildlife strikes. .	Revise language as follows: "The recommended mitigation measure in the hazard and hazardous material for impact HM.4 is to limit the replacement ratio of impacted wetland to a ratio of 1:1 at the Project Site. With this mitigation measure the Project would not result in the potential for an increase in aircraft wildlife strikes. Because it is assumed that the function and values of the impacted wetlands can be fully mitigated with implementation of a 1:1 mitigation ratio where the mitigation wetlands provide higher functions and values than the impacted areas, implementation of the project should not result in an increase in air strikes or residual wetland impacts. ~~If this hazards and hazardous material mitigation measure were to be implemented then the Biol.3 impacts to wetland from the remediation and restoration project would be considered significant and unavoidable.~~
CEMC-58	4.2-57	BIO-4a	*The final restoration plan (MM BIO-1a) shall be implemented to improve the value and function of existing wetlands on site that would result in a 2:1 ratio of restored wetlands to wetlands lost due to Project disturbances.*	See comments in 4.2-55, BIO 3b Mitigation based on a function and value approach does not focus on use of area ratios along to achieve required mitigation. The Restoration Plan prepare for the project will focus on multiple ecosystem functions including hydrologic functions, biogeochemical (water quality) functions, plant community functions, and faunal support/habitat (wildlife) functions. Conceptual plan concludes this can be accomplished with a 1:1 mitigation ratio.	See comments in 4.2-55, BIO 3b Revise measure as follows: *The final restoration plan (MM BIO-1a) shall be implemented to improve the value and function of existing wetlands on site that would result in a minimum of 1:1 ~~2:1~~ ratio of restored wetlands to wetlands lost due to Project disturbances.*
CEMC-59	4.2-57	BIO-4a	The final plan shall also include a Long-Term Habitat Management and Evaluation Plan (MM BIO-1c) to assess whether the restored wetland habitats are functioning similar to pre-Project conditions."	See comments for Mitigation Measures BIO-1c and BIO-1e.	Provide clarification: "The final plan shall also include performance standards (MM BIO-1c) to assess whether the restored wetland habitats are functioning similar to pre-Project conditions"

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CEMC-60	4.2-58	1st paragraph	… This sensitive habitat would further require and receive additional protection through the Section 404 permitting process….	This section should include discussion regarding the requirement for a Section 401 Water Quality Certification from the RWQCB.	Add clarification: … This sensitive habitat would further require and receive additional protection through the Section 404 and Section 401 permitting processes…
CEMC-61	4.2-59	BIO-5c	"A Long-Term Habitat Management and Evaluation Plan shall be developed and appended to the final restoration plan. The habitat management and evaluation plan shall include methods to evaluate the post-Project occurrence of plant and wildlife species in restored habitats and to compare such results to pre-Project surveys. The complementary plan shall include surveys to monitor the occurrence of native plants and animals in restored habitats relative to their occurrence in similar habitats prior to remediation and development."	See comments for 4.2-46, Mitigation Measure BIO-1.e	Clarify language in Mitigation Measure: "A monitoring plan shall be developed and included with the final restoration plan. The monitoring plan shall include methods to evaluate if the restored areas are meeting success criteria per the approved restoration plan. The monitoring plan shall include surveys to monitor the occurrence of native plants and animals in restored habitats relative to their occurrence in similar habitats prior to remediation and development."
CEMC-62	4.2-62	BIO-7b	Limitations on nighttime traffic.	We are uncertain what potential impact the proposed limited nighttime activities could have on biological resources given the fact that under existing conditions Tank Farm Road allows vehicles traveling at a high rate of speed to pass through the middle of the site at any time, day or night. The project will require some nighttime travel for maintenance and other project support activities. Further, it may be necessary to stage some haul equipment (e.g., trucks) to ensure compliance with traffic and air quality mitigation measures. The proposed limited nighttime activity can be implemented in a manner which will avoid impacts to biological resources.	Revise condition as follows: To minimize the potential for road mortality of wildlife, all nighttime traffic shall be minimized during the remediation and restoration phases and permitted only for activities shall be limited to activities required for maintenance, equipment staging necessary to comply with traffic and air quality mitigation measures and safety reasons or emergencies; all hauling activities shall be restricted to daylight hours, defined as the hours after sunrise and before sunset.

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CEMC-63	4.2-65	BIO-8b	The function of the restored native grassland habitats shall be monitored. A Long-Term Habitat Management and Evaluation Plan shall be developed and appended to the final restoration plan. The habitat management and evaluation plan shall include methods to evaluate the post-Project occurrence of plant and wildlife species in restored habitats and to compare such results to pre-Project conditions. The complementary plan shall include surveys to monitor the occurrence of native plants and animals in restored habitats relative to their occurrence in similar habitats prior to remediation and development.	See comments for 4-2-46, Mitigation Measure BIO-1e, 4.2-57, BIO-4a; 4.2-59, BIO-1c	Propose revised language: The function of the restored native grassland habitats shall be monitored. A monitoring plan shall be developed and included with the final restoration plan. The monitoring plan shall include methods to evaluate the performance criteria of plant and wildlife species in restored habitats and to compare such results to pre-Project conditions. The monitoring plan shall include surveys to monitor the occurrence of native plants and animals in restored habitats relative to their occurrence in similar habitats prior to remediation and development.
CEMC-64	4.2-66	Section 4.2.5.3	City Development Plan Impacts to Federal Wetlands	This section does not include a discussion of Section 401 of the CWA.	Include a discussion of Section 401 of the CWA.
CEMC-65	4-3	EM-1	Mitigation Measure EM-1	There is discussion in this section with a requirement for funding of an Environmental Monitor (EM), which is referred to as a Mitigation Measure (EM-1). Other Mitigation Measures require funding of a County-qualified biological monitor or other specialty monitors. It is unclear from the wording of this requirement what phases of work that the Environmental Monitor would be involved in. EM-1 is not included in Appendix J, the Summary of Mitigation Measures, so there is no reference to which aspects of the projects would be subject to this condition. It is our understanding from discussions with the City and County that the requirement for an EM would be in effect on an as-needed basis for the duration of activities involving remediation construction, restoration grading, planting and maintenance/performance monitoring, and early (Phase 1) development construction. In concept, the environmental monitor would be responsible for ensuring that mitigation efforts are properly executed, supervising the work of various monitoring specialists and subject matter experts, and coordinating communication with agencies. It is our expectation that Chevron would be responsible for the compliance program and the EM position would be a supervisory and inspection role ensuring that compliance is maintained by providing compliance and	Clarify the role of the EM and specialists, such as biologists, working for the EM to provide compliance oversight under this Mitigation Measure. Clarify the requirements included in various mitigation measures requiring ongoing or daily monitoring by a biologist to state that such monitoring will be done by the Applicant's biologist approved by the appropriate agencies and the biologist funded by the applicant and working on behalf of agencies will provide compliance oversight and verification on an as-needed basis.

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				construction oversight with periodic inspections, and requiring correction of deficiencies. We ask that this understanding be confirmed. Given that the City and the County will have an EM under direct contract, we do not believe that it is necessary to have the biological monitors who will be working daily on the site to be under direct contract with the County and that this requirement will add an unnecessary cumbersome level of bureaucracy to project implementation. As reflected in the attached comments, we believe that the intent of these conditions can be met by giving the County approval authority over the selected biological monitors.	
CEMC-66	4.3.23	4.3.5.2	In Transit Analysis, top paragraph, "majority of transit funding that is received by the City and County is derived from population statistics. Since the Project does not specifically generate a new population increase there is little likelihood that the Project will generate additional transit funding to pay for the operational costs of expanding transit service in the area. This is a potentially significant impact	We do not believe that this is a "potentially significant impact" because rates and increased passenger utilization should pay for this transit leg.	Revise to acknowledge that this is not a potentially significant impact.
CEMC-67	4.3-23	4.3.5.2	Bicycle Analysis – "The Project would not construct the Class I bike path connecting Tank Farm Road to Buckley Road along Tank Farm Creek (per #2 above. These inconsistencies with the City's Bike Plan … which are potentially significant impacts."	See discussion in 4.3.5.2 and Mitigation Measure T-3a. .	See recommended action in 4.3.5.2 and Mitigation Measure T-3a.
CEMC-68	4.3-23	2nd paragraph under Analysis and 4 following bullet points	Notes that the project is inconsistent with the City's Bike Plan and that the inconsistency "could result in a discontinuous bicycle network and the potential for uncontrolled crossing of Tank Farm Road, which are potentially significant impact."	This analysis is inconsistent with the discussion in the Recreation Section and Land Use sections that do not make this finding.	Make the discussions consistent and recognize, as is discussed in the Recreation and Land Use Sections, this is not a significant impact.
CEMC-69	4.3-24	Site Access, 1st bullet	Tank Farm Road/Santa Fe Road: Under Existing plus Project conditions during the a.m. peak	See discussion in 4.3.25 and 4.3.32 Transportation and Circulation and Mitigation Measure T-3a.	See proposed changes per the comment in in 4.3.25 and 4.3.32 Transportation and Circulation and Mitigation Measure T-3a.

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			hour, the eastbound left turn movement would exceed the storage capacity of the turn pocket and spill back on to Tank Farm Road, which could create a potentially unsafe situation. The 95th percentile queues are projected to exceed 350 feet, thereby blocking through traffic.		
CEMC-70	4.3-24 and 4.3.25	Site Access, 2nd bullet and Mitigation Measure T-3b	Coordination/consolidation of access to the Northwest parcel with adjacent property owner	While we are willing to try to consolidate access with the adjacent property owner, it must be recognized that coordination with adjacent landowners is beyond our control. If consolidation is not feasible, we will design our driveway to avoid this impact.	Allow for alternative measures for insuring adequate left turn access into the Chevron Northwest property if access consolidation with the adjacent property is infeasible.
CEMC-71	4.3.25 and 4.3.32	Transportation and Circulation, Impact T-3a on page 4.3.25 and answer on 4.3.32	"Tank Farm Road will be widened to four lanes between South Higuera Street and Broad Street with a two-lane roundabout at the Tank Farm Road/Santa Fe Road intersection. The Project includes this widening, but proposes a traffic signal at the Tank Farm Road/Santa Fe Road intersection instead of a roundabout and a new local street connection just west of the project Site."	Mitigation Measure T-3a requires construction of a roundabout at the intersection of Tank Farm and Santa Fe Roads prior to the occupancy of Phase 1 development/buildings. The project description includes a traffic signal at this intersection consistent with AASP planning (see AASP Sections 6.2.4; 6.4.7; 6.4.7.1; 6.4.7.2). The rationale for this Mitigation Measure in the DEIR is potential queuing issues during morning peak hour traffic. However, the traffic analysis indicates that a second left-hand turn lane will adequately address this queuing issue. Given that the installation of the light and the turn lane will ensure no significant traffic impact associated with this intersection no basis for requiring installation of the more costly roundabout. Further, we have concerns about the safety of a roundabout associated with the system of bike paths that are desired through this area. The queuing determined to cause significant impacts at Tank Farm and Santa Fe Road is a cumulative impact of this project and the surrounding projects identified in the DEIR. The adopted AASP indicates that the final solution to traffic control at the intersection of Tank Farm Road and Santa Fe Road is signalized intersection. The roundabout is an interim solution. The applicant proposes to provide a signalized intersection consistent with the AASP. This will be sufficient to offset cumulative impacts.	Clarify that, based on the traffic study, the traffic signal is sufficient to reduce potential traffic impacts to a less than significant level. Revise Mitigation Measure T-3a as follows: Site Access (Northeastern Parcel): Tank Farm a traffic signal ~~a multi-lane roundabout~~ at the new intersection of Tank Farm Road and northern leg of Santa Fe Road accessing the Project Site. This improvement is consistent with the intersection control in the AASP. Also the applicant shall extend the existing four lane section of Tank Farm Road through the new signalized intersection ~~multilane roundabout~~ and transition back to the two lane section of Tank Farm west of Santa Fe.

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CEMC-72	4.3-25	4.3.5.2 discussion and T-3a Bicycle and Pedestrian	*Bicycle and Pedestrian: Prior to the occupancy of Phase 1 buildings/development, the Applicant shall install the following bicycle and pedestrian facilities: 1) a continuous Class I multi-use path along the north side of Tank Farm Road, 2) City standard 6.5 foot wide Class II bike lanes on the north and south sides of Tank Farm Road between the east and west boundaries of the entire Project Site, and 3) a Class I multi-use path between Tank Farm Road and the southern limits of the Project Site connecting to the 'Avila Ranch' development project, consistent with the BTP.*	We do not believe that Phase 1development impacts require the installation of all of these facilities and request that the mitigation be, like the potential impact, phased. Requiring all of these facilities to be construction prior to occupancy of Phase 1 development is not necessary to offset a potentially significant impact and will add considerable cost to a marginally viable project. The bicycle paths in the proposed project evolved over years of working with the City's Natural Resources staff and other agency representatives. One of the objectives of these past working groups was to limit public access to the site south of Tank Farm Road and establish it as an ecological reserve area. As a result of the outcome from these working groups, Item 3 is not currently proposed and is not necessary to offset transportation impacts. In lieu of this path the Class I multi-use path north of Tank farm Road was included in the project description. There was no intent or requirement to include both multi-use paths and there is no justification for such a requirement based on the level of potential impacts. We understand from the comments made during public hearings that the objectives and priorities for bike paths have changed and we are willing to work with the City and County to find solutions. We are willing to remove bike paths that are now considered superfluous and replace them with others, as long as there is no net increase in cost over the current bike path plans. As a result of City reconsideration due to public comment, the bike path specified in Item 1 (Class I path along the north side of Tank Farm Road) may no longer be needed. The design for paths in Item 2 (Class II paths on the north and south of Tank Farm Road) are still under debate, but the current design calls for six-ft. wide paths per the AASP. The City of SLO's Natural Resource and Parks & Rec departments should meet with the applicant's project team to review the long range plans of the southern part of the Project Site to finalize plans for the area. We also understand that having commuter bike paths along Tank Farm Road during the remediation activities is a priority for the biking public. Again, we are willing to work with the City and County to explore potential solutions, but we are concerned about potential safety hazards that would be posed by these concurrent activities. We also do not believe that the remediation activities result in any impacts that justify the imposition of this requirement.	*Clarify Mitigation Measure T-3a to specify the process for determining the final requirements for future bicycle and pedestrian paths as needed to offset potential project impacts, including: 1) protected Class II commuter bike lanes on the north and south side of Tank Farm Road, 2) a Class 1 path from Tank Farm Road to the north side of the property, and 3) a Class 1 path from Tank Farm Road to the southern side of the property. These or an additional path or right-of-way will include a provision to allow construction of a City sewer connection near the west side of the property from the northern property boundary to the lift station.*

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CEMC-73	4.3-26	T.4	Truck traffic routing	As provided in the Project Description, the Project proposes to use South Higuera is the primary truck route to the freeway.	Clarify that the South Higuera route is intended to be the primary route.
CEMC-74	4.5-22	WR-3c	Requirement for stockpiling of contaminated soils.	Requirements for cover on contaminated stockpiles need to be consistent with Mitigation Measure AQ-1d (see comments for 4.1-32, AQ-1d). A berm may not be the only method to prevent runoff from leaving the stockpile area. The mitigation measure language should be changed to allow other methods as specified in the approved stockpiling plan.	Revise the mitigation measure to provide consistency with the requirements in Mitigation Measure AQ-1d. Add language to allow other methods to prevent runoff from leaving the stockpile area to be included in the approved stockpile plan.
CEMC-75	4.5-23	WR-3e	Requirement for continuous monitoring and logging of site conditions by City/County qualified individual.	This should be part of the EM responsibilities, even if delegated to another individual.	Revise the mitigation measure to ensure that this requirement is consistent with the conditions of EM-1.
CEMC-76	4.5-23	WR-4a	Design caps to dissipate run-off uniformly.	The grade break required to construct the caps will by its geometry create a concentration of flow that cannot be avoided. The better approach, and requirement, is to ensure that caps manage storm water and discharge to surrounding conveyances in a manner that is non-erosive.	Revise mitigation measure to describe a performance standard rather than a prescriptive design. Proposed language: Design caps to ensure that storm water discharge to surrounding conveyances is non-erosive.
CEMC-77	4.5-39	WR-8b	Monitoring of a neighboring well to Water Well #1	This is not a reasonable requirement or technically feasible request. We have no access to adjacent wells do not know how these wells are constructed, would likely have to construct a new wells to get valid information. Additionally, the groundwater levels in the basin in which the Project exists are influenced by seasonality of rainfall, weather trends, long term weather trends and pumping from other consumers in the basin. Further, it is not necessary to monitor the referenced neighboring well to estimate potential for interference. Monitoring on site is sufficient to ensure that this well is not significantly impacted.	Revise WR-8b as follows: The Applicant shall conduct ~~annual~~ monitoring of Wells 1, 2 and 3 on a semi-annual basis to determine water levels and correlate to water production values. The production rates will be metered at the wells. This information will be used to define drawdowns. In the event that this shows a measurable loss of the well production rate, ~~If the ground water drops enough to adversely affect the supply of water (loss of 10% of the well production rate) from the neighboring well, then~~ the Applicant shall reduce groundwater extractions from Well 1 to eliminate the potential for groundwater interference.
CEMC-78	4.5-42	WR-9b	Abandon existing onsite well prior to beginning remediation.	The quality of this water is suitable for construction purposes, including dust control during remediation. The well may be needed for construction purposes and should be kept in service until after remediation and restoration needs are finished. We propose to abandon the well during or at the conclusion of remediation once it has been determined that it is no longer needed.	Revise mitigation measure to require abandonment no later than the conclusion of remedial activities.

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CEMC-79	4.6-14 4.6-15	Last paragraph WW-3	"… would add approximately 27,000 gallons per day to the flow of the creek. The discharge of this continuous flow into the creek may potentially increase flow rates and impact flow velocities which could be detrimental to downstream properties or habitats. Monitoring creek levels and halting waste water plant discharges during storm events.	The DEIR concluded in Impact # WW.3 that "discharges from the wastewater treatment plant would increase surface water flow rates and impact downstream properties." This had been identified as a Class I impact on the basis that the addition of any water to a flooded area is a significant impact. We do not believe that this conclusion is correct when the proposed mitigation is properly analyzed. During a storm event in which the evaporative capacity of the site is unusable, the WWTP could discharge up to 27,000 gallons of treated wastewater. If the water is discharged to Tank Farm Creek on-site, the impact would be mitigated to Class II due to the flood improvements that will be constructed on site. Those improvements provide more than 62 million gallons of storm water detention capacity and can readily accommodate the 27,000 gallons (0.04 percent of available capacity) that might be discharged from the WWTP. If the WWTP discharges directly to the East Fork of San Luis Obispo Creek, the storm water detention system would not mitigate the impact. However, the impact could be mitigated to Class II or lower level of significance by providing tanks with storage capacity for a flood event. We are proposing language which will clarify the measures that will be implemented to ensure that no significant impact occurs and request that this language be included in the FEIR and that this impact be reduced to a Class II impact.	Revise WW-3 as follows: 3. The method used to hold waste water if: (a) discharging into Tank Farm Creek and the amount of wastewater discharged would exceed detention capacity of the installed flood improvement or (b) if discharging into the East Fork of San Luis Obispo Creek, all discharges during peak rain events in the winter ~~during period when it cannot be discharged.~~ Replace the Residual Impact analysis on 4.6-15 as follows: Implementation of the WW-3 will assure that discharges from the wastewater treatment plant would not result in flooding to downstream areas. Therefore the impact would be deemed less than significant with mitigation (Class II).
CEMC-80	4.7-23	GR-4b	Requirement for an Erosion Control Plan and a Wet Weather Plan.	These requirements may conflict with the SWPPP measures under the general storm water construction permit.	Add a clarification, "unless other erosion control measures are specified in the agency-approved SWPPP."
CEMC-81	4.9-2	First paragraph, second sentence	"That document proposed to assess the historical significance of the previously recorded archaeological property identified as P-40-041195…"	The site record Conway submitted to the Central Coast Information Center (CCIC) used the identified P-40-041195. However, the record GANDA obtained from the CCIC in 2009 shows this number crossed out and replaced with P-40-002617 and the trinomial CA-SLO-2617 assigned.	Clarify this identification for the site.
CEMC-82	4.9-28	Second paragraph, fifth sentence	"Finally, three features recorded by Conway (2008) (Features 48, 49, and 50, Table 4.9-1) were not depicted on the archaeological inventory maps and could not be identified or examined during the testing and evaluation phase."	GANDA completed a Phase I reconnaissance survey on November 29, 2012 to relocate historic features that did not appear on the archaeological inventory maps. Features 48, 49, and 50 were relocated during this reconnaissance survey and GANDA created updated archaeological inventory maps.	The requirement referenced in this mitigation measure has already been performed; therefore, it is no longer needed/required. A draft report with the survey results, *Additional Archaeological Phase II Testing and Evaluation*, is being finalized and will be submitted in the near future.

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CEMC-83	4.9-31	CR-2b	*CR-2b Prior to issuance of applicable grading permit, the Applicant shall fund and implement a Phase II/III archaeological data recovery program at Features 2, 10, 32, 34-38, 42, 45, 51, 52, and 54 which are located in wetland areas and could not be accessed until September 2012.*	Phase II subsurface testing and evaluations was done on Features 10, 19, 20-21, 24, 36, 37-38, 45, 51, 54, and Isolated Group #3 in August and September 2012. Additionally, Features 2, 32, 34-35, 42, and 52 were determined outside of the area of direct impact. The data recovery program referenced in this mitigation measure has already been performed; therefore, it is no longer needed/required.	The requirement referenced in this mitigation measure has already been performed; therefore, it is no longer needed/required. A draft report with the survey results, *Additional Archaeological Phase II Testing and Evaluation*, is being finalized and will be submitted in the near future.
CEMC-84	4.10-14	Scenic vistas and highways 4.10.2.3 discussion and 4.10 Significance Criteria	Discussed scenic value of roads per City of San Luis Obispo's COSE and significance criteria	We are unclear as to the method for classifying the scenic designation or value of the County portion of Tank Farm Road using City criteria, or the significance criteria used for this analysis.	Clarify the recognized view ranking system used in the analysis.
CEMC-85	4.10-19	AE-1b – Mitigation Measure	Mitigation Measure AE-1b - The Applicant shall ensure that fencing installed throughout the Project Site in order to implement institutional controls for management of the area for wildlife habitat shall contribute to the aesthetic character of the site and shall not include chain-link fencing.	The development project will have design guidelines that are submitted to the appropriate agencies for review and approval. Site fencing that meets both functional and aesthetic standards can be included in these design guidelines.	Proposed clarifying language for Mitigation Measure AE-1b: The Applicant shall ensure that fencing installed throughout the Project Site in order to implement institutional controls for management of the area for wildlife habitat shall contribute to the aesthetic character of the site. Site fencing that is functional and meets aesthetic standards shall be included in the design guidelines subject to agency approval for the development project.
CEMC-86	4.10-25	3rd paragraph, middle of page	"More specifically, the removal of the power lines and power poles along Tank Farm Road….."	See comment for 2-65. Chevron has not agreed to undergrounding of overhead lines adjacent to the project open space frontage.	See comment for 2-65. Clarify this bullet item: "Underground existing power lines adjacent to project development frontage;"
CEMC-87	4.10-25	Bottom of page	Discussion of bike paths associated with Santa Fe Road.	See comment 4.3-25 (4.3.5.2 discussion and T-3a last paragraph).	See comment for 4.3-25 (4.3.5.2 discussion and T-3a last paragraph)
CEMC-88	4.10-25	First bullet item and last full paragraph at the bottom of the page	"….Santa Fe Road continuing north of Tank Farm Road….. as a two lane road…."	The project description shows Santa Fe Road north of Tank Farm Road as a four lane road. The traffic analysis indicates that Santa Fe Road north is adequate at two lanes north and south. Although not required to mitigate any impact associated with the Project, we understand that the City would like to see four lanes constructed.	Clarify the traffic analysis conclusion(s) in the EIR discussion regarding the width of Santa Fe Road north of Tank Farm Road. The Applicant requests revision of the Project Description to include a two lane road on both North and South Santa Fe to be consistent with the traffic impacts study.
CEMC-89	4.10-29	Mitigation Measures AE-2	Aesthetics and Visual Resources	This section of the DEIR is reviewing County Development Impacts, but the referenced Mitigation Measure AE-2 includes City Design Review so is applicable to the City development project.	Provide County development project equivalent to Mitigation Measure AE-2

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CEMC-90	4.11-63	1st paragraph	DEIR states…"Repopulation of newly created or restored pools would be stimulated by inoculation, consisting of material gathered from "donor" pools unaffected by remediation."	See comment for 4.2-44, Last Paragraph. Per discussions with the USFWS, repopulation of VPFS populations in created/restored habitat will be established by using inoculum from top soils collected from occupied impacted pools prior to project disturbance. "Donor" pools will only be used as a contingency in case additional inoculum is needed.	See comment for 4.2-44, Last Paragraph. Clarify language: Repopulation of newly created or restored pools would be stimulated by inoculation, consisting of material collected from topsoil of impacted occupied VPFS habitat or, if needed, gathered from "donor" pools unaffected by remediation.
CEMC-91	4.11-63	HM-4	Wetland replacement ratio of 1:1	See discussion in 4.2-55, Mitigation Measure BIO-3b.	See discussion in 4.2-55, Mitigation Measure BIO-3b.
CEMC-92	4.11-63	2nd Paragraph	Mitigation measure BIO-1c requires the preparation of a final restoration plan that shall provide a 2:1 replacement of all VPFS habitat impacted by remediation efforts (or at least 25.8 acres as described in Padre, 2012)	As discussed above, we are requesting clarifications to the VPFS mitigation measures and revisions to BIO-1c. See comment on 4.2-46 (BIO-1c) above.	See suggested language in comment 4.2-46 (BIO-1c) above.
CEMC-93	4.11-63	2nd Paragraph	In addition, the implementation of the restoration plan would result in a 2:1 replacement ratio of restored wetlands to wetlands lost due to Project. The Applicant-proposed mitigation included in the Conceptual Restoration Plan accounted for restoring 55.63 acres . ... The EIR-proposed mitigation (BIO-4a) requires a 2:1 habitat replacement for a total of 63.45 acres. . . . The project could significantly increase bird strike hazards at the SLOCRA.	As discussed above, we are requesting clarification regarding the level of mitigation necessary to offset impacts to wetlands. See comment on 4.2-56 to 4.2-57 (BIO-4a).	See suggested language in comments on pages 4.256 and 4.2-57 (BIO-4a).

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CEMC-94	4.11-63	2nd to last paragraph	The Applicant has proposed replacing wetland impacted by the Remediation Phase of the Project at a 1.7 to 1 ratio. The biological resources section of the EIR has a mitigation measure that would require offsetting the Remediation Project impacts to wetland at a ratio of 2 to 1…	As discussed above in comments for 4.2-56 and 4.2-57, Mitigation Measure BIO-4a, the Applicant is proposing to mitigate impacts to wetlands by the restoration, creation and enhancement of onsite wetlands at a level sufficient to fully replace the function and values of the impacted wetlands. Based on the conceptual design and initial discussions with the Corps of Engineers it is assumed that this will require a mitigation ratio of 1:1	See suggested language in comments on 4.2-56 and 4.2-57 (BIO-4a).
CEMC-95	4.11-75	HM-10	Mitigation Measure HM-10 prohibits polishing ponds as part of the WWTF design, as they would attract birds and increase the potential for bird strikes.	The FAA Advisory Circular No. 150/5200-33B, dated 8/28/07, and the UC Davis Bird Hazing Manual, dated 2008, were reviewed for information on widely accepted engineering controls that could be applied to a polishing pond associated with a wastewater treatment plan. Both reports include methods for deterring birds from being attracted to open water ponds, including wastewater ponds. Examples included in the FAA Circular include bird balls, floating pillows, wire grids, and netting. The UC Davis Bird Hazing Manual also recommends use of netting and wire grids on fixed facilities. Floating pillows or bird balls are recommends for use on small areas of open water. Both documents indicate that there are accepted engineering controls that could be implemented to mitigate the attraction to wildlife and bird strike hazards should the polishing pond be constructed. Since there are feasible methods to mitigate this impact, the DEIR should include these measures, clarify that this is a Class II impact and remove the prohibition against polishing ponds. This mitigation measure is inconsistent with mitigation measure BIO-11b, which requires measure to keep wildlife from ponds.	Clarify mitigation measure to allow implementation of potential solutions, such as bird deterrent methods per FAA guidelines, or relocation of pond to a less sensitive location. as follows: If polishing ponds are constructed in areas within the flight path, incorporate engineering methods to reduce the attraction of such ponds. Such measures may include birdballs, floating pillows, wire grids and netting. Applicant must present a plan which demonstrates, to the satisfaction of the City, that the measures will ensure no increase in bird population on the site will result from the construction and operation of the polishing pond.
CEMC-96	4.13-25	Bottom paragraph last line	However, in the long run there is no guarantee that the mutual aid agreement …will be maintained.”	This appears to be speculation and there is no evidence that the agreement won’t be maintained especially given the economic incentives for agencies to share resources for essential safety protection of residents regardless of maps on lines delineating jurisdiction	Remove this sentence as it is not supported or supportable.

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CEMC-97	4.13-26	PS/U-5a	Requirement to donate land for a fire station.	There is no justification for requiring a dedication of land, as Mitigation Measure PS/U-5b provides alternative ways to meet the response time. As noted in Section 4.13.1.1, a Mutual Aid Agreement currently exists between CALFIRE and the SLOFD that allows for adequate response time for the project area. It is unreasonable to place the burden of payment of public services to attain conformance with the SLOFD Master Plan on one project with an open-ended requirement to dedicate an unspecified amount of land in an undetermined location.	Delete Mitigation Measure PS/U-5a and the requirement for dedication of land. Mitigation Measure PS/U-5b provides a performance-based requirement that notes the deficiency in response time and alternative ways to achieve the requirement.
CEMC-98		PS/U-7b	Requirement to leave equipment onsite for duration of construction.	We understand that the intent of this condition is to limit the unnecessary movement of construction equipment off the site during active construction periods. It needs to be taken into account, however, that the construction schedule here will extend over a long period of time and there will be significant periods when no or very limited construction can occur on the site. Keeping equipment idle on the site for multiple months is not necessary to reduce overall fuel usage of a construction fleet and could in fact result in inefficiencies.	Revise condition as follows: "To avoid wasteful use of gasoline or diesel fuel, construction vehicles should be left on-site for the duration of <u>each annual active</u> construction <u>season (as defined by allowed construction timing by the various mitigation measures)</u>, and construction vehicles shall be turned off when not in use to avoid idling."
CEMC-99	4.14-11	Paragraph following REC2	Notes benefits of proposed bike improvements	Appears to be inconsistent with Transportation discussion regarding same (see 4.2-23)	Clarify impact and make consistent
CEMC-100	5-75 to 5-77	5.4.2.2	Section 5.4.2.2 Proposed Project and Reduced Development Alternative	The DEIR determines that the reduced development project is the next Environmentally Superior alternative after the No Project alternative. The alternatives discussion in the DEIR discusses CEQA Objective #5 for this project, which states: "develop an economically viable commercial project with infrastructure and development phased over 25 years". Discussion of this alternative in the DEIR states that economic viability of the reduced development was not considered in the analysis, although CEQA Section 15126.6(f)(1) includes economic viability as a factor to be taken into account when addressing the feasibility of alternatives. Discussion in the alternatives section also states, "The Applicant's position has been that all of the building square footage would be needed to allow for the public infrastructure that would be required for the Project, and that any reduction in the building square footage would make the Project uneconomical." While it is true that Chevron has evaluated the economic viability of the project and determined that is marginally viable at full-scale, this evaluation was independently confirmed by the City's consultant in the "Goodwin Report" (Goodwin Consulting Group, 2010 report which stated "Without reimbursements, it looks like the	Consistent with the CEQA Guidelines, we request that economic feasibility be used as evaluation criteria so that it is clear that the Reduced Development alternative is environmentally superior because of reduced size but does not meet the economic evaluation criteria and is therefore not feasible alternative. Clarify that the Applicant's position that the full-scale project economic viability is marginal was verified by the City's consultant as documented in a 2010 report by Goodwin Consulting Group. Therefore any reduction in development size and sales renders the development project uneconomical. Clarify the technical feasibility standards applied to the reduced projects ability to meet the requirements and vision of the City AASP and its associated PFFP. The assumption that the reduced project can/will implement the same mitigations and improvements as the project is not consistent with prior City technical feasibility analysis of the project ability to construct improvement envisioned by the AASP

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				project doesn't work; with reimbursements the project looks to be feasible."). An additional independent analysis is being completed now by KMA, another City consultant, which we anticipate will have a similar conclusion. The reduced project assumes 30 % less development and associated revenue, yet a similar cost for infrastructure and other costs as the full-scale project. If the revenues from a full scale development project are economic marginal, it is a reasonable conclusion that a reduced project will be economically infeasible if it must support the same costs.	conducted by Goodwin.
CEMC-101	**General Comments Associated with the 75% Plan, applies to:**				
	4.2-2 4.2-36 4.2-36 4.2-43 4.2-43 4.2-44 4.2-44 4.2-45 4.2-53 4.2-53 4.2-53 4.2-54 4.2-55 4.2-55 4.2-57 4.2-58 4.2-58 4.2-59 4.2-61	Last sentence on page First Para. 1st & 2nd para. 3rd para., second sentence Table 4.2-5 2nd Para. 4th Para. Table 4.2-6 1st Para., 1st table reference Middle of para., Native Grasslands 1st para., Native Grasslands BIO-3a 2nd para., Residual Impacts Last para., 2nd sentence 2nd para., 2nd sentence 2nd para., 2nd sentence Table 4.2-9 Bulleted plant communities Last para., 2nd to last sentence.	Site resource specifics, including acreage of resources onsite, potential areas of impact and other site restoration specifics: The following details, including areas of impact and future restoration are from the 75% Landscape Restoration Plan and were not intended to be used as final acreages for impacts on the Project Site. This general comment applies to the following sections:	Chevron submitted a conceptual restoration plan, the *75% Basis of Design Report Landscape Restoration for the Chevron EMC San Luis Obispo Tank Farm (*75% Plan), which was intended to convey the conceptual approach to site restoration. The DEIR acknowledges this intention for the 75% Plan in Section 2.4, which states, "The specific details of the final restoration plan will be developed by a working subgroup of the applicant and agency representatives to reach consensus between conflicting priorities and incorporate mitigation measures established by the environmental analysis." However, DEIR Mitigation Measures applicable to restoration include specific detailed requirements taken from the 75% Plan, such as hard acreage numbers for specific types of wetland and terrestrial habitats, quantities of each type of plant to be used, etc. Given the conceptual nature of the 75% Plan, we ask that the Mitigation Measures for restoration requirements be based on performance standards which will ensure that the intent of the restoration goals are met and that the potential impacts are reduced to a less than significant level while at the same time allowing for the flexibility necessary to develop workable final restoration plan. We have proposed clarifying language in specific references to the DEIR discussion and proposed Mitigation Measures to accomplish this. Although a more refined Restoration Plan is being developed, the intention remains the same, which is to inform the environmental analysis regarding the basic approach to mitigation impacts associated with the project and to provide at least a 1:1 mitigation for unavoidable impacts as a result of anticipated remediation and development activities to rare plant species, while designing a functionally sustainable system.	Clarify in the applicable discussions and proposed Mitigation Measures for restoration that requirements will be based on performance standards to ensure that the intent of the restoration goals are met. This will ensure that the potential impacts are reduced to a less than significant level while allowing for the flexibility necessary to develop a workable final restoration plan. See previous comments regarding biological resources and restoration for additional information.

#	Page Number	Paragraph, table or figure	Subject of Comment (Specific Item or language)	Comment/explanation of issue	Recommended Action
	4.2-63	3rd para.			
	4.2-63	Table 4.2-10			
	4.2-65	3rd para., 1st sentence			
	4.2-65	BIO-8a			
	4.2-67	Bulleted plant communities (cont. to 4.2-68)			
	4.2-57	3rd para., 3rd sentence			
	4.2-48	1st para., Rare Plants; last sentence			
	4.2-55	3rd sentence, Residual Impacts			
	4.2-59	BIO-5b			
	4.2-54	Table 4.2-7			
	4.2-59	Bulleted list of habitats			
	4.2-65	3rd para., 2nd sentence			

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CEMC-a	The comment refers to the 2:1 vs. 1.7 replacement ratio as recommended in the Proposed Project Description. The EIR preparers have discussed wetland and sensitive species replacement ratios with the USFWS and the CDFW and have changed the language in Mitigation BIO-1c to require a replacement ratio of 1:1 for short-term impacts and 2:1 for permanent impacts and have included additional mitigation language requiring specific criteria of replacing or improving functions and values that are equal to or better than existing conditions. This comment also states that the loss of an unspecified number of VPFS cysts would be adequately mitigated to less than significant by implementing standard procedures established by the USFWS. After discussions with USFWS and CDFW in the ability to handle, store, relocate, and successfully re-inoculate restored, remediated, and enhanced VPFS habitat on the Project Site, Impact to VPFS (Impact Bio-2) has been changed from Class I to Class II.
CEMC-b	This comment states that Mitigation Measure BIO-1j is too specific for VPFS collection and handling. The text has been changed to read: *The VPFS-qualified biologist shall conduct cyst collection efforts (cyst-bearing soil) and storage efforts from work areas prior to construction activities from the entire work area of each impacted pool when the ephemerally wetted areas are dry. The VPFS-qualified biologist shall follow USFWS standard procedures and guidance established in that agency's permitting process The cysts shall be stored in labeled containers that are adequately ventilated. The cysts shall be kept out of direct sunlight to prevent excessive heating of the soil. The cysts shall be kept out of direct contact with water. When restored VPFS habitat is constructed, the inoculum shall be placed within the surface layer of the soil in a manner following USFWS protocols and guidance.*
CEMC-c	This comment requests modification of mitigation measures BIO-4a and 1c to include success criteria focusing on the replacement of Functions and Values as opposed to habitat replacement ratios. The language in Mitigation BIO-1c and BIO-4a have been changed to require a replacement ratio of 1:1 for short-term impacts and 2:1 for permanent impacts and have included additional mitigation language requiring specific criteria of replacing or improving functions and values that are equal to or better than existing conditions.
CEMC-d	This comment states that the EIR requires "hard acreage numbers" of each restored habitat as described in EIR. However MM BIO-1b requires that The Applicant conduct updated surveys of habitats within the Project Site immediately prior to the onset of any ground disturbances in order to determine the final habitat mitigation replacement acreages. This is an accurate statement since acreages

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	could change between when the EIR was prepared and when construction occurs. No change has been made to the EIR.
CEMC-e	Comment states that Mitigation Measures would prevent a timely implementation of the Project. BIO-1g restricts work during the rainy season; BIO-2d and 2e restrict vegetation clearing to September-November; BIO-7b prohibits night time activities. BIO-1g has been modified to limit work within 100 feet of potential or occupied VPFS habitat shall be scheduled to occur when the soil is dry to the touch both at the surface and one inch below the surface. After any precipitation event of greater than 0.2 inches, Project activities will only occur after the soil has dried sufficiently as described above, and no sooner than 48 hours after the rain event ends to reduce potential impacts to sensitive VPFS habitat outside of the construction and remediation boundaries. BIO-2d allows for vegetation clearing during the breading season with an approved biologist that conducts surveys. BIO-2e does not limit construction activities, but does require a nest monitor during the breading season. BIO-7b has been modified to allow for equipment staging and vehicle maintenance.
CEMC-f	See Response to CEMC-34.
CEMC-g	See Response to CEMC-30.
CEMC-h	See Response to CEMC-e through CEMC-g.
CEMC-i	See Response to CEMC-65.
CEMC-j	See Response to CEMC-100.
CEMC-k	See Response to CEMC-72.
CEMC-l	See Response to CEMC-71.
CEMC-m	See Response to CEMC-23.
CEMC-n	See Response to CEMC-79.
CEMC-o	Text has been added to the Water Resources Section that provides more information on why migration of petroleum hydrocarbon constituents to the deeper pumped zones would be highly unlikely. Based upon the information provided in comment RWQCB-2 the impact has been changed to Class II and mitigation measure WR-9a has been revised to require the installation of adsorptive carbon canisters for treating the potable water.
CEMC-p	See Response to CEMC-95.
CEMC-1	The statement regarding parcel sizes smaller than 20-acres has been has been removed since it is not applicable within the City URL.
CEMC-2	The statement regarding the amendments for the land uses proposed has been deleted since the project would comply with the allowed uses

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	in the Land Use Ordinance.
CEMC-3	This comment states that impacts to VPFS should be less than Class I. After discussions with USFWS and CDFW pertaining to the ability to handle, store, relocate, and successfully re-inoculate restored, remediated, and enhanced VPFS habitat on the Project Site, Impact to VPFS (Impact Bio-2) has been changed from Class I to Class II.
CEMC-4	The comment refers to the 2:1 vs. 1.7 replacement ratio as recommended in the Proposed Project Description. The EIR preparers have discussed wetland and sensitive species replacement ratios with the USFWS and the CDFW and have changed the language in Mitigation BIO-1c to require a replacement ratio of 1:1 for short-term impacts.
CEMC-5	Section 15126.6(f)(1) of the CEQA Guidelines states, *"Among the factors that **may be taken into account** when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)."* Nothing in the CEQA Guidelines ***requires*** that economic viability be taken into account. See response to comment CEMC-6.
CEMC-6	The EIR prepares have not been provided a copy of the Goodwin Consulting Group Report, and therefore do not know what the conclusions of the analysis was. As such, no text has been added to the EIR that discussed the results of this study.
CEMC-7	This comment refers to CEMC-50. The comment states that the impact classification for Impact BIO-2 should be changed from Class I to II. The comment is correct in stating that impacts to VPFS habitat would be mitigated to less than significant through preservation and enhancement. However, Impact II refers to impacts to individual animals, not habitat. Based upon further discussions with the resource agencies the impact for BIO-2 has been changed to Class II.
CEMC-8	The specifics of mitigation measure AQ-1d were defined by the SLOCAPCD during the administrative review process. Text has been added to the mitigation measure AQ-1d "as per direction from the SLOCAPCD" to ensure that the requirements can be modified if the SLOCAPCD agrees.
CEMC-9	Comment states that the Open Space Easement (as part of mitigation measure BIO-1a) is already part of the project description and therefore, would not be required as mitigation. The easement

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	requirement remains as an essential part of mitigation measure BIO-1a mitigation. The original DEIR mitigation for impacts to sensitive VPFS habitat and wetland habitat required a 2:1 replacement ratio. This ratio was discussed with several of the resource agencies who agreed to a reduced 1:1 replacement ratio based in part, on the assurances that the restored habitats would be protected in perpetuity and that the review and approval of this process would occur in coordination with these resource agencies with the submittal of the final restoration plan. There has been no change to the EIR based upon this comment.
CEMC-10	This comment refers to CEMC-46: Comment requests referring to success criteria in Final Restoration Plan as opposed to Long Term Habitat Management and Evaluation Plan. Changed text as requested In mitigation measures BIO-1d.
CEMC-11	This comment refers to CEMC-47: Comment suggests allowing construction activities during the rainy season up to 25 feet from preserved VPFS habitat. Language in mitigation measure BIO-1g has been modified to allow construction activities during the rainy season outside a 100-foot buffer.
CEMC-12	See Response to Comment CEMC-85.
CEMC-13	Impact AR.3 is not referring to the Chevron Tank Farm property, but rather to the adjacent land, some of which is farmland. This impact address potential deed restrictions on adjacent farmland that could result in their conversion to non-agricultural use. No change has been made to the impact summary table.
CEMC-14	Mitigation T-5a has been updated to eliminate reference to 'beyond cumulative conditions.'
CEMC-15	Mitigation T-5a has been updated to eliminate reference to 'beyond cumulative conditions.'
CEMC-16	The City of San Luis Obispo is preparing cost estimates for the portion of these projects not currently included in the traffic impact fee program. The pro-rata share will be known by the end of 2013.
CEMC-17	Mitigation measure AQ-6a text has been modified to specify the Title 24 version (2008).
CEMC-18	Comment refers to provision of bike lanes and bike path along Tank Farm Road. Mitigation measure T-3a has been clarified to specify the required Class I paths in the northern portions of the site as well as the provision of a sewer connection. The Class I path along Tank Farm Road remains in the mitigation, as this facility is consistent with the City's Bicycle Transportation Plan and AASP.
CEMC-19	If cooperation is not feasible, driveway must be designed without a median break consistent with the planned cross section of Tank Farm

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	Road as shown in the AASP.
CEMC-20	Comment refers to provision of two transit stops on Tank Farm Road, and notes that no transit service is currently provided along this corridor. The second paragraph of Mitigation T-3a has been updated to remove reference to a specific number of bus stops, instead requiring transit facilities along Tank Farm Road to the satisfaction of the City Public Works Department.
CEMC-21	Comment refers to provision of bike lanes and bike path along Tank Farm Road. Mitigation measure T-3a has been clarified to specify the required Class I paths in the northern portions of the site as well as the provision of a sewer connection. The Class I path along Tank Farm Road remains in the mitigation, as this facility is consistent with the City's Bicycle Transportation Plan and AASP.
CEMC-22	The action recommended by the commenter would not mitigate the impact. The proposed phasing plan, with piece-by-piece improvement of Tank Farm Road, would substantially disrupt travel on a regular basis over many years. The mitigation as originally written would mitigate this impact by reducing the duration of construction and associated activities, including staging and materials hauling. No changes to this mitigation have been made.
CEMC-23	PS/U-5b does provide some options for meeting the response time requirements. However, the deeding of the land for a possible fire station would help to improve the long-term prospects for a fire station in the area of Tank Farm Road. The SLOFD Master Plan recommends the addition of a fifth fire station with an engine staffed by a minimum of three personnel. The SLOFD Master Plan bases this recommendation on their conclusion that increasing firefighter staffing at existing City fire stations would not address response times in the southern annexation area nor allow simultaneous emergency calls to be covered by a proposed fifth unit in the event a County unit is not available. According to the SLOFD Master Plan, simultaneous incident activity currently is not a significant issue because the City can draw on nearby mutual aid CALFIRE stations. Nevertheless, while the City benefits from the mutual aid response system, the SLOFD Master Plan suggests that this system could not replace existing City stations or units. Therefore, this mitigation measure has not been removed.
CEMC-24	The Applicant's suggestion to include engineering measures to control the bird population associated with the use of polishing ponds has been incorporated into mitigation measure HM-11.
CEMC-25	Remediation and habitat enhancement are occurring as a result of contamination at the site from past oil operations. These are not viewed as beneficial impacts since they are cleaning up past contamination.

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	The open space donation was part of the proposed project to help offset the development impacts. The development project was designed to meet the basic requirements of the AASP, which limits the amount of development that could occur at the site. Therefore, this was not viewed as a beneficial impact. Accelerating the City infrastructure to support project would not be a beneficial impact in the EIR. The flood control improvement would be need to allow the development to proceed, and as such would not be considered a beneficial impact in the EIR. A new impact (HM.5) has been added to the FEIR to address the beneficial impact associated with the modifications to Reservoir 2.
CEMC-26	See Response to CEMC-9.
CEMC-27	The requested change to the project description has been made to state that existing power lines adjacent to the project development frontage would be placed underground.
CEMC-28	In air quality, the "immediate vicinity" issues are related to health risk from construction diesel or localized hot spots of nitrogen dioxide, which is a much smaller area than would be applicable for traffic, for example. For issue areas such as traffic, new projects that could contribute traffic impacts to the same area streets could have cumulative impacts. Text has been added to the cumulative section to define this.
CEMC-29	Demolition related asbestos and naturally occurring asbestos are discussed in section 4.1.4 "Remediation Project Impacts and Mitigation Measures". Mitigation measures AQ-2f and AQ-2g address requirements in regards to handling of demolition materials and naturally occurring asbestos. Multiple activities would involve the disturbance of more than 4 acres, including the flower mound, OU#3 grading, OU#4 North Marsh and borrow area 2. This text has been added to the FEIR. Calculations of fugitive dust emissions indicate that these activities would generate significant impacts.
CEMC-30	Alternative approaches to the 1,000 foot exclusion (i.e., applicable measures shall be employed as per the direction of the SLOCAPCD, including monitoring or low-particulate engine technologies) for diesel idling or staging have been added to the mitigation measure AQ-1a and AQ-2c
CEMC-31	The specifics of mitigation measure AQ-1d were defined by the SLOCAPCD during the administrative review process. Text has been added to mitigation measure AQ-1d"as per direction from the SLOCAPCD” to ensure that the requirements can be modified if the SLOCAPCD agrees.

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CEMC-32	The specifics of mitigation measure AQ-d (a) were defined by the SLOCAPCD during the administrative review process. AQ-1d (a) indicates that piles should be covered when not actively involved in soil addition or removal. Contaminated soil storage piles should be covered at night. The mitigation measure AQ-1d has not been modified.
CEMC-33	The specifics of mitigation measure AQ-1d (b) were defined by the SLOCAPCD during the administrative review process. Text "or other methods as approved by the SLOCAPCD" has been added to AQ-1d (b) to allow for flexibility.
CEMC-34	Text has been added to mitigation measure AQ-1g to allow for DPM offsite mitigation “the Applicant shall provide SLOAPCD-approved off-site reductions in DPM emissions to ensure that DPM emissions do not exceed the SLOAPCD thresholds".
CEMC-35	Text modifications have been made to AQ-2a (e) in regards to other methods that are addressed in the Fugitive Dust Control Plan. The SWPPP is not related to dust control and therefore measures specified in the SWPPP should not over-ride those measures needed for dust control. The SWPPP reference has not been included.
CEMC-36	Additional text has been added to AQ-6b (b) to allow for coordination with the City Traffic Management and the addition of transit stops in relation to increased ridership demand.
CEMC-37	Comment requests that the VPFS discussion includes language concerning three potential pools in the northeast portion of the Project Site. This discussion in Section 4.2.1.9 under invertebrates has been changed to add that information.
CEMC-38	Comment states that USFWS no longer maintains a federal species of special concern list and that California linderiella was observed onsite. The text has been modified as follows: “California linderiella, on the CDFW “Special Animals” list, , tend to live in large, fairly clear vernal pools and lakes…” and are now described as being present on the Project site in text and in Table 4.2-4.
CEMC-39	This comment states that the regulatory section does not include a discussion of a Section 401 Water Quality Certification from the RWQCB. A discussion on the Section 401 was added in Section 4.2.2.2 under Federal Authority. .
CEMC-40	The comment states that the EIR does not include “avoidance of VPFS habitat” as part of the impact discussion. The text has been changed as suggested to include the implementation of avoidance and preserving the habitat in perpetuity as part of the Impact-BIO-1 discussion.
CEMC-41	The comment states that standard USFWS protocols on the use of

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	"donor" ponds for inoculating enhanced or restored VPHS habitat would be only if needed, if additional inoculum is required. The text in BIO-1 has been changed as suggested to include the use of using topsoil first and donor pools if needed.
CEMC-42	The comment requests flexibility on the scheduling of pre-construction surveys to only repeat those surveys that are outdated. Text for mitigation BIO-1b has been changed to add that updated surveys for federally listed species shall be completed per the timing and methodology specified by resource agency protocol. However, due to the uncertainty of when the Project would start and changes in habitat conditions, the Applicant should repeat sensitive plant species, CRLF, wetland habitat, and VPFS habitat surveys.
CEMC-43	The comment refers to the 2:1 replacement ratio for impacts to VPFS habitat. The EIR preparers have discussed wetland and sensitive species replacement ratios with the USFWS and the CDFW and have changed the language in Mitigation BIO-1c to require a replacement ratio of 1:1 for short-term impacts and have included additional impact discussion on the preservation of habitat and mitigation language requiring specific criteria of replacing or improving functions and values that are equal to or better than existing conditions.
CEMC-44	Comment proposes language change to mitigation measure BIO-lf changing the name of the Long Term Habitat Management and Evaluation Plan. The proposed change states that the monitoring reporting would be included annually as part of the monitoring effort in the final restoration plan. The text remains unchanged; the monitoring reporting requires a specific stand-alone document with its own approval process.
CEMC-45	Comment proposes to allow biological monitoring to be accomplished exclusively by Chevron contractors as opposed to an independent applicant-funded biological monitor. Although much of the biological monitoring is expected to be accomplished by Chevron's biologists, the EM (as required by mitigation measure EM-1) may need a specialist to occasionally review specific biological resource protection and mitigation measures. It is expected that biological oversite would be needed on an as-needed, occasional basis. No change made to text.
CEMC-46	Comment requests referring to success criteria in Final Restoration Plan as opposed to Long Term Habitat Management and Evaluation Plan. Changed text as requested in mitigation measure BIO-1e.
CEMC-47	Comment suggests allowing construction activities during the rainy season up to 25 feet from preserved VPFS habitat. Language in BIO-1g has been modified to allow construction activities during the rainy season outside a 100-foot buffer.

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CEMC-48	The comment states that VPFS surveys are valid for up to 5 years and therefore the project does not require additional pre-construction surveys. Text has been changed in mitigation measure BIO-1i to add that updated surveys for VPFS shall be completed per the timing and methodology specified by USFWS protocol. However, due to the uncertainty of when the Project would start and changes in habitat conditions, the Applicant should repeat VPFS habitat surveys.
CEMC-49	The comment requests less specificity on the VPFS cyst handling methods described for mitigation measure BIO-lj. The language has been changed to the following: *The VPFS-qualified biologist shall conduct cyst collection efforts (cyst-bearing soil) and storage efforts from work areas prior to construction activities from the entire work area of each impacted pool when the ephemerally wetted areas are dry. The VPFS-qualified biologist shall follow USFWS standard procedures and guidance established in that agency's permitting process The cysts shall be stored in labeled containers that are adequately ventilated. The cysts shall be kept out of direct sunlight to prevent excessive heating of the soil. The cysts shall be kept out of direct contact with water. When restored VPFS habitat is constructed, the inoculum shall be placed within the surface layer of the soil in a manner following USFWS protocols and guidance.*
CEMC-50	The comment states that the impact classification for Impact BIO-2 be changed from Class I to II. After discussions with USFWS and CDFW in the ability to handle, store, relocate, and successfully re-inoculate restored, remediated, and enhanced VPFS habitat on the Project Site, Impact to VPFS (Impact Bio-2) has been changed from Class I to Class II.
CEMC-51	This comment proposes changes to mitigation measure BIO-2c to allow biological monitoring to be accomplished exclusively by Chevron contractors as opposed to an independent applicant-funded biological monitor. Although much of the biological monitoring is expected to be accomplished by Chevron's biologists, the EM (as required by mitigation measure EM-1) may need a specialist to occasionally review specific biological resource protection and mitigation measures. It is expected that independent biological oversite would be needed on an as-needed, occasional basis. No change made to text.
CEMC-52	Comment requests clarification on qualifications on biological monitor and frequency of fence checks. Text changes to mitigation measure BIO-2c were made as suggested to state that sensitive species would be moved according to direction from appropriate agencies. Fence check requirement was changed from daily to each work day.
CEMC-53	The comment requests (1) that bird monitoring be conducted by the

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	general biologist, not a specialized avian biologist; (2) that buffer fencing allow additional material other than just orange construction fencing; and (3) that weekly nest updates to county and city be extended to monthly updates. (1) Mitigation measure BIO-2d only specifies that the biologist be qualified and be approved by County and City. No text changed. (2) Text in mitigation measure BIO-2d was changed to allow for other forms of fencing if they are approved by County and City. (3) The mitigation measure BIO-2d already allows for a longer duration of time between updates "if requested by the agencies." No text was changed.
CEMC-54	The comment states that Chevron disagrees with the Class I impact for VPFS. Implementing the proposed mitigation will reduce impacts to this species' habitat and standard protection measures will reduce impacts to individual cysts. Based upon further discussions with USFWS the impact classification has been reduced from Class I to Class II since implementation of the USFWS protocols would reduce impacts to less than significant levels.
CEMC-55	This comment repeats the exact issues discussed in Comments CEMC-42 and CEMC 43. Please see above.
CEMC-56	The comment refers to the 2:1 replacement ratio for impacts to wetland habitat and questions how this mitigation measure can be reconciled with mitigation measure-HM-4 which requires a 1:1 replacement ratio. The EIR preparers have discussed wetland replacement ratios with the USFWS and the CDFW and have changed the language in Mitigation BIO-1c to require a replacement ratio of 1:1 for short-term impacts and have included additional impact discussion on the preservation of habitat and mitigation language requiring specific criteria of replacing or improving functions and values that are equal to or better than existing conditions.
CEMC-57	The comment repeats the request in CEMC-56. Please see above.
CEMC-58	The comment repeats the request in CEMC-56. Please see above.
CEMC-59	This comment repeats the issues discussed in Comments CEMC-42 and CEMC 43. Please see above.
CEMC-60	This comment requests additional language to state that wetlands would receive additional protection via the Section 401 permitting process. Text has been changed as suggested in the residual impact discussion for Impact BIO.5.
CEMC-61	Comment requests referring to success criteria in Final Restoration Plan as opposed to less specific terms. Changed text as requested In mitigation measure BIO-5c.
CEMC-62	Comment requests additional conditions to allow night time driving

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	onsite. Text has been changed in mitigation measure BIO-7b to include equipment staging and maintenance to comply with other mitigation measure requirements.
CEMC-63	Comment requests referring to success criteria in Final Restoration Plan as opposed to less specific terms. Changed text as requested in mitigation measure BIO-8b.
CEMC-64	Comment requests that Section 4.2.5.3 includes a discussion on the requirements of Section 401 permitting. This text has been added as suggested to Section 4.2.5.3.
CEMC-65	This comment repeats the concerns of CEMC-45. Although much of the biological monitoring is expected to be accomplished by Chevron's biologists, the EM (as required by mitigation measure EM-1) may need a specialist to occasionally review specific biological resource protection and mitigation measures. It is expected that biological oversite would be needed on an as-needed, occasional basis. No change made to text.
CEMC-66	Transit service relies on funding farebox funding in addition to other funding sources. Increased passenger utilization and farebox recovery would only cover a portion of the increased transit costs. The project would cause a potentially significant impact if it did not provide adequate transit facilities to serve the projected demand in accordance with the City's Short Range Transit Plan. The projected demand would burden the planned cross-town route, which is a potentially significant impact.
CEMC-67	Comment refers to provision of bike lanes and bike path along Tank Farm Road. The mitigation has been clarified to specify the required Class I paths in the northern portions of the site as well as the provision of a sewer connection. The Class I path along Tank Farm Road remains in the mitigation, as this facility is consistent with the City's Bicycle Transportation Plan and AASP.
CEMC-68	The inconsistency identified in traffic with the City's Bike Plan is related to traffic impacts. The recreation section of the EIR is looking at impacts to recreational opportunities for the general public. None of the recreational significant criteria deal with consistency with plans and policies, but rather deal with access and availability of recreational opportunities. As such, the traffic discussion on consistency with the City's bile plan is not in conflict with the recreational section of the EIR. The land use section of the EIR has been updated to include a discussion of the potential inconsistency with the City's bike plan, and to state that with the implementation of mitigation measure T-3a the project would be consistent with the City's bike plan.
CEMC-69	Comment refers to provision of bike lanes and bike path along Tank

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	Farm Road. Mitigation measure T-3a has been clarified to specify the required Class I paths in the northern portions of the site as well as the provision of a sewer connection. The Class I path along Tank Farm Road remains in the mitigation, as this facility is consistent with the City's Bicycle Transportation Plan and AASP.
CEMC-70	Left turn access would pose a potential safety hazard for the reasons outlined in the discussion for Impact T-3 of the ADEIR. Median breaks at this location would be inconsistent with the AASP.
CEMC-71	As stated in the comment, acceptable queuing is only achieved with a traffic signal if a second eastbound left turn pocket is provided. The roundabout design is estimated to require 115,000 square feet of right-of-way compared to 143,600 square feet for the signalized intersection control option with a single eastbound left turn lane and 189,500 square feet for the dual eastbound left turn lane traffic signal option. In regards to cost, total cost for the roundabout is estimated to be $140,000 less than the single-eastbound-left-turn traffic signal, and $490,000 less than the dual-eastbound-left-turn traffic signal. Copies of the cost estimates for the roundabout can be obtained from the City of San Luis Obispo Community Development Department. With respect to the compatibility of a multi-lane roundabout with the nearby bike path system, research does not show increased safety hazards at roundabouts for bicyclists. Bicyclists will have the option, upon nearing the roundabout intersection, to divert from the Class II facility to an off-street multi-use path prior to entering the roundabout, or continue into the roundabout mixed with vehicular traffic. In either scenario, the conflict points between bicyclists and motorists in a multi-lane roundabout are fewer than those in a multi-lane traffic signal with multiple turn and through lanes. In regards to the travel speed, the proposed roundabout design will lower the traffic speed at the Tank Farm Road/Santa Fe Road intersection, whereas traffic signals have been shown to increase travel speeds as motorists attempt to "beat the red" light. The decrease in travel speed would ultimately improve the safety at the intersection. In regards to the ultimate intersection control identified in the Airport Area Specific Plan (AASP), a roundabout is included as an ultimate intersection control option at the Tank Farm Road/Santa Fe Road intersection. Table 6.2 of the AASP indicates that the Circulation System Improvements for the Tank Farm Road/Santa Fe Road intersection are to "install roundabout and add lanes as shown in EIR to the approval of the Public Works Director". The proposed roundabout design is not an interim intersection control, and would be designed to accommodate cumulative conditions traffic volumes.

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CEMC-72	Comment refers to provision of bike lanes and bike path along Tank Farm Road. Mitigation measure T-3a has been clarified to specify the required Class I paths in the northern portions of the site as well as the provision of a sewer connection. The Class I path along Tank Farm Road remains in the mitigation, as this facility is consistent with the City's Bicycle Transportation Plan and AASP.
CEMC-73	Comment refers to truck routes and notes that the South Higuera Street ramps would be used by the project. The EIR text is consistent with the project description, which notes that off-site hauling of material is proposed via the Los Osos Valley Road interchange or South Higuera Street interchange.
CEMC-74	The text of mitigation measure WR-3c has been modified to include flexibility in the methods used to control runoff from stockpiles and to assure consistency with the requirements of AQ-1d.
CEMC-75	Mitigation measure WR-3e has been deleted since it is covered by mitigation measure EM-1.
CEMC-76	The text of mitigation measure WR-4a has been modified to require the caps to be designed to assure stormwater run-off does not cause erosion.
CEMC-77	The text of mitigation measure WR-8b has been modified to monitoring of Wells 1, 2 and 3 to determine the potential for groundwater interference.
CEMC-78	Mitigation measure WR-9b has been modified to require abandonment no later than at the conclusion of remediation.
CEMC-79	The analysis provided in the Wastewater Feasibility Study had the discharge going to the East Fork of the San Luis Obispo Creek. This is what was analyzed in the EIR. Mitigation measure WW-3 provides for the use of tanks or other methods for storing water during storm events. However, as stated in the residual impact discussion it is very difficult to assure that discharges from the wastewater treatment plant would not occur during rain events that could result in flooding to downstream areas. Therefore, this has remained a Class I impact.
CEMC-80	Text has been added to mitigation measures GR-1b and GR-4b to state that the measures listed apply unless other erosion control measures have been included in the agency approved SWPPP.
CEMC-81	Section 4.9.1.6 identifies the site as P-40-041195.
CEMC-82	The requirement referenced in this mitigation measure has already been performed; therefore, it is no longer needed/required. A draft report with the survey results, *Additional Archaeological Phase II Testing and Evaluation*, has been completed, reviewed, and edits have been made

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	throughout Section 4.9 of the EIR as required.
CEMC-83	The requirement referenced in this mitigation measure has already been performed; therefore, it is no longer needed/required. A draft report with the survey results, *Additional Archaeological Phase II Testing and Evaluation*, has been completed, reviewed, and edits have been made throughout Chapter 4.9 of the EIR as required.
CEMC-84	Section 4.10.2.3 provides the regulatory background for visual and aesthetic resources for the City of San Luis Obispo. Figure 11 in the conservation and open space element identifies areas of Broad Street (State Route 227) as either High Scenic Value or High or Moderate Scenic Value, while Tank Farm Road in the Project area is designated as High or Moderate Scenic Value. These were not used in determining the significant of impacts, nor to classify the scenic value of Tank Farm Road in terms of the impact analysis. The significance criteria provided in Section 4.10.3 where used to determine the significance of visual and aesthetic resources. The impact analysis of the remediation and development projects focused on how the projects would impact the existing visual character or quality of the site and its surroundings.
CEMC-85	Mitigation measure AE-1b has been modified to address adherence to design guidelines.
CEMC-86	The text for Impact AE.2 has been modified to reflect the undergrounding of existing power lines adjacent to the project development frontage along Tank Farm Road.
CEMC-87	The text in the EIR is merely referring to the Applicant's proposal for a bike path along Santa Fe Road and is not related to comment CEMC-72. No change as been made to the document as a result of this comment.
CEMC-88	The information provided in the project description regarding the width of Santa Fe Road as four lanes comes directly from the application package submitted by Chevron, and is part of the proposed project. Although the traffic study shows that two lanes may be adequate, changing the project description in the EIR is not justified or required for the FEIR.
CEMC-89	Text has been added to the mitigation measure under Impact AE.4 to say that AE-2 would apply but the County design guidelines would be followed.
CEMC-90	The comment states that standard USFWS protocols on the use of "donor" ponds for inoculating enhanced or restored VPHS habitat would be only if needed, if additional inoculum is required. The text for Impact HM.4 has been changed as suggested to include the use of using topsoil first and donor pools if needed.

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CEMC-91	The comment refers to the 2:1 replacement ratio for impacts to wetland habitat and questions how this mitigation measure can be reconciled with mitigation measure-HM-4 which requires a 1:1 replacement ratio. The EIR preparers have discussed wetland replacement ratios with the USFWS and the CDFW and have changed the language in Mitigation BIO-1c to require a replacement ratio of 1:1 for short-term impacts and have included additional impact discussion on the preservation of habitat and mitigation language requiring specific criteria of replacing or improving functions and values that are equal to or better than existing conditions.
CEMC-92	The comment refers to the 2:1 replacement ratio for impacts to VPFS habitat. The EIR preparers have discussed wetland and sensitive species replacement ratios with the USFWS and the CDFW and have changed the language in Mitigation BIO-1c to require a replacement ratio of 1:1 for short-term impacts and have included additional impact discussion on the preservation of habitat and mitigation language requiring specific criteria of replacing or improving functions and values that are equal to or better than existing conditions.
CEMC-93	The comment refers to the 2:1 replacement ratio for impacts to wetland habitat. The EIR preparers have discussed wetland and sensitive species replacement ratios with the USFWS and the CDFW and have changed the language in Mitigation BIO-1c to require a replacement ratio of 1:1 for short-term impacts and have included additional impact discussion on the preservation of habitat and mitigation language requiring specific criteria of replacing or improving functions and values that are equal to or better than existing conditions.
CEMC-94	The comment refers to the 2:1 replacement ratio for impacts to wetland habitat. The EIR preparers have discussed wetland and sensitive species replacement ratios with the USFWS and the CDFW and have changed the language in Mitigation BIO-1c to require a replacement ratio of 1:1 for short-term impacts and have included additional impact discussion on the preservation of habitat and mitigation language requiring specific criteria of replacing or improving functions and values that are equal to or better than existing conditions.
CEMC-95	The Applicant's suggestion to include engineering measures to control the bird population associated with the use of polishing ponds has been incorporated into mitigation measure HM-11.
CEMC-96	The requested sentence has been removed since it is not critical to the basis for the finding in the impact.
CEMC-97	See Response to Comment CEMC-23.
CEMC-98	The text of mitigation measure PS/U-7b has been modified to address the issue of annual construction timing as suggested in the comment.

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CEMC-99	See Response to Comment CEMC-68.
CEMC-100	The EIR prepares have not been provided a copy of the Goodwin Consulting Group Report, and therefore do not know what the conclusions of the analysis was. As such, no text has been added to the EIR that discussed the results of this study, and no change has been made to the discussion of the Environmentally Superior Alternative.
CEMC-101	The comment states that the mitigation measures for restoration requirements are all based on a draft version of a restoration plan that could change once the final plan is approved. CEMC requests that restoration requirements be based on performance standards not on acreages described in 75% Draft Plan. Mitigation measure BIO-1a already states that Prior to issuance of applicable grading permit, the Applicant shall prepare and submit a final restoration plan to the San Luis Obispo County Department of Planning and Building for review and approval. Review and approval shall be in consultation with the City of San Luis Obispo, Department of Natural Resources, USFWS, ACOE, and CDFW. In addition the final plan shall be revised as necessary to adequately mitigate actual disturbance to habitats for listed and special status species due to remediation. No change to text was made.