# XII. RESPONSE TO COMMENTS

The CEQA Guidelines, Section 15088, provides that the lead agency (County) evaluate comments on the environmental issues received from agencies and persons that reviewed the Draft SEIR and provide written response to comments as part of the Final SEIR. The following agencies and members of the public have prepared comments on the Draft SEIR:

- County of San Luis Obispo Department of Agriculture
- Nipomo Community Advisory Council
- California Department of Transportation
- San Luis Obispo County Parks
- San Luis Obispo Air Pollution Control District

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

In some cases, responses to comments require changes to the text or figures in the Draft SEIR. These changes are noted in the response, and new or revised text or figures are presented as part of the response as well. These Responses to Comments are part of the official record and together with the Draft SEIR, list of Persons, Agencies, and Organizations that commented, and any other information added by the lead agency constitute the Final SEIR.

COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Measurement Standards**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

**DATE:** **October 25, 2005**

**TO:** **John Farhar, Environmental Division, County Public Works Dept.**

**FROM:** **Michael Isensee, Agricultural Resource Specialist, 781-5753** MGI

**SUBJECT:** **Willow Road Extension Draft Supplemental EIR (Ag Dept 1068)**

This report responds to your request for comments on the Willow Road Extension project and its associated agricultural impacts. These comments are based on the review of the following information: aerial photographs, earlier environmental reports prepared by Douglass Woods and Associates Inc (Nov. 1997), previous comments from our Department dated November 12, 1997 and June 22, 1995, information regarding the Land Conservation Act and Williamson Act contracts, soils data from the Natural Resources Conservation Service, information regarding area crop producers, the current and draft proposed county trails plans, and information about water resources in the area of the proposed roadway expansion. The comments and recommendations are based on policies in the Agriculture and Open Space Element and current departmental policy to conserve agriculture resources and to provide for public health, safety and welfare while mitigating for the negative impacts of development to agriculture.

## A. Project Description and Agricultural Setting

The Willow Road Extension project is proposed to connect Willow Road from Pomeroy on the central portion of the Nipomo Mesa to Highway 101 and Thompson Road to the east in the Nipomo Creek Valley. The extension includes the acquisition of 100 feet of right of way for over two miles (to include a two-lane roadway with partial center lane, shoulders/bicycle paths and an area for an equestrian path/trail). An interchange and freeway undercrossing, approximately 0.8 miles of freeway frontage road, a park and ride facility, and stormwater infiltration basins are also proposed as part of the project.

The area contains numerous parcels zoned for agriculture, active agricultural operations, Williamson Act contracted land, and land still in Williamson Act preserve although no longer under contract.

## B. Comments on Draft Supplemental Environmental Impact Report

Comments address the following:

1. the proposed equestrian trail
2. information to include or correct in the Final SEIR, and
3. information that would assist in updating the earlier 1999 EIR.

The County Agriculture Department agrees that the construction of the Willow Road Extension will have significant adverse impacts to Agricultural Preserves and Contracts and significant adverse cumulative and growth inducing impacts to the area. The likely result of roadway improvements in this area will be an increase in the property values of Agriculture-zoned land and the creation of additional economic

pressure to develop. As stated in the report, the likely long-term impact is a reduction in agricultural production on surrounding agricultural lands, the nonrenewal of Williamson Act contracts and preserves, the conversion of agricultural properties adjacent to the proposed roadway extension to alternative uses (which will result in the loss of capable soils, including prime soils and farmland of statewide importance), the increased likelihood of incompatibilities with remaining agricultural operations, and increased competition between agricultural operations and urban/suburban development for scarce water resources. These impacts will need to be analyzed if or when development is proposed on adjoining agricultural lands.

1. Equestrian Trail

Thank you for the clarification that a trail is not part of the current proposal and that any future trail development in these areas will undergo separate environmental review and potential impacts to agriculture will be addressed at that time. A-1

2. Information to include in Final SEIR

- The Draft SEIR does not quantify the amount of land proposed for conversion in the development of the Willow Road Extension. Within the Agricultural Resources section, the Final SEIR should identify the acreage of agriculturally productive soils to be impacted by right of way acquisition. All of the soils impacted by this project (except the steeper *Oceano Sand* soils) are either considered to be prime farmland or farmland of statewide importance if irrigation is available. These lands could be considered agriculturally productive subject to water availability. A-2
- The proposed ROW will pass in proximity to a greenhouse/nursery operation (located at 775 Willow and 790 and 800 Live Oak Roads and owned and operated by *Ocean Breeze International*, not *Pismo Flowers*). The Draft SEIR states (in V.H-9) that the proposed ROW will be 800 feet to the north of the facility, but figures appear to show it within much closer proximity of this operation. This should be clarified in the final SEIR. If the right of way is in close proximity, fencing may be an appropriate mechanism to limit trespass and liability issues for the grower. A-3
- The Land Evaluation and Site Assessment (LESA) included as Appendix I appears to inaccurately quantify the project size. The Final SEIR would be improved with ensuring consistency between the quantification of converted soils recommended for inclusion in the text (first bullet, above) of the Agricultural Resources section with the quantification found in Appendix I. Appendix I could also be improved with accompanying text and maps that provides a rationale for both *Water Resources Availability* (worksheet 2) and *Surrounding Agricultural Land and Surrounding Protected Resource Land* (worksheet 3). A-4

3. Updated Information regarding Agriculture

- Parcels in agricultural preserves are not taxed at a lower rate unless these parcels are under contract (IV-3) A-5
- A third nursery grower, Growers Transplanting Inc., is producing just north of and outside the proposed Willow Road alignment, at the northeastern edge of the project area (along Thompson Road) (IV-3; V.H-9). A-6
- The cumulative projects list should be updated and one correction made. Additional projects to be noted include: A-7
    - The Chappell Tract Map, a 6-lot subdivision recently approved to the immediate west of the Craig site

- The Avila Ventures Tract Map, a 7-lot subdivision on the site #23, Anderson, has been recently approved
- The Kaminaka/Nester GPA at 944 Pomeroy, a proposal to rezone 59 acres from AG to REC for recreational fields and 30 residential parcels has been authorized for processing
- The Canada Specific Plan application for APN 091-301-041 has been received by the Planning Department. This proposal is a commercial, industrial and residential project on 274 acres
- The correct location of the Craig/Lucia Mar School District site is north of Willow Road (IV-6 to 8) A-7

- The DEIR states that local jurisdictions can "establish agricultural preserves consisting of agricultural or *other vacant* lands." Agricultural lands are *not vacant*, as they have an agricultural use (V.H-2). A-8

- San Luis Obispo County Williamson Act contracts can be either 10 or 20 years in length, not only 10 years (V.H-2). A-9

- Although considered a class IV soil when irrigated, *Oceano sand* 0-9% slope is one of the county's more capable soils for certain high value crops, including strawberries, avocados, nursery stock and greenhouse plants. The good drainage capability of this soil, coupled with the mild climate and good water quality, makes this a favored soil for greenhouses (>200 acres located on this soil) and outdoor nursery facilities (400 acres). However, it is accurate that in areas with little or no water availability, *Oceano sand* has very limited capability as a productive agricultural soil (IV-3, V.H-4). A-10

- Both *Oceano Sand* 0-9 percent slope and *Tierra Sandy Loam* are designated by the state as farmland of statewide importance (V.H-4 to 6). A-11

Feel free to contact me at 781-5753 with any questions.

## XII.A. COUNTY OF SAN LUIS OBISPO DEPARTMENT OF AGRICULTURE

**Comment A-1:** Thank you for the clarification that a trail is not part of the current proposal and that any future trail development in these areas will undergo separate environmental review and potential impacts to agriculture will be addressed at that time.

**Response A-1:** It is true that the equestrian trail proposed for construction within the Willow Road right-of-way is not being developed as part of the proposed Willow Road Extension/US 101 Interchange project. Most likely, construction of the trail will occur at a later date (after road construction) at which time the County would review any final environmental effects; however, the current SEIR addresses impacts associated with the project right-of-way which includes space for a trail. Therefore, the physical impact of this right-of-way on agricultural and other resources is addressed in this SEIR.

**Comment A-2:** The Draft SEIR does not quantify the amount of land proposed for conversion in the development of the Willow Road Extension. Within the Agricultural Resources section, the Final SEIR should identify the acreage of agriculturally productive soils to be impacted by right of way acquisition. All of the soils impacted by this project (except the steeper Oceano Sand soils) are either considered to be prime farmland or farmland of statewide importance if irrigation is available. These lands could be considered agriculturally productive subject to water availability.

**Response A-2:** The specific amount of land proposed for conversion in the development of the Willow Road Extension is provided on Worksheet 1 of the Land Evaluation and Site Assessment (SEIR, Appendix I) and shown on Figure V.H-2 of the SEIR. The proposed project will impact approximately 100 acres of land. As provided in Worksheet 1, Appendix I, the project will impact the following soils: 1) approximately 90 acres of Oceano Sand from 0 to 9 percent slopes; 2) approximately 4 acres of the steeper Oceano Sand soils (9 to 30 percent slopes); 3) approximately 3 acres of the Cropley Clay; and 4) approximately 3 acres of Tierra Sandy Loam. The majority of the project area is on the west side of US 101. A majority of the agricultural land on the west side of US 101 is not currently in agricultural production nor does it have a history of agricultural production. Furthermore, there is currently no water supply being provided to these agricultural lands. Because of the limited water availability and the fact that the land is not currently productive nor has it been productive historically, the impacts to the 90 acres of Oceano Sand are not considered to be significant.

**Comment A-3:** The proposed ROW will pass in proximity to a greenhouse/nursery operation (located at 775 Willow and 790 and 800 Live Oak Roads and owned and operated by *Ocean Breeze International*, not *Pismo Flowers*). The Draft SEIR states (in V.H-9) that the proposed ROW will be 800 feet to the north of the facility, but figures appear to show it within much closer proximity of this operation. This should be clarified in the final SEIR. If the right of way is in close proximity, fencing may be an appropriate mechanism to limit trespass and liability issues for the grower.

**Response A-3:** The current SEIR is tiered off the 1999 Willow Road/Highway 101 Interchange FEIR. The 1999 FEIR provided a map with the location of the greenhouse/nursery operation along Willow Road. This map was used to calculate the distance from the nursery to the proposed project. Based on updated maps from the County, it appears that the proposed road will actually pass within 50 feet of the new nursery facilities. In addition, the owners of the nursery operation have changed from Pismo Flowers, Inc. Flowers, Inc to Ocean Breeze International. The sentence on page V.H-9

discussing the owners of the nursery operation and the distance of the nursery operation to the proposed road has been revised as follows:

> The proposed Willow Road extension between Pomeroy Road and Hetrick Avenue will pass approximately 50 feet north of the existing greenhouse operations of Ocean Breeze International (formerly Pismo Flowers).

The proximity of the proposed road extension with respect to the greenhouse operation does not present a significant environmental impact. The Willow Road right-of-way boundary, however, will be fenced in order to provide security for existing commercial businesses that will now be in close proximity to the new roadway. This measure should help prevent trespassing and other similar impacts the nursery may experience as a result of the new road.

**Comment A-4:** The Land Evaluation and Site Assessment (LESA) included as Appendix I appears to inaccurately quantify the project size. The Final SEIR would be improved with ensuring consistency between the quantification of converted soils recommended for inclusion in the text (first bullet, above) of the Agricultural Resources section with quantification found in Appendix I. Appendix I could also be improved with accompanying text and maps that provides a rationale for both *Water Resources Availability* (worksheet 2) and *Surrounding Agricultural Land and Surrounding Protected Resource Land* (worksheet 3).

**Response A-4:** The information clarifying the project size as provided in Appendix I, can be found in response to Comment A-1. The response to Comment A-3 provides the rationale for LESA Worksheet 2, *Water Resources Availability*. The information on water resource availability does not lend itself to a map. LESA worksheet 3, *Surrounding Agricultural Land and Surrounding Protected Resource Land*, is a numerical calculation of the project's "Zone of Influence". The "Zone of Influence" is all lands within ¼ mile (in all directions) of the project site. The LESA model requires that the amount of acres in agriculture and the acres of Protected Resource Land be calculated within this ¼ mile Zone of Influence. These figures were determined from maps created through Geographic Information System software but were not included in the SEIR because all that the LESA model requires is for the acreages to be provided in a worksheet. A map would be an informative addition and will be strongly considered for future agricultural analyses.

**Comment A-5:** Parcels in agricultural preserves are not taxed at a lower rate unless these parcels are under contract (IV-3).

**Response A-5:** The information addressing taxing of agricultural preserves is consistent with the information provided on pages IV-3 and V.H-2 of the SEIR. Regardless, placing these land in a higher tax bracket will not change the conclusions reached in the LESA model.

**Comment A-6:** A third nursery grower, Growers Transplanting Inc, is producing just north of and outside the proposed Willow Road alignment, at the northeastern edge of the project area (along Thompson Road) (IV-3; V.H-9).

**Response A-6:** Regarding an additional grower and nursery operator in the project vicinity, this business would not be directly affected by the proposed road extension and interchange.

**Comment A-7:** The cumulative projects list should be updated and one correction made. Additional projects to be noted include:

- The Chappell Tract Map, a 6-lot subdivision recently approved to the immediate west of the Craig site.
- The Avila Ventures Tract Map, a 7-lot subdivision on the site #23, Anderson, has been recently approved.
- The Kaminaka/Nester GPA at 944 Pomeroy, a proposal to rezone 59 acres from AG to REC for recreational fields and 30 residential parcels has been authorized for processing.
- The Canada Specific Plan application for APN 091-301-041 has been received by the Planning Department. This proposal is a commercial, industrial and residential project on 274 acres.
- The correct location of the Craig/Lucia Mar School District site is north of Willow Road (IV-6 to 8).

**Response A-7:** The cumulative projects list was based on the most recent list of projects from the County of San Luis Obispo at the time of the analysis for the Draft SEIR. However, Figure IV-1 has been updated to correct the location of the Craig/Lucia Mar School District site. The updated Figure IV-1 is included below.

**Comment A-8:** The DEIR states that local jurisdictions can "establish agricultural preserves consisting of agricultural or other vacant lands." Agricultural lands are not vacant, as they have an agricultural use (V.H-2).

**Response A-8:** The term "vacant" was not intended to refer to agricultural lands. The sentence on page V.H-2 will be revised to clarify this as follows:

> "This legislation allows local jurisdictions (cities or counties) to establish agricultural preserves consisting of existing agricultural or vacant lands."

**Comment A-9:** San Luis Obispo County Williamson Act contracts can be either 10 or 20 years in length, not only 10 years (V.H-2).

**Response A-9:** The text on page V.H-2 is revised herewith as follows:

> "The vehicle for these land agreements is a rolling term 10- <u>or 20-</u> year contract, which means that the contract is automatically extended (renewed) each year under the initial terms of the contract unless either party files a "notice of nonrenewal".

**Comment A-10:** Although considered a class IV soil when irrigated, *Oceano sand* 0-9 slope is one of the county's more capable soils for certain high value crops, including strawberries, avocados, nursery stock and greenhouse plants. The good drainage capability of this soil, coupled with mild climate and good water quality, makes this a favored soil for greenhouses (>200 acres located on this soil) and outdoor nursery facilities (400 acres). However, it is accurate that in areas with little or no water availability, *Oceano sand* has very limited capability as a productive agricultural soil (IV-3, V.H-4).

**Response A-10:** The text on page V.H-4 describing Oceano Sand 0 to 9 percent slopes has been amended as follows to include the above information.

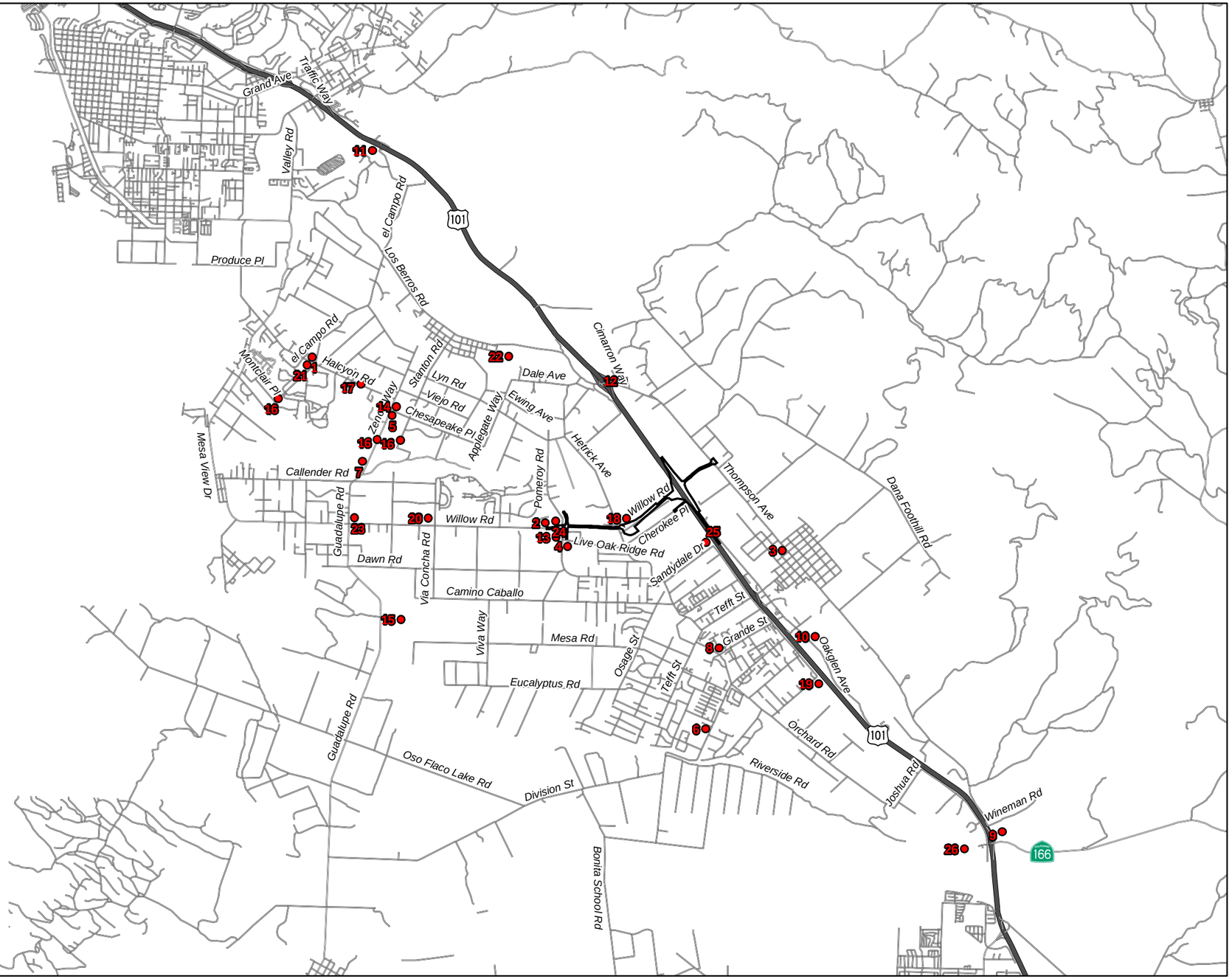
> **Oceano Sand.** 0 to 9 percent slopes (soil category 184 on Figure V.H-2). This soils association involves "old, stabilized sand dunes" which are formed deposits of wind blown sand. Permeability (i.e., drainage ability) of Oceano soil is rapid and the ability to retain moisture is low. This low water holding capacity creates a high susceptibility to soil blowing and drought. These soils are primarily used for rangeland, urban development, and limited crops (lemons, avocados, strawberries, and Christmas trees) and supports groves of bluegum eucalyptus. This soil provides excellent base material for roadways and structures. This soil association has a Capability Class of IV if irrigated and VI if non-irrigated. Although considered a class IV soil when irrigated, *Oceano sand* 0-9 slope is one of the county's more capable soils for certain high value crops, including strawberries, avocados, nursery stock and greenhouse plants. The good drainage capability of this soil, coupled with mild climate and good water quality, makes this a favored soil for greenhouses (>200 acres located on this soil) and outdoor nursery facilities (400 acres). However, in areas with little or no water availability, *Oceano sand* has very limited capability as a productive agricultural soil.

**Comment A-11:** Both *Oceano Sand* 0-9 percent slope and *Tierra Sandy Loam* are designated by the state as farmland of statewide importance (V.H-4 to 6).

**Response A-11:** The text on page V.H-4 and V.H-6 describing Oceano Sand 0 to 9 percent and Tierra Sandy Loam have been revised as follows to include the fact that these soils are designated by the state as farmland of statewide importance.

> **Oceano Sand.** 0 to 9 percent slopes (soil category 184 on Figure V.H-2). This soils association involves "old, stabilized sand dunes" which are formed deposits of wind blown sand. Permeability (i.e., drainage ability) of Oceano soil is rapid and the ability to retain moisture is low. This low water holding capacity creates a high susceptibility to soil blowing and drought. These soils are primarily used for rangeland, urban development, and limited crops (lemons, avocados, strawberries, and Christmas trees) and supports groves of bluegum eucalyptus. This soil provides excellent base material for roadways and structures. This soil association has a Capability Class of IV if irrigated and VI if non-irrigated. Although considered a class IV soil when irrigated, *Oceano sand* 0-9 slope is one of the county's more capable soils for certain high value crops, including strawberries, avocados, nursery stock and greenhouse plants. The good drainage capability of this soil, coupled with mild climate and good water quality, makes this a favored soil for greenhouses (>200 acres located on this soil) and outdoor nursery facilities (400 acres). However, in areas with little or no water availability, *Oceano sand* has very limited capability as a productive agricultural soil. This soil type is designated by the state as farmland of statewide importance.
>
> **Tierra Sandy Loam.** 2 to 9 percent slopes (soil category 216 on Figure V.H-2). This soil association is formed from old alluvial soils weathered from sedimentary rocks. Soil permeability is very slow, but the available water capacity is low to moderate. It also has a moderate soil blowing hazard. Most of the soils in the area are used for rangeland or for hay crops and small grains. Common crops are grain barley and oat hay. Roadways in these soils require special design due to soil expansion and shrinkage, low soil strength, and slow permeability. This soil association has a Capability Class of III in both the irrigated and non-irrigated condition. This soil type is designated by the state as farmland of statewide importance.

| ID | Type | Name | Location |
|---|---|---|---|
| 1 | Private | Cypress Ridge Tract Map & Development Plan | Halcyon Road & El Campo Road |
| 2 | Private | Black Lake Specific Plan Amendment & Tract Map | Willow Road & Pomeroy Road |
| 3 | Private | Meier/Herreck Tract Map | Old Nipomo Road, Thompson Road & Chestnut Road |
| 4 | Private | Teter Tract Map | Pomeroy Road & Live Oak Ridge Road |
| 5 | Private | Greenhart Farms Development Plan | Zenon Road, south of Cheasepeake Place |
| 6 | Private | Murphy Tract Map | Division Street & Tyrus Court |
| 7 | Private | Katzenstein Parcel Map | Zenon Road & Black Lake Canyon |
| 8 | Private | Armstrong Tract Map | Orchard Road & Grande Street |
| 9 | Private | Sheilds & Shields Tract Map | US 101 & Hwy 166 |
| 10 | Private | Lampe Tract | South Oakglen Avenue |
| 11 | Private | Busick Tract Map | El Campo Road & US 101 |
| 12 | Private | Sejera/Thompson Tract Map | Thompson Avenue & US 101 |
| 13 | Private | Belsher & Becker Tract Map | Pomeroy Road near Willow Road |
| 14 | Private | Ball Seed Development Plan | Zenon Road & Cheasapeake Place |
| 15 | Private | The Woodlands Specific Plan | East of SR 1, one mile south of Willow Road |
| 16 | Public | No. Mesa Assessment District | Portions of El Campo Road, Zenon Road, & Stanton Road |
| 17 | Public | Widen portion of Halcyon Road | Halcyon Road |
| 18 | Private | Nipomo Oaks/Melschau | Willow Road & Hetrick Avenue |
| 19 | Private | Brand | South Frontage Road & Southland Avenue |
| 20 | Private | Craig/Lucia Mar School District | Willow Road & Via Concha |
| 21 | Private | Cypress Ridge | El Campo Road & Halycon Road |
| 22 | Private | SLO County-Summit Station & Robertson et. al. | Pomeroy Road/Frontage Road/Los Berros Road |
| 23 | Private | Anderson | Northeast corner of Guadelupe Road & Willow Road |
| 24 | Private | Vellagio | Near Willow Road & Pomeroy Road |
| 25 | Private | Robinson Weaver | Northwest of the corner of Sandydale Drive and N. Frontage Road, just west of US 101 |
| 26 | Private | Biorn LUO Amendment | Immediately west of the Highway 166/US 101 interchange |




Revised FIGURE IV-1

LSA

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Miles

*Willow Road Extension/U.S. 101 Interchange Project*

Cumulative Projects

SOURCE: Census 2000 Tiger/Line Data, County of San Luis Obispo Planning and Building Department.

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**Nipomo Community Advisory Council**
**P. O. Box 1165**
**Nipomo, California 93444**

September 15, 2005

Mr. John McKenzie, EIR Project Manager
SLO County, Planning and Building
County Government Center, Room 310
San Luis Obispo, California 93408-2040

RE: Response to Willow Road, Nipomo Environmental Impact Report

Dear Mr. McKenzie:

Following a presentation and discussion at the September 12, 2005 meeting of the Nipomo Community Advisory Council, the following motion was presented and approved:

Motion: The NCAC would like the following comments submitted to John McKenzie, Project Manager by our Chair

Recommendations:

1. Add additional mitigations to minimize oak tree loss such as:
Mitigation F-15
In addition to oak tree replacement, primary effort should be to avoid oak tree disturbance in the first place. Either eliminate or move the park-and-ride facility to an area where oak tree removal and damage will not occur. In the areas west of 101 between the freeway and the on/off ramps and new frontage road, eliminate or minimize development or soil disturbance. B-1

2. The beneficial Class IV impacts to Air Quality, Socio-Economics, and Traffic and Circulation can be enhanced by project rescheduling to get traffic onto the 101 freeway at least a year sooner. If the interchange completion is scheduled before the frontage road construction, through traffic from Willow to Highway 101 will be a reality sooner. Scheduling early frontage road completion only directs traffic to the Tefft/101 interchange where the biggest problem currently exists. Directing traffic off the mesa to the Willow/101 interchange opens a new outlet to the traffic congestion.
In addition, an earlier extension of Willow to Thompson will allow Nipomo High School traffic an opportunity to avoid the Tefft congestion. B-2

Thank you for your consideration of this matter.

Respectfully Submitted,

Susan M. Hermreck
Nipomo Community Advisory Council Chair

## XII.B. NIPOMO COMMUNITY ADVISORY COUNCIL

**Comment B-1:** Add additional mitigations to minimize oak tree loss such as: Mitigation F-15 In addition to oak tree replacement, primary effort should be to avoid oak tree disturbance in the first place. Either eliminate or move the park-and-ride facility to an area where oak tree removal and damage will not occur. In the areas west of 101 between the freeway and the on/off ramps and new frontage road, eliminate or minimize development or soil disturbance.

**Response B-1:** A highway interchange is an ideal spot for a park-and-ride facility and an express bus stop. In fact, the San Luis Obispo Council of Governments (SLOCOG) and Caltrans has policies which promote park-and-ride locations between an on-ramp and a frontage road. Park-and-ride facilities and bus stops facilitate ridesharing, which further reduce traffic congestion and air pollution. For these reasons, it is not preferable to completely eliminate the proposed facility. With respect to the proposed location of the park-and-ride facility, the California Department of Transportation (Caltrans) has specific spacing requirements for intersections and highway interchange ramps that dictated the placement of the frontage road intersection. The location of the frontage road with respect to the location of the interchange ramp left a small area that was well-suited for a park-and-ride facility. Without acquiring additional right-of-way, there is no other area near the proposed interchange that is within the existing project boundaries to provide for a park and ride lot.

**Comment B-2:** The beneficial Class IV impacts to Air Quality, Socio-Economics, and Traffic and Circulation can be enhanced by project rescheduling to get traffic onto the 101 freeway at least a year sooner. If the interchange completion is scheduled before the frontage road construction, through traffic from Willow to Highway 101 will be a reality sooner. Scheduling early frontage road completion only directs traffic to the Tefft/101 interchange where the biggest problem currently exists. Directing traffic off the mesa to the Willow/101 interchange opens a new outlet to the traffic congestion. In addition, an earlier extension of Willow to Thompson will allow Nipomo High School traffic an opportunity to avoid the Tefft congestion.

**Response B-2:** It is possible that traffic operations might be improved by completing the Willow Road/US 101 interchange and the Willow Road to Thompson extension before completing the frontage road to Tefft Street. However, the timing of improvements to Willow Road and the Willow Road/US 101 Interchange is being dictated by funding availability (local and federal) and the timing of the environmental reviews under both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Funding for the section of Willow Road between Pomeroy and US 101 will likely be available years before funding is available for the US 101 Interchange and the portion of Willow Road that will extend east from US 101 to Thompson Rd. It is important to note that the sources of funding for the road improvements are not the same, where money dedicated for Willow Road improvements cannot be used for the US 101 Interchange and vice versa (federal vs. county sources). In addition, the environmental review for the Willow Road extension and interchange as required under CEQA will be completed before the environmental review for the interchange under NEPA. Each environmental document needs to be approved by the County Board of Supervisors before that piece of the proposed project moves forward. For these reasons, the proposed interchange and extension to Thompson Road will likely occur after the extension west of US 101 and the frontage road connection.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**
50 HIGUERA STREET
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http://www.dot.gov/dist05

*Flex your power!*
*Be energy efficient!*

September 16, 2005

SLO – 101 PM 4.85

SCH # 1995051065

John Farhar
San Luis Obispo County
Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

Dear Mr. Farhar

RE: Willow Road Extension/U.S. 101 Interchange – Notice of Availability of Supplemental Draft Environmental Impact Report (ED02-400; WBS300129)

The California Department of Transportation (Department) has reviewed the above referenced project and as a result the following comments were generated.

1. (Ref. Page V.B-6, Table V.B-2, *Peak Hour LOS for Existing Project Area Ramp Junctures and Intersections*). Table V.B-2 incorrectly states that the Level Of Service "LOS" for the north bound on-ramp from Teft Street onto northbound U.S 101 is operating at LOS "C", and the LOS for the northbound movement on South Frontage Road is LOS "C" as well. According to the July 2004, Omni-Means traffic analysis for the County's 5-Year Update of the South County Circulation Plan, The Levels of Service for those two intersections should be LOS "E" and LOS "F" respectively. Consistent and accurate disclosure of existing traffic conditions at the 101/Teft Street I/C is of paramount importance, please revise the existing traffic conditions table using the most current analysis and data, this being the Omni-Means Update. C-1

2. (Ref. Page V.B-8, Table V.B-3, *Average Delay/LOS for Future No Project Condition and for Future With Project Condition*) The LOS conditions depicted in the "2030 No Project" column need to be revised. Existing traffic conditions at the 101/Teft Street north bound on-ramps intersection is already at LOS "E". Also, the a.m. peak hour for 101/Teft Street on-ramp traffic is the heaviest congestion time for peak hour C-2

*"Caltrans improves mobility across California"*

Mr. Farhar
September 16, 2005
Page 2

traffic, not the p.m. peak hour. Please revise the year-2030 future condition LOS scenario and depict the a.m. peak hour as the heaviest traffic scenario.

Thank you for the opportunity to comment on the Willow Road Extension Supplemental EIR NOC. If you have any questions, please contact me at 549-3683.

Sincerely,

James Kilmer
District 5
Development Review/CEQA Coordination

c: File, D. Murray, R. Barnes, T. Houston, L. Bonner, D. Ramey – SLO County Public Works

*"Caltrans improves mobility across California"*

## XII.C. CALIFORNIA DEPARTMENT OF TRANSPORTATION

**Comment C-1:** (Ref. Page V.B-6, Table V.B-2, Peak Hour LOS for Existing Project Area Ramp Junctures and Intersections). Table V.B-2 incorrectly states that the Level of Service "LOS" for the north bound on-ramp from Teft [sic] Street onto northbound U.S. 101 is operating at LOS "C", and the LOS for the northbound movement on South Frontage Road is LOS "C" as well. According to the July 2004, Omni-Means traffic analysis for the County's 5-Year Update of the South County Circulation Plan, the Levels of Service for those two intersections should be LOS "E" and LOS 'F" respectively. Consistent and accurate disclosure of existing traffic conditions at the 101/Teft [sic] Street I/C is of paramount importance, please revise the existing traffic conditions table using the most current analysis and data, this being the Omni-Means Update.

**Response C-1:** In conducting the traffic analysis and establishing the Levels of Service for the project area, the Draft SEIR utilized the *Final Traffic Operations Report, US 101/Willow Road Interchange Project*, prepared by Fehr and Peers Associates, Inc (December 2004). This was the most up to date traffic data available at the time the traffic analysis was conducted in late 2003/early 2004. We appreciate the fact that information is constantly being updated and that new traffic analyses in the South County area show that traffic conditions in the project area are worse than those depicted in the Draft SEIR. While the new information is informative, it does not change the conclusions of the draft SEIR that the Willow Road Extension and US 101/Willow Road Interchange are necessary to relieve congestion and deteriorating traffic conditions in the South County area; the new traffic information only further underscores the need for the proposed project. Therefore, Table V.B-2 of the Draft SEIR will not be revised.

**Comment C-2:** (Ref. Page V.B-8, Table V.B-3, *Average Delay/LOS for Future No Project Condition and for Future With Project Condition)*. The LOS conditions depicted in the "2030 No Project" column needs to be revised. Existing traffic conditions at the 101/Teft [sic] Street north bound on-ramps intersection is already at LOS "E". Also, the a.m. peak hour for 101/Teft [sic] Street on-ramp traffic is the heaviest congestion time for peak hour traffic, not the p.m. peak hour. Please revise the year-2030 future conditions LOS scenario and depict that the a.m. peak hour as the heaviest traffic scenario.

**Response C-2:** See Response C-1 above.

SAN LUIS OBISPO
COUNTY PARKS

# MEMO

TO: John Farhar, Public Works

FROM: Jan Di Leo, Parks

DATE: September 1, 2005

**RE: Willow Road Extension (ED02-400; WBS300129) SCH1995051065**

Thank you for sending the Draft EIR to Parks for review. We have reviewed the EIR for the Willow Road Extension.

On page III-5 the trail along Willow Road is noted as part of the project description. In general, this reference is fine. One comment, typically the A-1 (x) detached standard provides a ten foot wide trail (versus the eight feet noted in the EIR). Parks could accommodate an eight foot wide trail versus the typical ten foot width if the more narrow width is necessary to mitigate impacts to sensitive habitat or agricultural lands. D-1

Again, thank you for the opportunity to comment. If you have questions or concerns please contact me at 781-4089.

1087 Santa Rosa Street, San Luis Obispo, CA 93408 Tel: (805) 781-5200 Fax: 781-1102
Web: www.slocountyparks.com

## XII.D. SAN LUIS OBISPO COUNTY PARKS

**Comment D-1:** On page III-5 the trail along Willow Road is noted as part of the project description. In general, this reference is fine. One comment, typically the A-1 (x) detached standard provides a ten foot wide trail (versus the eight feet noted in the EIR). Parks could accommodate an eight foot wide trail versus the typical ten foot width if the more narrow width is necessary to mitigate impacts to sensitive habitat or agricultural lands.

**Response D-1:** The reference to an 8-foot easement on page III-5 of the EIR has been revised herewith to a 10-foot easement. The sentence now reads as follows:

> "The Willow Road extension will be a two-lane roadway (one lane in each direction) within a 100-foot right-of-way to accommodate a 40-foot-wide roadway with two 12-foot travel lanes, a 14-foot-wide center turn (auxiliary) lane in selected areas, two 8-foot shoulders, and an 10-foot area set aside for a future equestrian path."

**AIR POLLUTION CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

DATE: September 19, 2005

TO: John Farhar, Project Environmental Resource Specialist
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise, Air Quality Specialist
San Luis Obispo County Air Pollution Control District

SUBJECT: Response to Supplemental Draft Environmental Impact Report (SEIR) Regarding the Willow Road Extension / US 101 Interchange. (Agency Project # SCH1995051065)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at Willow Road in Nipomo. The SEIR addresses the environmental impacts associated with the preferred alternative (Alignment 2) which includes the extension of Willow Road to the east of it's existing terminus, approximately 1000 feet west of Pomeroy Road to Thompson Ave.; construction of a frontage road between Willow Road and Sandydale Drive; construction of a new US 101/Willow Road interchange and related cross street with drainage improvements. The following are APCD comments that are pertinent to this project.

SPECIFIC COMMENTS

*Section II, SEIR Summary, Page II-16 and Page V.D-5*

Reference is made to the San Luis Obispo Council of Governments (SLOCOG) Clean Air Plan (CAP) on page II-16 and that SLOCOG is responsible for formulating and implementing the Clean Air Plan for South Central Coast Air Basin (SCCAB). It should be noted that the CAP for San Luis Obispo County is published by the APCD, not the Council of Governments. The APCD is also responsible for implementation of the CAP. E-1

*Section II, SEIR Summary, Page II-55*

Should contaminated soil be encountered during construction activities, the APCD must be notified immediately. Any storage pile of contaminated material must be covered at all times except when soil is added or removed. The following measures shall be implemented:

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

For further information, contact Karen Brooks of our Enforcement Division at 781-5912. E-2

3433 Roberto Court • San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002
info@slocleanair.org ❖ www.slocleanair.org

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*Section III, Project Description, Page III-8*
In addition to the required permits and approvals listed on page III-8, it should be noted that Air Pollution Control District approvals and permits maybe required for this project. Please refer to page 5 of this letter for specific permitting requirements related to this project. E-3

*Section V.D, Air Quality, Page V.D-7*
Table V.D.2 on page V.D.-7 presents air quality data for the area. This data shown is for years 1998 through 2002. This table should be updated to include more recent data. E-4

*Section V.D, Air Quality, Page V.D-8*
On page V.D-8 the statement is made that projects in the South Central Coast Air Basin with construction-related emission that exceed any of the emission threshold listed are considered significant by the APCD. It should be noted that the thresholds listed in the SEIR for both construction and operational phase emissions are only relevant to San Luis Obispo County. Other air districts in the SCCAB have different thresholds. E-5

*Section V.D, Air Quality, Page V.D-9 through V.D-10*
Daily Construction Equipment Exhaust Emissions are presented in Table V.D.5. Based on the data presented in this table it does not appear that any haul trips for the asphalt, cut/fill material, road base, or other supplies were taken into consideration. These emissions must also be quantified to assess the total emissions from the construction phase of the project. This table should be updated to include these emissions. This data will be necessary to determine the appropriate mitigation measures and the number of diesel particulate filters or oxidation catalysts required for the project. E-6

*Section V.D, Air Quality, Page V.D -10*
As indicated in on page V.D-10 the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. **If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at *http://www.slocleanair.org/business/asbestos.asp* for more information or contact Tim Fuhs of our Enforcement Division at 781-5912. E-7

*Section V.D, Air Quality, Page V.D -11*
Under the Carbon Monoxide Hot Spots analysis the statement is made that the primary mobile source pollutant of local concern is CO. This is not a correct statement. Mobile E-8

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sources generate NOx, ROG, and PM, all of which are primary pollutants of concern in the county. E-8

*Section V.D, Air Quality, Page V.D -12*

On page V.D-12, the statement is made that "because the CAP is based on projects from local General Plans, projects consistent with the local General Plan are considered consistent with the CAP". This is not true. First, the population projections in the CAP are based on consensus information used by SLO County Planning Department and San Luis Obispo Council of Governments; local evaluation of historical growth rates; national, state, and local economic forecasts. Secondly, just because a project is consistent with a general plan does not necessarily mean it is consistent with the CAP. The CEQA Air Quality Handbook outlines on page 2-3 the three primary parameters that are used to assess whether a project is consistent with the CAP. Those being the following: E-9

- Are the population projects used in the plan or project equal to or less than those used in the most recent CAP for the same area?
- Is the rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?
- Have all applicable land use, transportation control measures and strategies for the CAP been included in the plan or project to the maximum extent feasible?

If the answer to ALL the above questions are yes, then the proposed project or plan is considered to be consistent with the CAP. The argument and data presented in Table V.D-7 do not demonstrate consistency with the CAP. CO concentrations are not used to determine consistency with the CAP.

*Section V.D, Air Quality, Page V.D -15*

Pursuant to APCD Rule 420, relates to cutback asphalt paving material. All asphalt material used should be consistent with Rule 420 and the contractor should maintain records in accordance with this rule. E-10

*Section V.D, Air Quality, Page V.D -15*

In addition to Naturally Occurring Asbestos, a provision should be included in the project for demolition activities if applicable. The Site Plan provided with the SEIR placed the proposed project within close proximity of existing structures but does not specify whether demolition of existing structures will take place. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** E-11

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These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information. E-11

*Section V.D, Air Quality, Page V.D -16*
Mitigation Measure D-5 discusses diesel particulate filter or diesel oxidation catalysts (filters/catalysts). As indicated above, the total emissions for the project must be quantified in order to determine the exact number of diesel particulate filter or diesel oxidation catalyst required. The contractor shall work with the APCD in determining the exact number of filters/catalysts required and the appropriate equipment on which the filters/catalysts will be used. In general the filters/catalysts are installed on the highest emitting pieces of equipment. **The filter/catalysts must be approved by the APCD and installed prior to the issuance of grading permits and start of any construction activities. To avoid any construction delays the contractor should contact the APCD at least 3 months prior to the start of construction to coordinate the implementation of this air quality mitigation measure.** E-12

*Section V.D, Air Quality, Page V.D -16*
Mitigation Measure D-6, requires the contractor to prepare a Construction Activity Management Plan designed to minimize the amount of large construction equipment operating during any given time period. **The plan should be submitted to the District for review and approval prior to the issuance of grading permits and the start of construction.** The plans should include but not be limited to the following elements: E-13

- Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
- Limit the length of the construction work-day period, if necessary; and,
- Phase construction activities, if appropriate.

*Section V.D, Air Quality, Page V.D -16 and V.D. -17*
The EIR states that "…it is assumed that up to three acres of land would be under construction or exposed at any point in time…", this seems unlikely given the scale of the proposed project development. The project calls for the construction of 2.5 miles of main roadway with a 100 ft right-of-way for a total area of 30.2 acres, a 0.8 mile frontage road with a 60 foot right of way, and two infiltration basins (exact dimensions not given). Given the magnitude of the project, the APCD estimates that it is likely, at times, throughout the course of the construction project areas greater than 4 acres may be exposed and/or under construction during the course of the project. Construction activities can also generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust control measures are listed as Mitigation Measures D-10. APCD staff agrees with the mitigation measures listed in the SEIR. If properly implemented, these measures should adequately control fugitive dust. E-14

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*Section V.D, Air Quality, Page V.D -16*

In addition to the verbiage included in Mitigation Measure D-14, District staff recommends the following requirement be added:

- All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. In addition, to include this condition in the construction plan specifications, signs shall be posted in the designated queuing areas to remind drivers and operators of the 5 minute idling limit.

E-15

*Section V.D, Air Quality, Page V.D -18*

Under Mitigation Measure D-16, the use of equipment that have Caterpillar pre-chamber diesel engines is listed as recommended but not mandatory. District staff no longer recommends the use of Caterpillar pre-chamber diesel engines. This condition can be removed from the SEIR.

E-16

*Section V.D, Air Quality, Page V.D -18*

**The following mitigation measures should be added to the SEIR.** Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators (50 hp or greater);
- IC engines;
- Rock and pavement crushing;
- Tub grinders; and
- Trommel screens.

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

E-17

*Section V.D, Air Quality, Page V.D -18*

**The following mitigation measures should be added to the SEIR.** Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

E-18

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

MAG /sll

cc: Tim Fuhs, Enforcement Division, APCD
David Dixon, Engineering Division, APCD
Karen Brooks, Enforcement Division, APCD

Attachments:

1. Naturally Occurring Asbestos Construction & Grading Project - Exemption Request Form.

## XII.E. SAN LUIS OBISPO AIR POLLUTION CONTROL DISTRICT

**Comment E-1:** *Section I, SEIR Summary, Page II-16 and Page V.D-5*
Reference is made to the San Luis Obispo Council of Governments (SLOCOG) Clean Air Plan (CAP) on page II-16 and that SLOCOG is responsible for formulating and implementing the Clean Air Plan for South Central Coast Air Basin (SCCAB). It should be noted that the CAP for San Luis Obispo County is published by the APCD, not the Council of Governments. The APCD is also responsible for implementation of the CAP.

**Response E-1:** The paragraph on page II-16 has been revised to read as follows:

> "The proposed project will not significantly contribute to or cause deterioration of existing air quality. Therefore, the proposed project is consistent with the APCD's Clean Air Plan. Hence, no mitigation measures are required for the long-term operation of the project in order to meet APCD's Clean Air Plan."

The sentence on page V.D-5 has been revised to read as follows:

> "The APCD is responsible for formulating and implementing the Clean Air Plan (CAP)."

**Comment E-2:** *Section II, SEIR Summary, Page II-55*
Should contaminated soil be encountered during construction activities, the APCD must be notified immediately. Any storage pile of contaminated material must be covered at all times except when soil is added or removed. The following measures shall be implemented:

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

For further information, contact Karen Brooks of our Enforcement Division at 781-5912.

**Response E-2:** Mitigation Measure M-1 requires a Health and Safety Plan be prepared if contaminated soil is encountered during construction activities. Should contaminated soil be encountered during construction activities, Mitigation Measure M-1 has been revised as follows to include the specific measures requested by the APCD (as applicable):

**M-1, Soil Contamination.** To confirm whether lead contaminants are present in surface soils adjacent to US 101, soil sampling and testing shall be conducted by a County-approved soil scientist prior to any grading or construction activities. Should elevated levels of lead or petroleum contaminants be found, a Health and Safety Plan shall be prepared by a qualified individual approved by the County. Work practices and worker health and safety must conform to California Code of Regulations, Title 8, Section 1532.1 (Construction Safety Orders). The compliance program required under this section, which would include the health and safety plan, must be prepared by an industrial hygienist certified by the American Board of Industrial Hygiene. A qualified person who is capable of taking corrective action must monitor the compliance program/Health and Safety Plan. The following measures shall be implemented as part of the Health and Safety Plan should contaminated soil be encountered during construction activities:

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

**Comment E-3:** *Section III, Project Description, page III-8*
In addition to the required permits and approvals listed on page III-8, it should be noted that Air Pollution Control District approvals and permits maybe required for this project. Please refer to page 5 of this letter for specific requirements related to this project.

**Response E-3:** Section III.E REQUIRED PERMITS AND APPROVALS has been amended as follows to include the potential need for APCD permits:

- A Section 404 permit under the federal Clean Water Act from the U.S. Army Corps of Engineers;
- A Public Resources Code Section 1602 Streambed Alteration Agreement from the State of California, Department of Fish and Game;
- A Section 401 water quality certification from the Regional Water Quality Control Board;
- A National Pollution Discharge Elimination System (NPDES) permit to comply with Section 401 of the federal Clean Water Act from the State Water Quality Control Board;
- An Encroachment Permit from the State of California, Department of Water Resources (DWR) for construction of the project across the DWR Coastal Aqueduct Pipeline running along the east side of Nipomo Creek;
- An Encroachment Permit from the State of California, Department of Transportation for construction of the US 101/Willow Road interchange; and
- An Air Pollution Control District Permit for portable equipment 50 horsepower or greater;

**Comment E-4:** *Section V.D, Air Quality, Page V.D-7*
Table V.D.2 on page V.D-7 presents air quality data for the area. This data shown is for years 1998 through 2002. This table should be updated to include more recent data.
**Response E-4:** The data provided in the Draft SEIR was the most recent data available when the Air Quality analysis was being conducted. At this point in time, there is more recent air quality data for the area. Therefore, Table V.D.2 has been updated to include data for the years 2000 through 2004. The updated Table V.D.2 is included below.

## Table V.D-2: Ambient Air Quality at the Nipomo Regional Park Air Monitoring Station[2]

| Pollutant | Standard | 2004 | 2003 | 2002 | 2001 | 2000 |
|---|---|---|---|---|---|---|
| **Carbon Monoxide**[1] | | | | | | |
| Max 1-hr concentration (ppm) | | 2.4 | 2.3 | 3.1 | 3.5 | 4.0 |
| No. days exceeded: State | > 20 ppm/1-hr | 0 | 0 | 0 | 0 | 0 |
| Federal | > 35 ppm/1-hr | 0 | 0 | 0 | 0 | 0 |
| Max 8-hr concentration (ppm) | | 0.9 | 1.1 | 1.2 | 1.3 | 2.1 |
| No. days exceeded: State | ≥ 9.0 ppm/8-hr | 0 | 0 | 0 | 0 | 0 |
| Federal | ≥ 9 ppm/8-hr | 0 | 0 | 0 | 0 | 0 |
| **Ozone** | | | | | | |
| Max 1-hr concentration (ppm) | | 0.086 | 0.097 | 0.080 | 0.085 | 0.078 |
| No. days exceeded: State | > 0.09 ppm/1-hr | 0 | 1 | 0 | 0 | 0 |
| Federal | > 0.12 ppm/1-hr | 0 | 0 | 0 | 0 | 0 |
| Max 8-hr concentration (ppm) | | 0.073 | 0.076 | 0.069 | 0.080 | 0.066 |
| No. days exceeded: Federal | > 0.08 ppm/8-hr | 0 | 0 | 0 | 0 | 0 |
| **Particulates ($PM_{10}$)** | | | | | | |
| Max 24-hr concentration (ppm) | | 64 | 70 | 55 | 64 | 113 |
| No. days exceeded: State | > 50 $\mu g/m^3$ | 2 | 3 | 2 | 3 | 1 |
| Federal | > 150 $\mu g/m^3$ | 0 | 0 | 0 | 0 | 0 |
| Annual arithmetic average concentration | | 24 | 24 | 20 | 24 | 21 |
| No. days exceeded: State | > 20 $\mu g/m^3$ annual avg | 1 | 1 | 0 | 1 | 1 |
| Federal | > 50 $\mu g/m^3$ annual avg | 0 | 0 | 0 | 0 | 0 |
| **Particulates ($PM_{2.5}$)**[2] | | | | | | |
| Max 24-hr concentration (ppm) | | 16.6 | 20.5 | 21.3 | 43.2 | 28.7 |
| No. days exceeded: Federal | > 65 $\mu g/m^3$ | 0 | 0 | 0 | 0 | 0 |
| Annual avg. concentration | | 7.6 | 8.6 | 9.6 | 10.4 | 9.8 |
| No. days exceeded: State | > 12 $\mu g/m^3$ annual avg | 0 | 0 | 0 | 0 | 0 |
| Federal | > 15 $\mu g/m^3$ annual avg | 0 | 0 | 0 | 0 | 0 |
| **Nitrogen Dioxide** | | | | | | |
| Max 1-hr concentration (ppm) | | 0.043 | 0.047 | 0.047 | 0.042 | 0.043 |
| No. days exceeded: State | > 0.25 ppm/1-hr | 0 | 0 | 0 | 0 | 0 |
| Annual avg. concentration | | 0.005 | 0.005 | 0.005 | 0.005 | 0.006 |
| No. days exceeded: Federal | 0.053 ppm annual avg | 0 | 0 | 0 | 0 | 0 |
| **Sulfur Dioxide** | | | | | | |
| Max 1-hr concentration (ppm) | | 0.118 | 0.070 | 0.065 | 0.059 | 0.140 |
| No. days exceeded: State | > 0.25 ppm/1-hr | 0 | 0 | 0 | 0 | 0 |
| Max 3-hr concentration (ppm) | | 0.042 | 0.045 | 0.037 | 0.040 | 0.083 |
| No. days exceeded: Federal | > 0.5 ppm/3-hr | 0 | 0 | 0 | 0 | 0 |
| Max 24-hr concentration (ppm) | | 0.020 | 0.012 | 0.014 | 0.014 | 0.016 |
| No. days exceeded: State | > 0.04 ppm/24-hr | 0 | 0 | 0 | 0 | 0 |
| Federal | > 0.14 ppm/24-hr | 0 | 0 | 0 | 0 | 0 |
| Annual avg. concentration | | 0.004 | 0.003 | 0.004 | 0.003 | 0.003 |
| No. days exceeded: Federal | 0.053 ppm annual avg. | 0 | 0 | 0 | 0 | 0 |

Source: EPA and ARB 2000 to 2004

[1] Carbon monoxide (CO) and $PM_{2.5}$ data are from the Santa Maria station because CO and $PM_{2.5}$ are not monitored at the Nipomo Regional Park station.

[2] Revised to add data from the years 2003 and 2004

**Comment E-5**: *Section V.D, Air Quality, Page V.D-8*
On page V.D-8 the statement is made that projects in the South Central Coast Air Basin with construction-related emission that exceed any of the emission threshold listed are considered significant by the APCD. It should be noted that the thresholds listed in the SEIR for both construction and operational phase emissions are only relevant to San Luis Obispo County. Other air districts in the SCCAB have different thresholds.

**Response E-5:** The sentence on page V.D-8 has been revised herewith to read as follows:

> "Projects in the APCD jurisdiction with construction-related emissions that exceed any of the emission thresholds (daily or quarterly) above are considered significant by the APCD."

**Comment E-6:** *Section V.D, Air Quality, Page V.D-9 throughV.D-10*
Daily Construction Equipment Exhaust Emissions are presented in Table V.D.5. Based on the data presented in this table it does not appear that any haul trips for the asphalt, cut/fill material, road base, or other supplies were taken into consideration. These emissions must also be quantified to access the total emissions from the construction phase of the project. This table should be updated to include these emissions. This data will be necessary to determine the appropriate mitigation measures and the number of diesel particulate filters or oxidation catalysts required for the project.

**Response E-6:** Haul trips for the asphalt, cut/fill material, road base, or other supplies were not taken into consideration in the Daily Construction Equipment Exhaust Emissions presented in Table V.D.5. Table V.D.5 (see below) has been revised to include haul truck trip emissions. Revisions to the table are noted in bold. Even with the added haul truck trips, pollutant emissions are still within APCD's thresholds. Regarding the use of this new information to determine the appropriate mitigation measures and the number of diesel particulate filters or oxidation catalysts required for the project, see Response to Comment F-12.

**Table V.D-5: Daily Construction Equipment Exhaust Emissions[4]**

| Number and Equipment Type[1] | No. of Hours in Operation[2] | Pollutants (lbs./day) | | | | |
|---|---|---|---|---|---|---|
| | | CO | ROG | $NO_X$ | $SO_X$ | $PM_{10}$ |
| 2 Tracked Loader | 8 | 3.2 | 1.6 | 13.2 | 1.2 | 1.0 |
| 2 Tracked Tractor | 8 | 5.6 | 1.0 | 20.2 | 2.2 | 1.8 |
| 2 Scraper | 8 | 20.2 | 4.6 | 61.4 | 7.4 | 6.4 |
| 1 Roller | 8 | 2.4 | 0.5 | 6.9 | 0.5 | 0.4 |
| 2 Motor Graders | 8 | 2.4 | 0.6 | 11.4 | 1.4 | 1.0 |
| 2 Miscellaneous | 8 | 10.8 | 2.4 | 27.1 | 2.3 | 2.2 |
| 24 Construction Worker Trips | (50 mi)/RT[3] | 10.3 | 1.9 | 3.3 | 0.6 | 1.2 |
| **40 Haul Truck Trips[5]** | **(40 mi)/RT** | **32.0** | **2.2** | **35.5** | **0.4** | **0.8** |
| **TOTAL** | | **86.9** | **14.8** | **179.0** | **16.0** | **14.8** |
| APCD Threshold | | N/A | 185 | 185 | N/A | 75 |
| Exceed APCD Threshold? | | | NO | NO | | NO |

Source: LSA Associates, Inc. 2004.

1 Emission factors provided in EPA, AP-42, Volume II.

2 This assumes an eight hour work day within the window of construction hours (7 a.m. to 9 p.m.)

3 RT: Round-trip

4 Revised to add emissions data for haul truck trips

5 Numbers in bold reflect changes from Table V.D-5 in the Draft SEIR

**Comment E-7:** *Section V.D, Air Quality, Page V.D-10*
As indicated in on page V.D-10 the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. **If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at *http://www.slocleanair.org/business/asbestos.asp* for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.

**Response E-7:** Mitigation Measure D-2 currently requires the County to conduct borings in the project area to test for the occurrence of ultramafic or asbestos containing materials prior to the start of construction. If ultramafic or asbestos containing materials are discovered, the County is required to comply with all requirements outlined in the Asbestos ATCM. The discussion about NOA, however, does not include any requirements should NOA *not* be found in the project area. As

requested by the APCD, the following sentence is included in the paragraph addressing NOA on Page V.D-10:

> "If NOA is not present within the project area an exemption request must be filed with the Air Pollution Control District."

**Comment E-8:** *Section V.D, Air Quality, Page V.D-11*
Under the Carbon Monoxide Hot Spots analysis the statement is made that the primary mobile source pollutant of local concern is CO. This is not a correct statement. Mobile source generate $NO_x$, ROG, and PM, all of which are primary pollutants of concern in the county.

**Response E-8:** The confusion surrounding the above statement stems from the use of the word "local". The term "local" is being used to mean "within the immediate vicinity of the project alignment" rather than to mean a particular municipality, unincorporated area, or even the larger region. We do acknowledge that mobile sources generate $NO_x$, ROG, and PM, which are pollutants of utmost concern. However, the idea is that within the immediate project vicinity where new intersections will be developed, the pollutant that is most likely to increase and be of concern is CO. Therefore, no changes have been made to Page V.D-11.

**Comment E-9:** *Section V.D, Air Quality, Page V.D-12*
On page V.D-12, the statement is made that "because the CAP is based on projects from local General Plans, projects consistent with the local General Plan are considered consistent with the CAP". This is not true. First, the population projections in the CAP are based on consensus [sic] information used by SLO County Planning Department and San Luis Obispo Council of Governments, local evaluation of historic growth rates; national, state, and local economic forecasts. Secondly, just because a project is consistent with a general plan does not mean it is consistent with the CAP. The CEQA Air Quality Handbook outlines on page 2-3 the three primary parameters that are used to access whether a project is consistent with the CAP. Those being the following:

- Are the population projections used in the plan or project equal to or less than those used in the most recent CAP for the same area?
- Is the rate of increase in vehicle trips and miles traveled less than or equal to the rate of population growth for the same area?
- Have all applicable land use, transportation control measures and strategies for the CAP been included in the plan or project to the maximum extent feasible?

If the answers to ALL the above questions are yes, then the proposed project or plan is considered to be consistent with the CAP. The argument and data presented in Table V.D-7 do not demonstrate consistency with the CAP. CO concentrations are not used to determine consistency with the CAP.

**Response E-9:** As shown in Table V.D-7, the proposed project will not significantly contribute to or cause deterioration of existing air quality; therefore mitigation measures are not required for the long-term operation of the project. The proposed project would not result in a net increase in vehicle miles traveled within the region or increase the population within the County. In addition, the project design includes a park and ride facility and a transit stop – transportation control measures recommended in the CAP that help to improve the overall performance of the transportation system. Hence the proposed project is considered to be consistent with the County of San Luis Obispo's General Plan

and the SLOCOG forecast, and is therefore consistent with the CAP. The text on page V.D-12 is herewith amended to further clarify the conclusion of consistency:

> As shown in Table V.D-7, the proposed project will not significantly contribute to or cause deterioration of existing air quality; therefore, mitigation measures are not required for the long-term operation of the project. The proposed project would not result in a net increase in vehicle miles traveled within the region or increase the population within the County. In addition, the project design includes a park and ride facility and a transit stop – transportation control measures recommended in the CAP that help to improve the overall performance of the transportation system. In addition, emissions generated by idling traffic at peak hour periods will ultimately be reduced. Hence, the proposed project is considered to be consistent with the County of San Luis Obispo's General Plan and the SLOCOG forecast, and is therefore consistent with the CAP.

**Comment E-10:** *Section V.D, Air Quality, Page V.D-15*
Pursuant to APCD Rule 420, relates to cutback asphalt paving material. All asphalt material used should be consistent with Rule 420 and the contractor should maintain records in accordance with this rule.

**Response E-10:** Text has been added to Mitigation Measure D-1 to include a reference to Rule 420. Mitigation Measure D-1 now reads as follows:

> **D-1, APCD Asphalt Paving Regulations.** The construction contractor shall adhere to the requirements of APCD rules and regulations on cutback and emulsified asphalt paving materials pursuant to APCD Rule 420. As part of any County Request for Proposal to complete this work, and/or contract specifications, applicable provisions of this Rule shall be incorporated. Prior to work commencing, the County shall contact APCD for verification that construction plans have incorporated appropriate measures.

**Comment E-11:** *Section V.D, Air Quality, Page V.D-15*
In addition to Naturally Occurring Asbestos, a provision should be included in the project for demolition activities if applicable. The Site Plan provided with the SEIR placed the proposed project within close proximity of existing structures but does not specify whether demolition of existing structures will take place. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing material could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transit pipes or insulation on pipes). **If utility pipes are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

**Response E-11:** The proposed project will not require demolition of any buildings. As discussed in Chapter V.E., Public Services, implementation of the project has the potential to disturb underground

natural gas and/or electrical service mains, water or sewer mains, and telephone of cable television lines. There is the potential for asbestos to be associated with the construction material or insulation on these lines. Mitigation Measure E-3, Existing Service Mains, requires submittal of design plans to the affected utility agencies regarding potential relocation of service mains and lines. The fact that relocations would be performed consistent with federal, State, and local regulations, including regulations with respect to hazard emissions such as asbestos emissions, will be added to Mitigation Measure E-3 to make this requirement explicit. Mitigation Measure E-3 now reads as follows:

> **E-3, Existing Service Mains.** The County Department of Public Works shall submit the final project design plans to the Southern California Gas Company, Pacific Gas and Electric Company, the Nipomo Community Services District, Pacific Bell, State of California, Department of Water Resources and the local cable television provider for review no less than 90 days prior to construction in order to identify the location of existing service mains, provide for and necessary relocation of facilities and prevent any unexpected service interruptions. Relocations would be performed consistent with federal, State, and local regulations, including regulations with respect to hazard emissions such as asbestos emissions.

Likewise, as discussed in Chapter V.M, Hazardous Materials, natural gas and petroleum pipelines may need to be relocated. Mitigation Measures M-2 and M-3 require the project design and construction plans to avoid or remedy any potential impact to these pipelines. The impacts would include impacts related to hazardous materials, such as asbestos, that were used in their construction.

**Comment E-12:** *Section V.D, Air Quality, Page V.D-16*
Mitigation Measure D-5 discusses diesel particulate filter or diesel oxidation catalysts (filters/catalysts). As indicated above, the total emissions for the project must be quantified in order to determine the exact number of diesel particulate filter or diesel oxidation catalyst required. The contractor will work with the APCD in determining the exact number of filters/catalysts required and the appropriate equipment on which the filters/catalysts will be used. In general the filters/catalysts are installed on the highest emitting pieces of equipment. **The filters/catalysts must be approved by the APCD and installed prior to the issuance of grading permits and start of any construction activities. To avoid any construction delays the contractor should contact the APCD at least 3 months prior to the start of construction to coordinate the implementation of this air quality mitigation measure.**

**Response E-12:** As detailed in Mitigation Measure D-5, the contractor will work with the APCD to determine the exact number of filters/catalysts required and the appropriate equipment on which the filters/catalysts will be used. The contractor will ensure that the filters/catalysts are approved by the APCD and installed prior to the start of any construction activities.

**Comment E-13:** *Section V.D, Air Quality, Page V.D-16*
Mitigation Measure D-6, requires the contractor to prepare a Construction Activity Management Plan designed to minimize the amount of large construction equipment operating during any given time period. **The plan should be submitted to the District for review and approval prior to the issuance of grading permits and the start of construction.** The plans should include but not be limited to the following elements:

- Schedule construction truck trips during non-peak hours to reduce peak hour emissions;

- Limit the length of the construction work-day period, if necessary; and
- Phase construction activities, if appropriate.

**Response E-13:** The County agrees to amending Mitigation Measure D-6. The following language is herewith added to Mitigation Measure D-6:

> "The contractor will prepare and submit a comprehensive Construction Activity Management Plan to the APCD for review and approval prior to the start of construction. The plans will include but not be limited to the following elements:
>
> - Schedule construction truck trips during non-peak hours to reduce peak hour emissions;
> - Limit the length of the construction work-day period, if necessary; and
> - Phase construction activities, if appropriate."

**Comment E-14:** *Section V.D, Air Quality, Page V.D-16 and V.D-17*
The EIR states that "…it is assumed that up to three acres of land would be under construction or exposed at any point in time..", this seems unlikely given the scale of the proposed project development. The project calls for the construction of 2.5 miles of main roadway with a 100 ft right-of-way for a total area of 30.2 acres, a 0.8 mile frontage road with a 60 foot right of way, and two infiltration basins (exact dimensions not given). Given the magnitude of the project, the APCD estimates that it is likely, at times, throughout the course of the construction project areas greater than 4 acres may be exposed and/or under construction during the course of the project. Construction activities can also generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust control measures are listed as Mitigation Measure D-10. APCD staff agrees with the mitigation measures listed in the SEIR. If properly implemented, these measures should adequately control fugitive dust.

**Response E-14:** Although more than 3 acres of area could be *exposed* at any one time during project construction, it has been estimated that no more than 3 to 4 acres will be *actively under construction* at any one time. Because the continuously worked area will be less than 4 acres and because the APCD staff agrees that the mitigation measures listed in the SEIR will adequately control fugitive dust, no changes have been made to the information presented on page V.D-9.

**Comment E-15:** *Section V.D, Air Quality, Page V.D-16*
In addition to the verbiage included in Mitigation Measure D-14, District staff recommends the following requirements be added:

> All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. In addition, to include this condition to the construction plan specifications, signs shall be posted in the designated queuing areas to remind drivers and operators of the 5 minute idling limit.

**Response E-15:** The County agrees to amending Mitigation Measure D-14. The following language is herewith added to Mitigation Measure D-14:

> **D-14, Equipment Shut Off.** Prior to approval of grading permits, the construction contractor shall ensure that construction grading plans include a statement that work crews

will shut off equipment when not in use. All on and off-road diesel equipment shall not be allowed to idle for more than 5 minutes. This condition shall be included in the construction plan specifications. In addition to including this condition in the construction plan specifications, signs shall be posted in the designated queuing areas to remind drivers and operators of the 5 minute idling limit.

**Comment E-16:** *Section V.D, Air Quality, Page V.D-18*
Under Mitigation Measure D-16, the use of equipment that have Caterpillar pre-chamber diesel engines is listed as recommended but not mandatory. District staff no longer recommends the use of Caterpillar pre-chamber diesel engines. This condition can be removed from the SEIR.

**Response E-16:** Mitigation Measure D-16 has been revised to remove the condition that equipment that has Caterpillar pre-chamber diesel engines are mandatory. Mitigation Measure D-16 now reads as follows:

> "The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew during construction activities. This condition shall be included in the construction plan specifications.
>
> The following standard conditions for construction equipment are recommended but are not mandatory.
>
> - Electrify equipment where feasible.
> - Substitute gasoline-powered for diesel-powered equipment, where feasible.
> - Implement activity management techniques as described in Section 6.4, pages B-2 and B-3 in Appendix D (Air Quality Assessment)."

**Comment E-17:** *Section V.D, Air Quality, Page V.D-18*
**The following mitigation measures should be added to the SEIR.** Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators (50hp or greater);
- IC engines;
- Rock and pavement crushing;
- Tub grinders; and,
- Trommel screens.

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

**Response E-17:** As requested, the following mitigation measure has been added to the SEIR. The addition of this measure does not imply any new or increased impacts associated with the proposed project, it merely provides further specification regarding equipment that may require permitting.

**D-17, Portable Equipment**: Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators (50hp or greater);
- IC engines;
- Rock and pavement crushing;
- Tub grinders; and,
- Trommel screens.

**Comment E-18:** *Section V.D, Air Quality, Page V.D-18*
**The following mitigation measures should be added to the SEIR.** Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

**Response E-18:** No developmental burning of vegetative material will occur in association with the proposed Willow Road Extension/US 101 Interchange project. Therefore, an additional mitigation measure addressing developmental burning of vegetative material has not been added to the SEIR.