

CHAPTER 9

RESPONSE TO COMMENTS

The Response to Comments section of includes comment letters received on the Draft Environmental Impact Report (EIR) for the Arroyo Grande Creek Channel Waterway Management Program (WMP). Any changes referenced in this chapter will be noted through use of strikeout and underline in the Final EIR.

9.1 DRAFT EIR COMMENT LETTERS AND RESPONSES

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

Respondent	Code	Contact	Page
State of California Office of Planning and Research State Clearinghouse and Planning Unit On Line Announcement of Filing Received: June 3, 2010	SCH	1400 10th Street Sacramento, CA 95812 www.ceqanet.ca.gov	9-3
U.S. Department of Homeland Security Federal Emergency Management Agency Region IX Letter dated: June 21, 2010	FEMA	1111 Broadway, Suite 1200 Oakland, CA 94607 <i>Contact: Gregor Blackburn</i>	9-5
State of California Native American Heritage Commission Letter dated: June 22, 2010	NAHC	915 Capitol Mall, Room 364 Sacramento, CA 95814 <i>Contact: Katy Sanchez</i>	9-7
County of San Luis Obispo Department of Agriculture/Weights and Measures Letter dated: July 16, 2010	SLOAG	2156 Sierra Way, Suite A San Luis Obispo, CA 93401 <i>Contact: Michael Isensee</i>	9-10
City of Arroyo Grande Community Development Letter dated: July 16, 2010	AGCD	P.O. Box 550 214 East Branch Street Arroyo Grande, CA 93421 <i>Contact: Teresa McClish</i>	9-17
Central Coast Salmon Enhancement, Inc. Letter dated: July 18, 2010	CCSE	229 Stanley Avenue Arroyo Grande, CA 93420 <i>Contact: Stephnie Wald</i>	9-19
United States Department of the Interior Fish and Wildlife Service Ventura Office Letter dated: July 19, 2010	USFWS	2493 Portola Road, Suite B Ventura, CA 93003 <i>Contact: Chris Dellith</i>	9-21
State of California Department of Parks and Recreation Oceano Dunes District Letter dated: July 19, 2010	CDPR	340 James Way, Suite 270 Pismo Beach, CA 93449 <i>Contact: Andrew Zilke</i>	9-24

Respondent	Code	Contact	Page
County of San Luis Obispo Air Pollution Control District Letter dated: July 19, 2010	SLOAPCD	3433 Roberto Court San Luis Obispo, CA 93401 <i>Contact: Andy Mutziger</i>	9-29

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.



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

Arroyo Grande Creek Waterway Management Program

SCH Number: 2009061090

Document Type: EIR - Draft EIR

Alternate Title: Arroyo Grande Creek Channel Waterway Management Program

Project Lead Agency: San Luis Obispo County

Project Description

A request to manage the lower, leveed three and a half miles of the Arroyo Grande Creek Channel through the management of sediment, vegetation, and by raising levees.

Contact Information

Primary Contact:

John Farha
San Luis Obispo County Flood Control & Water Conservation Dist
805-781-5714
976 Osce Street, Rm 207
San Luis Obispo, CA 93408-2040

Project Location

County: San Luis Obispo
City: Arroyo Grande
Region:
Cross Streets: Hwy 1, 22nd St, Century Ln, Valley Rd
Latitude/Longitude:
Parcel No: multiple
Township:
Range:
Section:
Base:
Other Location Info:

Proximity To

Highways: Hwy 1
Airports: Oeseno
Railways: UPRR
Waterways: Arroyo Grande Creek, Los Barros Creek, Pacific Ocean
Schools: Lucia Mar USD
Land Use: Agriculture, Industrial, Residential Multi-Family

Development Type

Other

Local Action

Local Coastal Permit, Other Action

Project Issues

Agricultural Land, Air Quality, Archeologic-Historic, Biological Resources, Coastal Zone, Drainage/Absorption, Flood Plain/Flooding, Geologic/Seismic, Growth Inducing, Landuse, Soil Erosion/Compaction/Grading, Toxic/Hazardous, Traffic/Circulation, Vegetation, Water Quality, Water Supply, Wetland/Riparian, Wildlife

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

<http://www.cejnet.ca.gov/DocDescription.asp?DocPK=643163>

7/21/2010

Resources Agency: California Coastal Commission, Department of Fish and Game, Region 4; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Office of Emergency Services; Caltrans, Division of Aeronautics; Caltrans, District 5; Regional Water Quality Control Board, Region 3; **Native American Heritage Commission**; Public Utilities Commission; State Lands Commission

Date Received: 6/9/2010 **Start of Review:** 6/9/2010 **End of Review:** 7/19/2010

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<http://www.cejnet.ca.gov/DocDescription.asp?DocPK=643163>

7/21/2010

State Clearinghouse Online Notification

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

U.S. Department of Homeland Security
 FEMA Region IX
 1111 Broadway, Suite 1200
 Oakland, CA. 94607-4052



June 21, 2010

John Farhar, Project Manager
 San Luis Obispo County
 County Department of Public Works
 976 Osos Street, Room 207
 San Luis Obispo, California 93408-2040

Dear Mr. Farhar:

This is in response to your request for comments on the Arroyo Grande Creek Channel Waterway Management Program (WMP)-Notice of Availability of Draft EIR (ED07-243; SCH#2009061030).

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of San Luis Obispo (Community Number 060304), Maps revised August 28, 2008. Please note that the County of San Luis Obispo, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed **prior** to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

www.fema.gov



John Farhar, Project Manager
 Page 2
 June 21, 2010

- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The San Luis Obispo floodplain manager can be reached by calling Tim J. Tomlinson, Floodplain Manager, at (805) 781-5271.

If you have any questions or concerns, please do not hesitate to call Jane Hopkins of the Mitigation staff at (510) 627-7183.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
 Floodplain Management and Insurance Branch

cc:
 Tim J. Tomlinson, Floodplanner Manager, San Luis Obispo County
 Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern Region Office
 Jane Hopkins, Floodplanner, DHS/FEMA Region IX
 Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

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FEMA-1

FEMA-2

FEMA-3

FEMA-4

FEMA-5

Response to Letter from FEMA – Region IX, dated June 21, 2010

Comment No.	Response
FEMA-1	No buildings are proposed.
FEMA-2	The proposed project would reduce flooding potential. Hydrologic modeling has already been performed.
FEMA-3	No buildings are proposed in the coastal high hazard area.
FEMA-4	The District intends to comply with the NFIP policies and regulations.
FEMA-5	Comment noted.

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



June 22, 2010

RECEIVED

JUN 25 2010

John Farhar
San Luis Obispo Flood Control and Water Conservation District
976 Osos Street, Room 207
San Luis Obispo, CA 93408-2040

RE: SCH# 2009061030 Arroyo Grande Creek Waterway Management Program; San Luis Obispo County.

Dear Mr. Farhar:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,
Katy Sanchez
Katy Sanchez
Program Analyst
(916) 653-4040

CC: State Clearinghouse

NAHC-1

Native American Contact List

San Luis Obispo County
June 22, 2010

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
805 492-7255
(805) 558-1154 - cell
folkes9@msn.com

Chumash
Tataviam
Fernandefio

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach CA 93433
cheifmvgil@fix.net
(805) 481-2461
(805) 474-4729 - Fax

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez, CA 93460
varmenta@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax

Chumash

Santa Ynez Tribal Elders Council
Adelina Alva-Padilla, Chairwoman
P.O. Box 365
Santa Ynez, CA 93460
elders@santaynezchumash.org
(805) 688-8446
(805) 693-1768 FAX

Julie Lynn Tumamait
365 North Poli Ave
Ojai, CA 93023
jtumamait@sbcglobal.net
(805) 646-6214

Chumash

Randy Guzman - Folkes
655 Los Angeles Avenue, Unit E
Moorpark, CA 93021
ndnRandy@gmail.com
(805) 905-1675 - cell
Chumash
Fernandefio
Tataviam
Shoshone Paiute
Yaqui

Lei Lynn Odum
1339 24th Street
Oceano, CA 93445
(805) 489-5390

Chumash

Coastal Band of the Chumash Nation
Vennise Miller, Chairperson
P.O. Box 4464
Santa Barbara CA 93140
805-964-3447
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009061030 Arroyo Grande Creek Waterway Management Program; San Luis Obispo County.

Native American Contact List
 San Luis Obispo County
 June 22, 2010

Mona Olivas Tucker 660 Camino Del Rey Arroyo Grande CA 93420 (805) 489-1052 Home (805) 748-2121 Cell	Chumash	Northern Chumash Tribal Council Fred Collins, Spokesperson 67 South Street San Luis Obispo CA 93401 (805) 801-0347 (Cell)	Chumash
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Matthew Darian Goldman 495 Mentone Grover Beach CA 93433 805-748-6913	Chumash	Frank Arredondo PO Box 161 Santa Barbara Ca 93102 805-617-6884 ksen_sku_mu@yahoo.com	Chumash
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Santa Ynez Band of Mission Indians Sam Cohen, Tribal Administrator P.O. Box 517 Santa Ynez , CA 93460 (805) 688-7997 (805) 686-9578 Fax	Chumash
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Salinan-Chumash Nation Xielolixii 3901 Q Street, Suite 31B Bakersfield , CA 93301 xielolixii@yahoo.com 408-966-8807 - cell	Salinan Chumash
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This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH# 2009061030 Arroyo Grande Creek Waterway Management Program; San Luis Obispo County.

Response to Letter from Native American Heritage Commission, dated June 22, 2010

Comment No.	Response
NAHC-1	Please refer to the Cultural resources section for a description of the records search surface surveys, and consultation performed in support of the EIR.

DATE: July 16, 2010

TO: John Farhar, County Department of Public Works

FROM: Michael Isensee, County Agriculture Department, 781-5753

SUBJECT: Arroyo Grande Creek Waterway Management Program DEIR (ED07-243) Ag#1445

The County Agriculture Department thanks you for the opportunity to review and comment on the Draft Arroyo Grande Creek Waterway Management Program Environmental Impact Report (AG Creek WMP DEIR, hereafter DEIR).

The Agriculture Department agrees with most of the information relating to agricultural resources and operations in the area, but recommends several modifications to the discussion of impacts and associated mitigation. Most notably, the Department agrees with the conclusion that the project “would also contribute cumulatively, along with other projects, such as the Halycon Road improvements, to a significant loss of prime soils in the valley” but disagrees with the conclusion that the beneficial impact of reducing potential flooding somehow reduces the farmland conversion impact to a less than significant level (p. 4-17). The Department believes the cumulative loss of the limited quantity of prime farmland/prime agricultural soils in the Cienega Valley is significant and unavoidable. The loss of this limited resource would remain significant even if the action/mitigation noted in the Environmental Setting of the DEIR (“participate in the City of Arroyo Grande agricultural banking program or other similar program approved by the County,” page 3-11) is adopted. Please see the attached report for further details. Also attached please find suggested corrections and clarifications to the DEIR text.

The Department supports the intent of the project and efforts being taken to avoid or minimize the direct and permanent conversion of agricultural lands while increasing flood protection for agricultural lands in the Cienega Valley. Even though the project will result in some conversion of agricultural land, result in the loss of land currently under Land Conservation Act (Williamson) contract, and add to the ongoing cumulative loss of farmland in the Valley, the Department believes the benefit of reducing the frequency of flooding in the area with a concurrent reduction in associated food safety issues associated with flooding will provide greater certainty for growers who use this highly productive farmland.

The comments and recommendations in this report are based on policies in the San Luis Obispo County Agriculture Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

SLOAG-1

SLOAG-2

Arroyo Grande Creek Waterway Management Program (WMP) DEIR
San Luis Obispo County Agriculture Department

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Thresholds, Impacts and Mitigation Comments

4.1.3 Thresholds of Significance and 4.1.4 Impact Assessment and Methodology.
The initial bullets establishing thresholds refer to the conversion of *prime farmland, unique farmland, or farmland of statewide importance* to non-agricultural uses. Immediately below, in section 4.1.4 **Impact Assessment and Methodology**, the document refers to conversion of *important Farmland*. While not especially relevant to this project, since all conversion involves lands which meet the NRCS definition of prime farmland, the terms used in the DEIR are not synonymous. Specifically, *important Farmland* as defined by the FMMP includes prime, unique and statewide important farmland as well as *farmland of local importance* and, in San Luis Obispo County, *farmland of local potential*.

The Department worked with agricultural resource agencies (University of California Cooperative Extension and Natural Resources Conservation Service) and the Agricultural Liaison Advisory Board to craft a local definition of Important Agricultural Soils as part of the recently adopted Conservation and Open Space Element. This definition attempted to be inclusive of the most important soil resources in the county for agricultural production. The Department hopes this single comprehensive resource will be a useful tool for future environmental review.

4.1.5.1 Soil Conversion
Temporary Impacts
Regarding the assessment of farmland soil impacts, it is inaccurate to discuss soil impacts only in terms of current uses. Farm roads around farm fields are integral parts of the overall farm operation. Impacts to farmland soils may exist even if the impacts are to soils not currently used for crop production (i.e. used as an ag road), especially to the degree the impact may result in adjoining land being taken out of production. Areas currently used for unimproved agricultural roads can be used for crop production if field layouts are modified in the future. Therefore, the most accurate and conservative accounting of impacts appears to be provided in Table 4.1-4. Further, it appears that along much of the length of the creek, adjoining farm operators utilize the levee top as an agricultural access road. It is only as the levee grows higher toward the west that farm operations locate an agricultural road at the toe of the levee.

To the degree feasible, all construction stockpiling and access should use public right of ways, publicly owned properties such as the Oceano airport, and the existing floodway easement (levee top access) rather than adjoining farmland areas.

Table 4.1-4 should be clarified to clearly explain the impacts associated with Alternative 3c are cumulative and include the areas impacted by Alternative 3a. In the same location, it should also be explained that the impacts associated with UPRR Bridge Raise are not included in either of the other Alternatives.

The Department does concur that temporary impacts to farmland soils, whether currently used as unimproved agricultural roads or not, are not significant if (1) the impact is solely related to the temporary use of the road by construction equipment during active excavation operations and (2) the area is able to return to productive agricultural use as either cultivated ground or an unimproved agricultural access road at the conclusion of construction. In order to ensure the temporary impact area is not adversely impacted on a long-term basis, the Department recommends the following:

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SLOAG-3

SLOAG-4

SLOAG-5

SLOAG-6

SLOAG-7

SLOAG-8

<p>Arroyo Grande Creek Waterway Management Program (WMP) DEIR San Luis Obispo County Agriculture Department</p>	<p>7/16/2010 Page 3 of 8</p>
<ul style="list-style-type: none"> • Maintain proposed AGR/mm-1 • Add the following additional measure: Any imported soils or levee fill/aggregate should be stockpiled in a manner to avoid impacts to adjoining crops. This includes maintaining adequate moisture to avoid dust impacts to nearby crops, the placement of a geotextile membrane in order to prevent rock, construction materials, or imported soil from becoming mixed with the native soils, and the removal of all fill material and the geotextile membrane upon completion of the project, coupled with the restoration of the native soils' previous soil texture, available water holding capacity, and soil permeability in all areas of private agricultural land that are not part of the permanent floodway easement. • Modify AGR/mm-3 to include not only the cost of restoring any areas disturbed by construction, but also compensation for the temporary loss of the use of the land for crop production. 	<p>SLOAG-8 (cont'd)</p>
<p>Currently, portions of the agricultural parcel adjoining the UPRR south of the bridge (APN 061-331-003) are planted with a permanent crop. Such crops generally require multiple years before a marketable commodity can be harvested. The temporary impact of locating a portion of the shoofly ROW on this parcel will require further analysis as the type of potential impact is different than the temporary use of an agricultural road. Avoiding impacts to the permanent crops and prime farmland soils should be a priority for the railroad portion of the project. However, it appears that impacts would likely occur to no more than 22 trees. If necessary, potential mitigation might be the relocation of the trees currently planted along the railroad property line.</p>	<p>SLOAG-9</p>
<p>Finally, any project development located on soil type 173 (Mocho fine sandy loam) should be included in the analysis of agricultural resource impacts as it meets the Coastal Act definition of prime agricultural land (Storie index rating between 80 and 100). Mitigation measures which protect and restore areas qualifying as prime agricultural land should occur whether the soil is currently in productive agricultural use or not.</p>	<p>SLOAG-10</p>
<p><u>Permanent Impacts</u> The DEIR conservatively identifies the acquisition of up to 1.16 acres of farmland for the permanent floodway easement in association with Alternative 3c. All farmland impacted is classified as prime farmland (NRCS definition) and prime agricultural land (state definition). Alternative 3a and the UPRR Bridge Raise do not identify any additional permanent acquisition. In and of itself, this level of conversion does not appear to the Department to be a significant impact to agricultural resources for the reasons noted near the bottom of page 4-14.</p>	<p>SLOAG-11</p>
<p>All farmland conversion should be minimized to the degree feasible. The Department recommends the following:</p> <ul style="list-style-type: none"> • Modify AGR/mm-2 to note that all floodway easements (temporary construction and permanent floodway) should be limited to the extent feasible. Permanent conversion of land available for crop production should be minimized by allowing the use of identified portions of the easement for agricultural roads to the degree possible and appropriate while still ensuring the functionality of the levee. The allowance for and any limitations to locating agricultural roads on the top or outside portion of the levee should be noted in the easement agreement. The allowance to cross through the easement and levee channel should also be noted in those areas where such a crossing is to be retained. 	
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<p>Arroyo Grande Creek Waterway Management Program (WMP) DEIR San Luis Obispo County Agriculture Department</p>	<p>7/16/2010 Page 4 of 8</p>
<p>4.1.5.2 Infrastructure and Productivity.</p>	
<p><u>Air quality and crop protection</u> AQ/mm-3 is identified as the mitigation measure intended to address dust control (4-15 and 4-31). This mitigation measure does not identify any specific actions to be taken and cannot be assessed to determine if it represents adequate mitigation to protect crops near levee construction areas. The Department recommends that this measure be modified to note the specific objectives of air quality BMPs. Specifically, the Department recommends that one of the objectives be the protection of nearby crops from any adverse impacts associated with fugitive emissions. Current APCD mitigation measures often do not take into account the protection of crops located on the same parcel as a project, since monitoring, if required, occurs at the parcel edge or adjoining public road. To fully protect agricultural crops, any monitoring should occur between the construction area and adjoining farm fields.</p>	<p>SLOAG-12</p>
<p><u>Agricultural wells and irrigation infrastructure</u> AGR/mm-5 should be modified to note that where the project results in the need to relocate existing water or associated electrical infrastructure, such measures should be completed prior to construction commencing in order to ensure the continuity of access to adequate irrigation supplies.</p>	<p>SLOAG-13</p>
<p><u>Project coordination</u> The issue of coordination between construction efforts and time-sensitive crop management practices needs further discussion. The mitigation included in the Hazards and Hazardous Materials section of the DEIR requests that growers avoid the use of pesticide applications during construction hours (p. 4-143). To the degree construction impacts the ability of growers to conduct necessary operations on a timely basis; such a measure represents an additional adverse impact to agriculture.</p>	<p>SLOAG-14</p>
<p>The Department recommends that the DEIR identify mitigation which would avoid potential impacts to agricultural operations. Potential ideas include:</p> <ul style="list-style-type: none"> • Early (90+ day) notification provided to growers prior to the commencement of construction • Regular updates (every 30 days prior to the commencement of construction and weekly during construction) of construction schedules and location • Maintenance of a web site and/or information kiosk(s) with specific information about construction activities and schedules (including any planned road, including farm road, closures) • Providing growers with direct cell phone contact to the construction supervisor <p>In order to avoid potential hazards for construction employees while minimizing impacts to agricultural operations and their weather-dependent pesticide application schedule, other measures could include:</p> <ul style="list-style-type: none"> • Coordinate construction efforts around the schedules of neighboring farmers' planting, cultural practice (including pesticide applications) and harvesting schedules. • During negotiations with property owners and growers, incorporate agreements for prior notification to the construction manager of pending pesticide applications. 	
<p>4.1.5.4 Williamson Act The analysis in this section should be strengthened. A significant impact to Williamson Act contracted lands does not only occur if the public acquisition of land results in a parcel area that no longer meets contract minimum parcel sizes (generally 10 acres in the Cienega Valley). A more appropriate discussion relating to impacts would be to identify the impact, describe why impacts are necessary to contracted land (e.g. the levee easement is located in the midst of the parcel), and</p>	<p>SLOAG-15</p>
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<p>Arroyo Grande Creek Waterway Management Program (WMP) DEIR San Luis Obispo County Agriculture Department</p>	<p>7/16/2010 Page 5 of 8</p>	<p>Arroyo Grande Creek Waterway Management Program (WMP) DEIR San Luis Obispo County Agriculture Department</p>	<p>7/16/2010 Page 6 of 8</p>
<p>describe what efforts, if any, can be taken to reduce the amount of contracted land used for the easement expansion and minimize any potential conflict with Williamson Act contracts. To the degree the use of contracted land for an expanded levee is unavoidable, the DEIR should document how the levee easement expansion has been minimized and to what degree agricultural uses such as agricultural access will be allowed within the easement area on specific contracted sites.</p>	<p>SLOAG-15 (cont'd)</p>	<p>Agricultural Resources Section or in the Mitigation Monitoring and Reporting Program, although the Department supports such a measure as an appropriate compensatory mitigation measure for the cumulative loss of agricultural land.</p>	<p>SLOAG-19 (cont'd)</p>
<p>4.1.6 Cumulative Impacts</p>	<p>SLOAG-16</p>	<p>Section 4: Agricultural Resources</p>	<p>SLOAG-20</p>
<p>The Department disagrees with the analysis in this section and believes that the cumulative impacts to agricultural resources in the Cienega Valley is significant and unavoidable when considering this project in conjunction with other projects (such as improvements to Halcyon Road). The Department agrees that the direct impacts are relatively small and minor since the conversion is spread over multiple parcels and totals just over 1 acre. The Department also agrees that the project's purpose, reducing flooding frequency in the Cienega Valley, is beneficial for the agriculture industry in the area. However, the benefits of the project, and the relatively minor direct impacts, do not mitigate for the conversion of farmland associated with the individually minor but collectively significant conversion of the Valley's limited agricultural resources.</p>	<p>SLOAG-17</p>	<p>Section 4.1.1.2 states that parcels north of the channel and north of Highway 1 are also in the Agricultural land use category. It should be clarified that most of the land north of the Arroyo Grande stream channel are actually designated Industrial, Public Facilities, or Residential Multi-Family. The only parcels designated Agriculture on the north side of the project area are two parcels which extend in an east-west configuration across the creek. There appear to be a total of twelve agricultural parcels in the project area, ranging in size from just over 1 to 43 acres in size, with the average size being only 14.5 acres. Row crop production also occurs on one 11-acre parcel designated Industrial and located in the Coastal Zone and one 20-acre parcel designated Residential Multi-Family.</p>	<p>SLOAG-21</p>
<p>The Department supports the measure identified in Section 3: Environmental Setting relating to County Goals, Policies, Plans, Programs and Standards, specifically: "The project applicant will also participate with the City of Arroyo Grande agricultural banking program, or other similar program approved by the County" (p. 3-11). The recently adopted Conservation and Open Space Element also includes a policy to mitigate for the conversion of important agricultural soils (SL 3.1.5). Protection of an equal amount, or greater of comparable agricultural land appears feasible and would appear to mitigate the loss of the agricultural land to the degree feasible. The Department understands that such mitigation does not fully mitigate for the loss of the agricultural resource and the class 1 impact remains even with such mitigation. The benefits of the project for agriculture in the Cienega Valley appear to provide adequate rationale for the significant cumulative impact associated with the incremental loss of farmland for this project. Increased flood protection will provide greater certainty to year-round agricultural production in the area and will minimize food safety risks associated with flooding.</p>	<p>SLOAG-18</p>	<p>Section 4.1.1.2 On site Soils</p>	<p>SLOAG-22</p>
<p>Corrections and clarifications to the DEIR text associated with Agriculture</p>	<p>SLOAG-19</p>	<p>This section states that Class 1 and 2 soils are considered "prime agricultural soil." State law classifies class 1 and 2 soils as prime agricultural land. The NRCS classification systems (Land Capability Classification and Farmland Classification) do not equate land capability with farmland classification. For instance, Coastal Soil 169 <i>Martinez sandy clay loam</i>, located in the southern portion of the Cienega Valley, is NRCS irrigated capability classification 3 and is also classified as prime farmland according to the NRCS Farmland Classification system.</p>	
<p>General</p>		<p>This section is the appropriate location regarding the farmland classification of the project site's soils. As noted, soil types 170, 173, and 176 are all classified by the NRCS Farmland Classification system as prime farmland.</p>	
<p>Consistent use of terminology would provide greater clarity regarding farmland soil resources. The DEIR includes the following terms: prime agricultural soils, prime farmland, prime farmland soils, prime land, and prime soils. Some of these are defined and others are not. The USDA NRCS defines prime farmland in the federal register and provides current lists of prime farmland which meet this definition in the online web soil survey, http://websoilsurvey.nrcs.usda.gov/. The state FMMP uses the federal definition but also adds recent land use when generating its biennial maps (see below for details). State law uses the term prime agricultural land in the Coastal Act and Land Conservation Act (Williamson). The soils impacted by the proposed project meet the definitions of both prime farmland and prime agricultural land.</p>		<p>Section 4.1.1.2 California Department of Conservation Classification The FMMP program was established in 1982 in order to assess the location, quality and quantity of agricultural lands and conversion of these lands over time. See http://www.conservation.ca.gov/dlrp/fmmp/overview/Pages/background.aspx. The FMMP does not analyze impacts but only provides a uniform methodology to track trends in land use over time.</p>	
<p>Section 3: Consistency with Plans and Policies</p>		<p>Our Department (SLOCCDA) does not define Farmland of Local Importance or Farmland of Local Potential. Rather, the local definitions were crafted locally and adopted by the Board of Supervisors. http://www.conservation.ca.gov/dlrp/fmmp/Documents/local_definitions_00.pdf</p>	
<p>Under Agriculture Goal 2 and AGP24 Conversion of Agricultural Land (Page 3-11) the document states "The project applicant will participate in the City of Arroyo Grande agricultural banking program or other similar program approved by the County." This is not identified in either the</p>		<p>The CDC FMMP does not determine if soil types meet the criteria for Prime Farmland Soils and Figure 4.1-1 does not show the FMMP classifications. Rather, the FMMP determines if prime farmland as defined by the NRCS Farmland Classification system has been used for irrigated production within the previous six years prior to the date of mapping. If the soil has been used for irrigated production, it is mapped by the FMMP as <i>Prime</i>. In SLO County, if it has not, it is mapped as <i>Farmland of Local Potential</i> and included in the FMMP tables as <i>Farmland of Local Importance</i>. According to 2006 FMMP data, the project area appears to consist primarily of <i>Prime Farmland</i>, with northern portions of the levee and beyond designated <i>Urban and Built Up</i>. The lowest portion of the channel, the lands west of 22nd Street including the Bejo Seed site (APN 061-321-003), and the uppermost portions of the Los Berros channel are mapped as <i>Other</i> land.</p>	
<p>N:\Mike Land Use Files\ Development Review & EIR\County Projects\AG Creek Waterway Management 1445\DR comments 1445.doc</p>		<p>N:\Mike Land Use Files\ Development Review & EIR\County Projects\AG Creek Waterway Management 1445\DR comments 1445.doc</p>	

<p>Arroyo Grande Creek Waterway Management Program (WMP) DEIR San Luis Obispo County Agriculture Department</p>	<p>7/16/2010 Page 7 of 8</p>
<p>Agricultural Infrastructure and Production The second sentence in this section, commencing with "North of Highway 1..." does not make sense as most of the channel is south of Highway 1.</p>	<p>SLOAG-22 (cont'd)</p>
<p>The second paragraph regarding infrastructure should also note the wells, pumps, and utility lines are existing infrastructure improvements. The discussion about the Bejo Seed facility claims it is located east of the railroad bridge. The facility is actually located <u>west</u> of the facility.</p>	
<p>Agricultural Water Supply The final statement in the first paragraph is confusing and unnecessary, but could be replaced with the following: "Irrigation is necessary for the range of crops grown in and near the project area."</p>	<p>SLOAG-23</p>
<p>4.1.1.3 Williamson Act This section does not accurately reflect the Land Conservation Act program.</p> <ul style="list-style-type: none"> • There are different rules for the creation of an agricultural preserve and for entering into an actual contract. Agricultural preserves can consist of multiple parcels and in the Cleonega Valley a preserve could be as small as 20 acres under the County's current rules. • Each parcel within a preserve, assuming it meets the criteria for prime agricultural land, must be a minimum of 10 acres in size. • Under a contract, a landowner agrees to keep the property in commercial agricultural use and preclude uses that are non-compatible with the agricultural use. The county agrees to assess the property at its restricted use value, which is based upon the actual use of the property rather than its Proposition 13 value. • The funding which was removed in last year's state budget and proposed for elimination in the current budget are subvention payments. State subventions do not "fund the Williamson Act" but provide reimbursement to local government for foregone property tax revenue that results from placing land under contract and assessing it based upon the capitalization of income (use) rather than its unrestricted value. <p>The three parcels under contract would best be described by their inclusion in a figure, possibly by outlining them on Figure 4.1-1. Two of the parcels, a 21 acre parcel and a 42 acre parcel, straddle the Arroyo Grande Creek between Halcyon Road, Highway 1 and Los Barros Creek. The third, an 11.7 acre parcel, is located immediately east of 22nd Street and south of the Arroyo Grande Creek. Only one of the three parcels exceeds 40 acres.</p> <p>Finally, this section should note that it is state policy to avoid, whenever practicable, the location of any public improvements or the acquisition of land therefore, including easements, within agricultural preserves and more specifically on lands under contract. State code provides specific procedures and findings in order to acquire such land for public use. The State Department of Conservation is to be consulted prior to and independent of the environmental review process, and should also be consulted during the environmental review process regarding potential impacts to lands in preserve or under contract.</p>	
<p>4.1.2.1 California Land Conservation Act The property tax assessment of land under contract is not necessarily lower, but is based upon the use of the land rather than on its unrestricted value under Proposition 13. In some cases the Proposition 13 value is lower. Local governments do not receive a subsidy, but a subvention of funds intended to cover the revenue that is foregone by entering into contracts and reducing the overall property taxes which would otherwise be generated at the local level. It should be noted that</p>	<p>SLOAG-24</p>
<p>N:\Mike Land Use Files\ Development Review & EIR\County Projects\AG Creek Waterway Management 1445\DEIR comments 1445.doc</p>	

<p>Arroyo Grande Creek Waterway Management Program (WMP) DEIR San Luis Obispo County Agriculture Department</p>	<p>7/16/2010 Page 8 of 8</p>
<p>despite the current elimination of subvention funds in the state budget, contracts between the county and property owners remain in full effect.</p>	<p>SLOAG-24 (cont'd)</p>
<p>4.1.2 Regulatory Setting There is no note or discussion of the Coastal Act and the county's coastal agricultural policies. Coastal policies are very restrictive related to development on agricultural land especially prime agricultural land. Both soils types 173 and 176 would be considered prime agricultural land under the Coastal Act regardless of current use due to their high Storie Index ratings.</p>	<p>SLOAG-25</p>
<p>4.1.2.2 Local Regulation and Policy Agriculture and Open Space Element. This section should be renamed the Agriculture Element due to the recent (May 2010) separation of the two documents. However, both the Agriculture Element and the recently update Conservation and Open Space Element provide relevant policy guidance for the proposed project.</p>	<p>SLOAG-26</p>
<p>N:\Mike Land Use Files\ Development Review & EIR\County Projects\AG Creek Waterway Management 1445\DEIR comments 1445.doc</p>	

Response to Letter from County of San Luis Obispo Department of Agriculture/Weights and Measures, dated July 16, 2010

Comment No.	Response
SLOAG-1	<p>The cumulative impacts discussion notes a potentially significant impact to agricultural resources, however it fails to specifically identify the impact. The section has been revised to include AGR Impact 4 which specifically identifies the potential impact. In addition, the mitigation measure which requires the District to offset soil conversion impacts through participation in the City of Arroyo Grande’s or a similar banking program in Chapter 3 has been formally recommended as AGR/mm-6.</p> <p>The California Environmental Quality Act defines “cumulative impacts” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.</p> <p>(a) The individual effects may be changes resulting from a single project or a number of separate projects.</p> <p>(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (State CEQA Guidelines sections 15355)</p> <p>In order to determine if a project’s cumulative impacts are significant, an agency must determine if those impacts are “cumulatively considerable”, meaning that the “incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (State CEQA guidelines section 15065 (a) (3))</p> <p>In the case of this project, the Arroyo Grande Creek Waterway Management Program, the draft EIR determined that the loss of 1.16 acres of prime soils was cumulatively considerable when combined with the loss of prime soils resulting from other small projects in the project vicinity. As a result, mitigation in the form of participation in an existing land preservation program is proposed as part of the project. CEQA provides that “an EIR may determine that a project’s contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. A project’s contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.” (State CEQA Guidelines section 15130 (a) (3))</p> <p>Although the project’s initial contribution to the significant impact was determined to be cumulatively considerable, and therefore significant, the overall effect is less than significant because the proposed mitigation measure will reduce this project’s incremental effects to a less than significant level.</p> <p>The residual cumulative effects are considered less than considerable because the project’s impacts are offset by the long term preservation of an equal amount of similar land, and because the substantial beneficial effects of the project, that is, the reduction of regular and ever more severe flooding events that are destructive to the productivity of soils in the Cienega Valley, will result in an overall increase in the productivity of area farmland.</p>
SLOAG-2	Comment noted.

Comment No.	Response
SLOAG-3	Changes have been made to Section 4.1.4 so that it is consistent with the threshold of significance language.
SLOAG-4	Comment noted.
SLOAG-5	The analysis attempted to recognize the importance of agricultural access roads. They vary in layout and width throughout the project area, and may be reconfigured as needed by the operators. The analysis attempted a reasonable quantification of impacts in light of these variabilities.
SLOAG-6	There are other issues which might affect stockpile locations, such as APCD requirements which seek to limit construction activity in the vicinity of sensitive receptors, such as residences. However, AGR/mm-2 has been modified to encourage use of public right of ways for construction access and stockpiling, to the extent feasible.
SLOAG-7	Notes have been added to Table 4.1-4 indicating that the acreage noted for Alt 3c is cumulative and not additive to the acreage shown in Alt 3c.
SLOAG-8	The AGR/mm-3 has been modified to include the language requested by the Agricultural Department. With this change, AGR/mm-1 through 3 adequately mitigate potential impacts. The compensation measure is not considered necessary to mitigate the impacts.
SLOAG-9	Comment noted. Subsequent environmental review will be necessary once the design of the UPRR component has been further advanced.
SLOAG-10	AGR/mm1 requires the District to minimize disturbance and avoid areas which could be productive to the maximum extent feasible. This would include stockpile locations. No changes are required.
SLOAG-11	AGR/mm-2 has been modified to include the language provided.
SLOAG-12	AQ/mm-3 has been modified to reflect the Department's concerns.
SLOAG-13	AGR/mm-5 has been modified as recommended by the Department.
SLOAG-14	There are numerous other constraints on the project, including biological resources requirements that must be balanced with the schedules of the operators. Given the likelihood that operators would be in various stages of production, it is not feasible to coordinate entirely with them all and still meet the District's need to initiate project activities in the late summer and early autumn. AGR/mm-5 also requires coordination with local agriculturalists. These two measures adequately address potential impacts.

Comment No.	Response
SLOAG-15	Due to the costs of acquiring easements and the District's significant funding limitations, every effort has been made to limit the size of the easements necessary. As with the loss or prime agricultural land, impacts to the productivity of lands under contract may also be mitigated due to the fact that the project would increase flood protection on those properties, potentially increasing their productivity. No changes to the existing language are necessary.
SLOAG-16	Refer to response SLOAG-1.
SLOAG-17	Refer to response SLOAG-1.
SLOAG-18	The text has been amended to reduce inconsistencies.
SLOAG-19	Refer to response SLOAG-1.
SLOAG-20	Recommended changes would not affect analysis. No changes made.
SLOAG-21	Text amended for clarity as suggested.
SLOAG-22	North of Highway 1, the channel is oriented north-south. As shown in Figure 4-1 and 2-4b, and as visible in aerial photos, row crops exist on both sides of the channel.
SLOAG-23	Text has been amended to clarify the Land Conservation Act (Williamson Act) program. No new figure has been added. It does not appear that further discussion would result in a change to the conclusions.
SLOAG-24	Text has been modified to address the comment.
SLOAG-25	Table 3-2 includes a discussion of the use restrictions placed agricultural resources in the Arroyo Grande and Cienaga Valley by the Coastal Zone Land Use Ordinance.
SLOAG-26	The analysis began well before the separation and prior to adoption of the Conservation Element. No change is warranted.



COMMUNITY DEVELOPMENT



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July 16, 2010

Mr. John Farhar, Environmental Resource Specialist
San Luis Obispo County
Department of Public Works
County Government Center, Rm. 200
San Luis Obispo CA 93408-2040

Subject: Draft Environmental Impact Report (Draft EIR) - Arroyo Grande Creek
Channel Waterway Management Program; SCH #2009061030

Dear Mr. Farhar:

The City of Arroyo Grande staff respectively submits the following comments regarding the above-referenced Draft EIR. The project evaluated by the EIR is located within District Zone 1/1A along the lower reaches of Arroyo Grande Creek, from near the intersection of Los Berros Creek to the Arroyo Grande lagoon, and along Los Berros Creek from Century Lane to the confluence with Arroyo Grande Creek. The EIR identifies impacts related to selected alternatives (Alternatives 3a and 3c, via a comprehensive set of actions and as funding allows) that were identified in the "Arroyo Grande Creek Erosion, Sedimentation and Flooding Alternatives Study" prepared in 2006 by Swanson Hydrology and Geomorphology. The project includes annual management of riparian vegetation; increasing the health and diversity of the riparian corridor; sediment removal and monitoring; and short and long term phasing to raise levees to increase channel capacity.

Implementation of the proposed project would result in potentially significant impacts to biological and agricultural resources. The City supports a project that would fully mitigate identified impacts as analyzed in the EIR and provide enhancement of water quality and sensitive species habitat. The City is particularly concerned with impacts to Agricultural resources. The City would like to further review mitigation that specifies that the loss of prime soils be mitigated by construction limitations and participation in the City's Agricultural banking program, or other similar program as approved by the County.

AGCD-1

Pursuant to Section 1.3 of the Draft EIR, the City of Arroyo Grande Community Development Department finds that the Draft EIR correctly identifies project impacts and mitigation. City staff supports the classification of these impacts. Further the Staff finds that the project and EIR are consistent with the purposes and intent of the Arroyo Grande Watershed and Creek Memorandum of Understanding.

AGCD-1

The City appreciates the opportunity to comment on the Draft EIR and would like to continue to be involved in any future project discussion, including those related to work at Los Berros creek, impacts from detailed trucking operations, the Halcyon Road project.

AGCD-1

John Farhar, Environmental Resource Specialist
County Department of Public Works
Draft EIR Arroyo Grande Creek Channel Waterway Management Program
July 16, 2010
Page 2

Sincerely,

Teresa McClish, AICP
Community Development Director

cc: City Council
City Manager

Response to Letter from City of Arroyo Grande Community Development, dated July 16, 2010

Comment No.	Response
AGCD-1	AGR/mm-6 has been added to address potential cumulative impacts associated with the loss of agricultural lands. Refer to response SLOAG-1 for more information.
AGCD-2	Comment noted.
AGCD-3	Comment noted.



CENTRAL COAST SALMON ENHANCEMENT, INC.

*Enhancing Fisheries while
Improving the Environment*

July 18, 2010

Keith Miller
Project Manager
SWCA Environmental Consultants
1422 Monterey Street, C200
San Luis Obispo, CA 93401

Re: Comments on Arroyo Grande Creek Waterways Management Program EIR

Dear Mr. Miller,
Thank you for accepting the following comments.

Beaver Management

The following technique could be integrated into the beaver management plan as well as a topic for discussion as the Arroyo Grande Creek MOU is implemented. *Public outcry derailed the beaver eradication plans, however. Instead, the city paid Vermont wildlife consultant Skip Lisle to install a 60-foot, water-leveling pipe called a Castor Master (castor is Latin for beaver). The Castor Master worked, tricking the beavers into keeping their dams at water level instead of building them 3 or 4 feet above the water line, causing floods.* Friday, June 11, 2010 (SF Chronicle)
New baby beaver has Martinez residents beaming
Carolyn Jones, Chronicle Staff Writer

Mitigation Monitoring Plan

The mitigation monitoring plan is mentioned as something that will be developed, but doesn't presently exist other than in the form of mitigation measures proposed for expected impacts. Further the measures are outlined that would need to be included in the MMP but lack specific actions to mitigate impacts. *The mitigation strategy included below recommends replacement in-kind for permanent impacts to plant communities and jurisdictional areas through development of a Mitigation and Monitoring Plan (MMP), and reliance on the habitat enhancement strategies in the WMP to mitigate initial and ongoing temporary impacts to these areas.*
Please develop a more detailed mitigation monitoring plan in order to increase the confidence level that impacts will be adequately mitigated. As it stands, there are insufficient assurances that sensitive species and wetlands would be adequately protected.

Corrections and clarifications

The Arroyo Grande Creek Waterway Management Plan Update prepared by Central Coast Salmon Enhancement identifies a number of reasonably foreseeable projects that, along with the proposed project, could have a significantly cumulative negative or beneficial impact to the Arroyo Grande Creek watershed. (Page 4-94 and 4-121)

Change "Waterway" to "Watershed"; add "(2009)" after "Update."

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CCSE-1

CCSE-2

CCSE-3



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Page 5-18

Due to the biological resources which exist...
Change "exit" to "exist."

The following suggests that urbanization causes erosion of stream banks and subsequent sedimentation. *The lower watershed, approximately 87 square miles, is heavily urbanized, which has led to increased stormwater runoff, erosion of creek banks, and sedimentation of the creek.* It would be more accurate to depict the role of the dam in providing "hungry water" which provides the physical context for increased levels energy to erode creek banks.

Lagoon

While the lagoon is not in the project area, its location makes it the potential recipient of certain project impacts by virtue of its proximity. I would recommend formulating an adjunct plan to analyze impacts to the lagoon given that impacts to TWG are explored which are most likely to occur in the lagoon.

Sincerely,

Stephnie Wald
Watershed Projects Manager
Central Coast Salmon Enhancement

CCSE-3
(cont'd)

CCSE-4

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Response to Letter from Central Coast Salmon Enhancement, dated July 18, 2010

Comment No.	Response
CCSE-1	Beaver management would potentially include a variety of activities. Management would vary based on the number of animals and their activity level. As noted in the WMP, beaver impacts include not just water impoundment, but their dams can also result in the deposition of sediment and they cut down large trees, possibly creating gaps in the riparian canopy. If eradication is not a favored management method by the District or agencies, the commenter's "Castor Master" alternative may provide some benefit.
CCSE-2	The EIR provides a reasonable worst-case case scenario of potential impacts to biological resources, including jurisdictional areas. It also includes numerous mitigation measures that would reduce these impacts. These measures include a number of actions including implementation of the Performance and Monitoring measures in the WMP, and development of a MMP. Mitigation measure BR/mm-2 requires the MMP be developed prior to implementation of any component of the WMP and prior to permitting. As noted in the EIR the MMP would include riparian habitat enhancement, and may need to occur "offsite" in other areas of the Arroyo Grande Creek watershed. Specific components of the MMP, including the amount of offsite mitigation that is necessary, will be developed through ongoing consultation with regulatory agencies and will be completed prior to permitting. Further, the WMP provides a structure for ensuring that mitigation measures are implemented and monitored. Further development of mitigation measures in the EIR is not warranted.
CCSE-3	Suggested edits have been made. It is true that the dam has also had a significant effect on flow in the channel and along with urban development has likely altered the historical erosion and sedimentation patterns in the channel. This does not affect the WMP nor the analysis, however.
CCSE-4	Based on the analysis in the EIR impacts to tidewater goby would be less than significant with the implementation of mitigation measures. Avoiding disturbance within the lagoon area was an important factor in the development of the WMP. The area downstream of the project area is not as constrained, nor does flooding have the potential to impact health or safety as it does upstream. Still, the WMP does include a measure that would require the District to monitor sedimentation patterns in the lagoon and assess whether changes may be attributable to the proposed project.



United States Department of the Interior



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

HW-06135888-010
03440 2010 TA 0266

July 19, 2010

John Farhar
Department of Public Works
County of San Luis Obispo
976 Osos Street
San Luis Obispo, California 93408

Subject: Comments on the Draft Environmental Impact Report for the Proposed Arroyo Grande Creek Channel Waterway Management Program, Arroyo Grande, San Luis Obispo County, California

Dear Mr. Farhar,

We are responding to your correspondence, received in our office on June 4, 2010, requesting our comments on the final draft environmental impact report (DEIR) for the subject project. The proposed Arroyo Grande Creek Channel Waterway Management Program (WMP) is a cooperative effort between the community of Arroyo Grande, the Coastal San Luis Resource Conservation District (RCD), and the San Luis Obispo County Flood Control and Water Conservation District (District). The proposed project would be located within the city of Arroyo Grande, San Luis Obispo County, along the lower reaches of Arroyo Grande Creek, near the intersection of Los Berros Creek to the Arroyo Grande Lagoon and along Los Berros Creek from Century Lane to the confluence with Arroyo Grande Creek. This area is within the District zones 1 and 1A.

The proposed WMP would include: managing riparian vegetation annually to maintain a composite roughness of 0.040 within the flood control reach, filling existing gaps in the riparian corridor vegetation, and encouraging species diversity by planting riparian tree species; removing sediment to create secondary channels that could be self-maintaining, and annually monitoring to evaluate future sediment deposition and the need for annual maintenance of accumulated sediments; raising the levees throughout the flood control channel to achieve channel capacity for up to 10-year flood flows; and eventually raising the levees throughout the flood control channel to achieve channel capacity for up to 20-year flood flows. The proposed project is scheduled to begin in the fall of 2010 and continue for several years until completion.



John Farhar

2

In response to a request from SWCA consultants on behalf of San Luis Obispo County, we sent a list of federally listed species that may occur in the vicinity of the subject project on November 5, 2009. We also commented on a previous version of the DEIR in a letter that was dated July 1, 2009. Most of our comments have been addressed in the most recent version of the DEIR; however, we have included a few additional comments below.

The DEIR indicates that the sources of information used in developing the biological resources section included a search of rare, sensitive, threatened, and endangered species in the California Natural Diversity Database in 2008; a review of the biotic assessment for the proposed project; the consultant's personal knowledge of the area; and biological reconnaissance surveys of the area conducted in 2008. The DEIR indicates that least Bell's vireos are unlikely to occur within the proposed WMP area and does not include any specific minimization measures for this species.

USFWS-1

We are concerned about the potential adverse impacts of the proposed project on the federally endangered least Bell's vireo (*Vireo bellii pusillus*). Least Bell's vireos have been expanding their range since the time of listing and are also being found in a wider variety of habitats than were historically documented (Service 2006). Recent sightings of this species have been made within San Luis Obispo County (in Los Osos in fall 2009) and even as far north as San Mateo County earlier this year (as documented on the Northern California Birdbox in May 2010). Also, because this species exhibits strong site tenacity, impacts to the nesting habitat of this species, if present onsite, may result from the vegetation removal activities that are proposed as a part of the subject project. The avoidance and minimization measures in the DEIR, which are proposed for migratory birds should help to reduce potential impacts to the least Bell's vireo. Additionally, we recommend including the least Bell's vireo in pre-construction survey efforts. Lastly, should project implementation result in take of any listed wildlife species, the proposed project would require exemption from the prohibitions against take in section 9 of the Endangered Species Act of 1973, as amended (Act), pursuant to section 10(a)(1)(B) of the Act. If the proposed project is to be funded, authorized, or carried out by a Federal agency, and may affect a listed species, take exemption may be authorized through consultation with the Federal agency pursuant to section 7(a)(2) of the Act.

USFWS-2

USFWS-3

We appreciate the opportunity to provide comments on the proposed project and look forward to working with the County in the future. If you have any questions regarding these comments, please contact Heather Abbey of our staff at (805) 644-1766, extension 290.

Sincerely,

/s/ Chris Dellith

Chris Dellith
Acting Deputy Assistant Field Supervisor

cc:
Bob Stafford, California Department of Fish and Game

References

[Service] U.S. Fish and Wildlife Service. 2006. Five year review summary and evaluation for the least Bell's vireo (*Vireo bellii pusillus*). U.S. Fish and Wildlife Service, Carlsbad, California. viii + 26 pp.

Response to Letter from United States Fish and Wildlife Service, dated July 19, 2010

Comment No.	Response
USFWS-1	The discussion of least Bell's vireo was inaccurate. The Biological Resources existing conditions and regulatory setting sections have been updated with additional information on this species and the southwestern willow flycatcher.
USFWS-2	BR/mm-32 and 33 have been modified to include specific measures that address impacts to least Bell's vireo.
USFWS-3	The District is currently completing a Biological Assessment for federally listed species and will continue consultations with USFWS and other federal agencies to avoid or minimize impacts to these species. It is expected that if take authorization is necessary it will be through Section 7 and Section 401/404 permitting process.



State of California • The Resources Agency

Arnold Schwarzenegger, Governor

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July 19, 2010

John Farhar
County of San Luis Obispo
Department of Public Works
c/o Keith Miller
Morro Group/SWCA
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401-2954

Re: Arroyo Grande Creek Channel Waterway Management Program Environmental Impact Report (SCH 2009061030)

Dear Mr. Miller:

The California Department of Parks and Recreation (CDPR) has reviewed the Arroyo Grande Creek Channel Waterway Management Program Environmental Impact



provides adequate information to address potential impacts to these species if they are found in the project area during vegetation or sediment management activities. However, the EIR fails to provide an analysis of the impacts to these species populations from the loss of habitat and the changes to the structure of vegetation and associated changes in water quality and water quantity.

CDPR-1

This project removes important habitat including riparian, floodplain, upland vegetation, ponds, and pools that can be important for California red-legged frog population persistence. This project proposes to permanently remove 26.5 acres of upland riparian habitat within the floodplain of lower Arroyo Grande Creek without providing information on the timing, location, and amount of habitat to be created as mitigation for the loss of this habitat. This EIR must analyze whether the lower section of Arroyo Grande Creek can still function as a viable year round habitat for California red-legged frog. This EIR must also examine impacts to the resident red-legged populations from the proposed vegetation and sediment management activities. It is insufficient to propose mitigation for individual frogs found in the project area during certain activities without considering impacts to the local population from the project activities and resulting permanent changes to habitat.

Steelhead trout have been found regularly in the section of creek. This EIR does not analyze impacts to steelhead trout from the modifications in habitat and habitat structure that will result from the proposed vegetation and sediment management activities. During flood stages, it is foreseeable that steelhead trout will use the secondary channels. However, there is also the potential for steelhead trout to become stranded in the secondary channels where there is no vegetative canopy to maintain

Arroyo Grande Creek
Page 2 of 4

and timing of mitigation to allow the public and decision makers to assess the assertion that impacts to wetland and riparian habitat are mitigated to a less than significant level.

CDPR-1
(cont'd)

In the absence of specific details on the location, type and amount of habitat mitigation, the reviewer is left to assume that mitigation for impacts to riparian and wetlands will occur off site, or at least out of the immediate area of lower Arroyo Grande Creek. There is no analysis in the EIR whether the lower Arroyo Grande Creek area can continue to function as viable wildlife habitat with 42 acres of temporary and permanent impacts to riparian and wetland habitats. This section of creek has been severely impacted by numerous anthropogenic influences including levee construction, urban development, agricultural practices, flood management activities, surface water extraction, shallow sub-surface water extraction, creek channelization, and watershed-wide impacts associated with the construction of Lopez Dam. This EIR fails to consider the ability of this heavily impacted section of lower Arroyo Grande Creek to function as a viable habitat for fish and wildlife species with the significant impacts associated with the proposed project activities.

CDPR-2

The lower section of Arroyo Grande Creek provides habitat for three state and federally listed endangered species including the California red-legged frog, south-central California coast steelhead trout, and the tidewater goby. Overall, the EIR provides adequate information to address potential impacts to these species if they are

CDPR-3

Report (SCH 2009061030). CDPR owns and manages portions of the Arroyo Grande Creek immediately downstream of the proposed project area including the Arroyo Grande Creek estuary. CDPR has concerns regarding impacts to habitat, endangered species, water quality, and water quantity from the proposed project. This project will have substantial adverse impacts to the lower reaches of Arroyo Grande Creek that have not been sufficiently addressed in the EIR.

CDPR-4

Biology

This project has identified permanent impacts to 26.5 acres and temporary impacts to 16.76 acres of riparian, coastal riparian, and U.S. Army Corps of Engineers jurisdictional wetlands. The EIR correctly identifies permanent and temporary impacts to over 40 acres of habitat as a Significant Impact. However, this EIR indicates that significant impacts can be reduced to less than significant through the implementation of a Mitigation and Monitoring Plan (MMP). The MMP offers no specifics on the proposed mitigation for the permanent and temporary impacts to riparian and wetlands. The MMP provides no details on the location for the habitat mitigation, the amount of habitat mitigation that will be required, the time needed for the habitat mitigation areas to provide comparable habitat to the impact area, and other details to demonstrate that permanent and temporary impacts to wetlands and riparian habitat can be fully mitigated to a less than significant level.

CDPR-5

The lack of specificity in the MMP on the mitigation for impacts to wetlands and riparian habitats defers mitigation in violation of CEQA Section 15126.4 (a)(1)(B), which states that "Formulation of mitigation measures should not be deferred until some future

individuals. Similarly, the EIR does not adequately address impacts to resident steelhead trout populations from the project and resultant permanent alterations to the habitat that supports this species.

Tidewater goby are unlikely to be found in the project area because they are typically confined to the tidally influenced areas of the estuary. Since 2004, CDPR has conducted quarterly surveys of the estuary for tidewater goby and has documented the tenuous hold this goby population has in the estuary. Tidewater goby were thought to be extirpated from the estuary in 2008 and 2009 because the estuary completely dried up during two consecutive summers. In the spring of 2010, tidewater goby were found in the estuary, but in low numbers. If the estuary dries up in subsequent years, it is likely that goby will again be extirpated from the estuary. This project has the potential to impact tidewater goby populations by altering the hydrology and water quality of the lower section of Arroyo Grande Creek. This EIR fails to analyze whether tidewater goby can persist in the estuary given the changes to water quality and hydrology that will result from the permanent changes to habitat in the lower Arroyo Grande Creek area.

Water Quality

The EIR does an adequate job of assessing impacts to water quality from

from permanent habitat loss, permanent habitat modification, loss of California red-legged frog, tidewater goby, and steelhead habitats; impacts to California red-legged frog, tidewater goby, and steelhead populations; potential changes to water quality; and potential changes to hydrology and water quantity for wildlife. We look forward to reviewing a revised EIR with a more thorough analysis of these and other deficiencies.

Thank you for the opportunity to provide comments on this project. If you have any questions, please contact me at (805) 773-7170, or Ronnie Glick, Senior Environmental Scientist at (805) 773-7180.

Sincerely,



For Andrew Zilke
District Superintendent

cc:

**CDPR-5
(cont'd)**

CDPR-6

CDPR-8

project area and to better describe potential impacts to downstream habitats and property.

Furthermore, with the permanent changes in riparian and floodplain habitat that will result from the vegetation and sediment management activities, it is unclear if the proposed project will impact available water for wildlife during low flow periods of the year. As discussed in the comments on tidewater goby above, CDPR has documented localized extirpation of federally listed species in the Arroyo Grande Creek estuary as a result to consecutive years of extreme low water events. This EIR fails to adequately analyze potential changes to water quantity from the proposed activities. At a minimum, the EIR must demonstrate that the proposed project will not exacerbate the current hydrological conditions that have resulted in severe impacts to downstream wildlife.

Alternatives Analysis

CDPR favors additional analysis on the Controlled Overflow alternative as this would provide greater protection for sensitive resources and habitats in the project area.

In summary, CDPR finds that the EIR provides inadequate analysis on impacts from permanent habitat loss; permanent habitat modification; loss of California red-

The EIR does an adequate job of assessing impacts to water quality from construction activities, but this EIR fails to assess impacts to water quality from the permanent alterations to existing habitat that will result from the proposed project.

The proposed project will permanently impact habitat in the lower Arroyo Grande Creek area by decreasing canopy cover and altering the structure of the vegetation in the floodplain. This change in canopy cover has the potential to increase water temperature and decrease invertebrate food resources for local wildlife, including red-legged frog, tidewater goby and steelhead trout. This project has the potential to impact water temperature in the main stem and in the secondary channels. The EIR fails to consider changes to water quality that will result from permanent changes to vegetation canopy structure. These changes to water quality can have significant adverse impacts to listed species in this section of Arroyo Grande Creek.

Hydrology and Water Quantity

CDPR owns and manages land immediately downstream of the proposed project area. CDPR is concerned that this project will change the hydrology and water quantity available for wildlife on public lands. It is not clear if a hydraulic analysis was conducted to determine how flood waters will impact property downstream of the project area. If there is greater flood capacity in an upstream section, there is the potential for excessive scouring or flooding of downstream properties, especially if the downstream properties are managed for a more natural stream channel. If the proposed project increases flood flows and velocities in the portion of channel managed by State Parks, there could be extreme scouring of sediments and vegetation that could cause

**CDPR-8
(cont'd)**

CDPR-9

CDPR-10

Response to Letter from State of California Department of Parks and Recreation, dated July 19, 2010

Comment No.	Response
CDPR-1	<p>Preparation of the MMP is one component of the mitigation strategy discussed in the EIR. The focus of mitigation efforts was to rely on the performance and monitoring measures in the WMP. These are summarized in Table 3 of the WMP (Appendix B of the Draft EIR). The WMP includes specific habitat enhancement activities need to occur and establishes performance standards so that all agencies and the District can define "success" using the same methods. For example, in regards to canopy coverage, the WMP performance target is to maintain or increase % canopy coverage over baseline conditions. This would be accomplished by retaining the primary channel buffer area, filling in existing gaps in the riparian canopy, and by increasing the numbers of long-lived, full canopy species such as sycamore and cottonwood in the channel. Mon-Veg-2 in the WMP, for example, requires the canopy to be measured every three years to monitor compliance.</p> <p>The commenter is correct in that the MMP, recommended as additional mitigation in the EIR, is not as thoroughly specific in its measures as the WMP. The WMP has been developed in consultation with regulatory agencies including the CDFG, NMFS, and FWS, however additional consultation must still occur prior to permitting and implementation of the WMP. BR/mm-2 does require the MMP to be completed prior to permitting and prior to implementation of the WMP. It also establishes a monitoring period, and notes that offsite mitigation may be necessary. It is unclear at this time how much "in-kind" mitigation may be required for the project. However, the Arroyo Grande Creek <i>Watershed</i> Management Plan prepared by Central Coast Salmon Enhancement does indicate that there are a number of locations and projects in the mainstem and tributaries of Arroyo Grande Creek that could enhance and/or restore riparian habitats. In the event that regulatory agencies require in-kind mitigation for the permanent loss of jurisdictional areas, and onsite enhancement activities (which are well-described in the WMP and EIR) are not sufficient, it would be possible for the District to use these projects as "off-site" mitigation.</p>
CDPR-2	<p>The evaluation of impacts is based on existing conditions in the channel. These conditions reflect the anthropogenic changes listed by the commenter. Potential impacts on these existing conditions and mitigation measures to address these impacts are described in the EIR. Cumulative impacts are also considered in the EIR. In addition, a long-term adaptive management strategy is proposed in the WMP which will allow for annual evaluation of the measures implemented.</p>
CDPR-3	<p>Potential short-term and long-term impacts to these species are considered in the EIR. It is important to note that the proposed project includes the removal of vegetation but also includes permanent, long-term habitat enhancement measures, such as the installation of log structures, removal of invasive species and increasing native species diversity within the channel. If during subsequent consultation, resource agencies identify long-term impacts to sensitive species which are not mitigated by these activities, additional "in-kind" mitigation may be required. This would be developed in the MMP, and prior to project development.</p>

Comment No.	Response
CDPR-4	<p>Vegetation management has been ongoing in the channel for many years, including in 2006 and 2007. The proposed project would alter the “structure of the riparian vegetation” as it has in previous years, but would also result in a canopy coverage that is equal or greater to that which currently exists (refer to Performance Targets in Table 3, WMP), would reduce populations of invasive species and increase species diversity within the channel. Potential impacts to sensitive species have been considered, and mitigation has been proposed that would reduce impacts to a less than significant level. For example, the WMP includes a very specific monitoring plan that would evaluate canopy cover and restoration of those areas impacted by invasive species. These characteristics are relevant to red-legged frog and other species.</p> <p>The WMP will be implemented over a long period of time and includes a number of components. Management of vegetation and sediment will undoubtedly need to adapt based on the results of the monitoring recommended in the WMP. In the event that the measures proposed to enhance habitat and avoid impacts to sensitive species are not working, the activities can be modified during the annual consultations the District will have with relevant regulatory agencies.</p>
CDPR-5	<p>Steelhead have been considered throughout development of the WMP. Steelhead currently have access to off-channel areas under baseline conditions and this would not change with the proposed project. The off-channel areas have also been designed with a gradient similar to the main channel and therefore will drain following the peak of the storm event. Under proposed conditions, water will access off-channel areas more frequently than under existing conditions, but would be limited to flows that exceed the 1.5 year discharge. Consequently, on average, flow will only access these off-channel areas once per year during the peak of the storm event. Given the flashy nature of the system, water to be accessing off-channel areas for several hours per year.</p> <p>Further, adult steelhead typically do not migrate during the peak of a storm event, but instead prefer low velocity areas that provide shelter during the storm peak, with migration occurring during the declining limb of the hydrograph. Consequently, it is not expected that these areas would see much use by migrating adults. Under most flow conditions, these off-channel areas will be dry, with flow confined to the existing bankfull channel.</p> <p>The installation of log structures are a specific action included in the WMP to benefit migrating steelhead, as they would create more complex stream conditions. As with the other resources in the channel, steelhead habitat would be monitored over the long-term through the WMP process. PM-Sed 4, 5 and 9 in the WMP specifically address long-term habitat in the channel as it relates to steelhead, through the monitoring of both cover habitat and pool depth. This monitoring builds on work performed by the California Conservation Corps in the 2006.</p>
CDPR-6	<p>The EIR has concluded that changes to water quality would be limited and less than significant. The hydrology of the channel would change only during high flow events, as the channels ability to accommodate higher flows would increase. Tidewater goby has been considered in the EIR, and a sediment monitoring plan has been proposed in the WMP to monitor whether or not the project results in changes to the sediment deposition patterns in the lagoon.</p>
CDPR-7	<p>While the project would result in changes to the structure of the vegetation in the channel, the WMP specifically requires the % of canopy cover within the channel to be maintained or increase. Figure 9 in the WMP illustrates how much of the existing canopy results from vegetation that is located within the buffer area, and would therefore remain in place. In addition, existing gaps in the riparian canopy would be filled through the introduction of alder, cottonwood, and sycamore. Refer to Table 3 of the WMP for more information. Flowing water in off-channel areas is expected only during peak winter flow events. Consequently, any water accessing the off-channel areas is not expected to have an impact on water temperature.</p>

Comment No.	Response
CDPR-8	<p>These concerns were raised during preparation of the initial Alternatives Analysis for the project. In response, Swanson H+G evaluated changes in bed mobility in response to implementation of Alternative 3C (refer to Chapter 4 of the Alternative Analysis prepared by Swanson H+G). The results suggest that under low to moderate flow conditions (less than 4,000 cubic feet per second), the bed is less mobile under the proposed project due to lower water surface elevations (shear is a function of depth) associated with an increase in conveyance in off-channel areas. At flows greater than 4,000 cubic feet per second, the results suggest that there would be more flushing of the lagoon as more water is contained within the levee system. Whether or not an increase in scour potential in the lagoon provides a benefit or is detrimental to lagoon function is debatable. Excessive sedimentation of the lagoon, caused by construction of Lopez Dam, has most likely impacted lagoon function by reducing peak flows to the mouth. Sedimentation results in loss of lagoon volume, increased embeddedness of coarse substrate in the lagoon, and an overall loss of habitat. Periodic flushing of fine sediments in the lagoon may potentially improve habitat conditions for both tidewater goby and outmigrating smolts by creating a deeper lagoon with greater habitat complexity.</p>
CDPR-9	<p>The project is not proposing any use of the water. Summer low flows are currently regulated at Lopez Dam and will not be affected by this project. No change to the quantity of water in the system would result from the project.</p>
CDPR-10	<p>The EIR includes a discussion of a reasonable range of alternatives. As discussed in the EIR, the controlled overflow alternative was not favored by NMFS due to its potential to strand migrating steelhead. The alternative would also appear to impact agricultural operations to a greater degree than the proposed project.</p>



July 19, 2010

John Farhar
 County of San Luis Obispo, Department of Public Works
 County Government Center, Room 207
 San Luis Obispo, CA 93408

SUBJECT: APCD Comments Regarding the Arroyo Grande Creek Channel Waterway Management Draft Environmental Impact Report (SCH #2009061030)

Dear Mr. Farhar,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed Arroyo Grande Creek Channel Waterway Management Program (WMP) that would implement a comprehensive set of actions designed to restore the capacity of the leveed lower three miles of the Arroyo Grande Creek Channel and the Los Berros Creek Diversion Channel. This channel is within District Zones 1 and 1A.

Under Alternative 3a of the proposed project, flood protection would be provided for up to a 10-year storm event. With the additional implementation of Alternative 3c, protection would be provided for up to a 20-year storm event. Secondary project components would be required with Alternative 3c including: 1) raising/replacing a Union Pacific Bridge, 2) modifications to Halcyon Road, 3) addressing required changes to structures within the encroachment requirements of the project, and 4) modifications to 22nd Street Bridge.

The project would simultaneously enhance water quality and sensitive species habitats within the managed channel. The WMP would include 1) vegetative management, 2) sediment management, including the excavation of approximately 21,000 cubic yards of material that would be removed over approximately 30 days to an approved disposal site, and 3) levee raising, which as identified above would result in secondary project components resulting in additional earth work in excess of 135,000 cubic yards. The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

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

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 info@slccleanair.org • www.slccleanair.org

APCD Comments on DEIR for Arroyo Grande Creek Channel Waterway Management Project
 July 19, 2010
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AO Impact 1 and AO/mm-1

The Draft Environmental Impact Report (DEIR) estimated air quality impacts associated with this short-term construction project using assumptions about the equipment that might be used the duration of the work, and hauling distances. Potentially significant impacts of ROG, NOx and CO2 are identified.

The mitigation measure for these impacts is close to what the APCD would define, however, the following changes need to be included:

1. The applicant will need to develop the Construction Activity Management Plan (CAMP) for APCD review and approval prior to the issuance of grading permits. The CAMP will need to evaluate the actual equipment that will be used and scheduling and overlapping of the various phases and compare the resulting impacts to the APCD air quality impact thresholds to determine if exceedences are expected and if so, to define specific mitigation that will be implemented to reduce impacts below the thresholds.
2. The applicable thresholds are for particulate matter (PM₁₀) and ozone precursors (combined reactive organic gases (ROG) and nitrogen oxides (NOx)) compared to the thresholds the APCD quarterly and, if applicable, daily thresholds. These are identified in DEIR Table 4.2-2. This table needs to be changed to demonstrate that the ROG and NOx impacts are combined and then compared to the ozone precursor threshold values.
3. The mitigation measure also needs to identify that the CAMP defined greenhouse gas impacts need to be reduced with the implementation of feasible mitigation.

AO Impact 2 and AO/mm-2

This impact and mitigation measures intend to reduce sensitive receptors to construction phase diesel impacts. The following changes need to be included:

Idling Restrictions Near Sensitive Receptors for Both On and off-Road Equipment

1. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
2. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
3. Use of alternative fueled equipment is recommended whenever possible; and,
4. Signs that specify the no idling requirements must be posted and enforced at the active project locations.
5. These toxic impact reductions for sensitive receptors need to be added to the CAMP.

AO Impact 3 and AO/mm-3 (Particulate Matter)

When the actual equipment and schedule are known, the particulate matter impacts need to be reevaluated and if appropriate, mitigation needs to be defined in the CAMP for implementation.

SLOAPCD-1

SLOAPCD-2

SLOAPCD-3

APCD Comments on DEIR for Arroyo Grande Creek Channel Waterway Management Project
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Page 3 of 3

Naturally Occurring Asbestos (NOA)

Deposition of stream load within the channel could include NOA materials. The DEIR needs to include this potential impact and identify mitigation. The APCD's standard language for NOA is:

Asbestos / Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2009 CEQA Handbook, Technical Appendix 4.4). If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the APCD.** 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. If NOA is not present, an exemption request must be filed with the Air District. More information on NOA can be found at <http://www.slocleanair.org/business/asbestos.php>.

SLOAPCD-4

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

Sincerely,



Andy Mutziger
Air Quality Specialist

AJM/arr

cc: Keith Miller, SWCA Environmental Consultants

Attachments:

h:\planning\project_review\3000\3044-2\3044-2.doc

Response to Letter from County of San Luis Obispo Air Pollution Control District, dated July 19, 2010

Comment No.	Response
SLOAPCD-1	AQ/mm-1 has been amended as requested.
SLOAPCD-2	AQ/mm-2 has been amended as requested.
SLOAPCD-3	AQ/mm-3 has been amended as requested.
SLOAPCD-4	Section 4.2.1.5 indicates that NOA tests were performed in the project area, including the channel, and no NOA was detected. Please refer to Appendix D for more information.

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