

Piedras Blancas Realignment

On Highway 1 near the Piedras Blancas Lighthouse

SLO-1-PM 64.0/R67.2

05-492800

SCH #2008031059

Final Environmental Impact Report with Finding of No Significant Impact



Prepared by the
State of California Department of Transportation

The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by the California Department of Transportation under its assumption of responsibility pursuant to 23 U.S. Code 327.

August 2010



General Information About This Document

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SCH# 2008031059
5-SLO-1-PM 64.0/R67.2
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Realign Highway 1 in San Luis Obispo County near San Simeon
from north of the Piedras Blancas Lighthouse, (post mile 64.0)
to Arroyo de la Cruz Bridge (post mile R67.2)

**FINAL ENVIRONMENTAL IMPACT REPORT/
ENVIRONMENTAL ASSESSMENT**

Submitted Pursuant to: (State) Division 13, California Public Resources Code
(Federal) 42 U.S. Code 4332(2)(C) and 23 U.S. Code 327

THE STATE OF CALIFORNIA
Department of Transportation

8/11/2010
Date of Approval


Richard Krumholz
District Director
California Department of Transportation

**California Department of Transportation
Finding of No Significant Impact**

FOR

Piedras Blancas Realignment

The California Department of Transportation (Caltrans) has determined that the Build Alternative will have no significant impact on the human environment. This Finding of No Significant Impact is based on the attached Environmental Assessment, which has been independently evaluated by Caltrans and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. Caltrans takes full responsibility for the accuracy, scope, and content of the attached Environmental Assessment and incorporated technical reports.

The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S. Code 327.

July 30, 2010
Date

Jennifer H. Taylor
Jennifer H. Taylor
Acting Environmental Division Manager
California Department of Transportation

Summary

Effective July 1, 2007, Caltrans has been assigned environmental review and consultation responsibilities under the National Environmental Policy Act pursuant to 23 U.S. Code 327.

Overview of Project Area

The project is located on the coast in San Luis Obispo County, near the Piedras Blancas Lighthouse. The highway runs roughly parallel to the coastline on a coastal terrace between the shoreline and the foot of the Santa Lucia mountain range. Except for four private, residential lots, the surrounding land is part of the 81,777-acre Hearst Ranch, which is primarily used for grazing, and the Hearst San Simeon State Park. Within the project limits, the park, owned and operated by the California Department of Parks and Recreation, currently includes all of the area west of the highway.

Purpose and Need

The purpose of the project is to provide a long-term solution to the adverse effects of shoreline erosion on the segment of Highway 1 from just north of the Piedras Blancas Lighthouse to the Arroyo de la Cruz Bridge. The project was initiated due to severe coastal erosion that threatens to undermine the highway. The temporary shore armoring currently in place is not sufficient to protect the road; a long-term solution is required. The goal is to prevent coastal bluff erosion from adversely affecting future operation of the highway for the next 100 years.

Proposed Action

The California Department of Transportation (Caltrans) proposes to realign approximately 2.8 miles of the highway inland, outside of the area where erosion is predicted to be the most severe over the next 100 years. The proposed project would move the highway a maximum of 475 feet east of the existing highway. The new segment would have two standard 12-foot lanes with 8-foot shoulders and include three bridges. The rock facing that has helped to stabilize the bluffs at two locations within the project limits would be removed. The proposed action is the preferred alternative.

Joint California Environmental Quality Act/National Environmental Policy Act Document

The proposed project is a joint project by the California Department of Transportation (Caltrans) and the Federal Highway Administration and is subject to state and federal

Summary

environmental review requirements. Project documentation, therefore, has been prepared in compliance with both the California Environmental Quality Act and the National Environmental Policy Act. Caltrans is the lead agency under the California Environmental Quality Act. In addition, the Federal Highway Administration’s responsibility for environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S. Code 327.

Some impacts determined to be significant under the California Environmental Quality Act may not lead to a determination of significance under the National Environmental Policy Act. Because the National Environmental Policy Act is concerned with the significance of the project as a whole, it is quite often the case that a “lower level” document is prepared for the National Environmental Policy Act. One of the most commonly seen joint document types is an Environmental Impact Report/Environmental Assessment.

Changes based on comments received during the public comment period have been incorporated into this final Environmental Impact Report/Finding of No Significant Impact; the comment letters have been included in Appendix L *Comments and Responses*. For adverse impacts that could not be reduced to below the level of significance under the California Environmental Quality Act, Caltrans has issued Findings and a Statement of Overriding Considerations.

Project Impacts

Summary of Major Potential Impacts from Alternatives

Potential Impact		Build Alternative	No Build Alternative
Land Use	Consistency with the San Luis Obispo County General Plan	County Planning Department to determine whether there are inconsistencies with Local Coastal Plan policies related to environmentally sensitive habitats, agriculture, or coastal watersheds.	Potentially inconsistent with portions of the Local Coastal Plan, Circulation Element and North Coast Area Plan.
Coastal Zone		Coastal Zone Development permit required.	No permit would be required, but would require modifications of conditions on the existing permit for shore rock.
Visual/Aesthetics		Changes in type of coastal views caused by different vantage point.	No impact.
Noise and Vibration		Increase in ambient noise levels for two receptors.	No impact.

Summary

Potential Impact	Build Alternative	No Build Alternative
Natural Communities	Adverse impacts to coastal prairie; mitigation is included.	No impacts on inland areas. However, subsequent maintenance projects and detours would likely disturb resources within proximity of the existing road and along the coastal bluffs, but the extent of this disturbance is unknown. Cumulative impacts could become substantial.
Wetlands and other Waters	Adverse impacts to wetlands and waters of the U.S.; mitigation is included.	
Plant Species	Adverse impacts to four plant species considered rare or unique; potential for impacts to several plant species with special-status listing; mitigation is included.	
Animal Species	Adverse impacts to burrowing owl and southwestern pond turtle habitat; beneficial effects on habitat connectivity at bridges.	
Threatened and Endangered Species	Permanent and temporary adverse impacts to California red-legged frog and their critical habitat; temporary adverse impacts to steelhead, tidewater goby, and both steelhead and tidewater goby critical habitat; net beneficial effect on California red-legged frog habitat connectivity, steelhead passage and tidewater goby habitat by replacing culverts with bridges. Mitigation is included.	
Cumulative Impacts	Adverse impacts to coastal prairie and wetlands.	Not applicable.
Construction	Adverse visual impacts due to dust and general construction disturbance; potential adverse impacts to sensitive plants and animal species; increased noise.	

Coordination with Other Agencies

Caltrans will contact the following agencies for coordination with their respective authorizations:

- California Department of Fish and Game: Section 1602 Agreement
- U.S. Army Corps of Engineers: Section 404 Permit
- Regional Water Quality Control Board: Section 401 Certification
- San Luis Obispo County and California Coastal Commission: Coastal Development Permits
- U.S. Fish and Wildlife Service and National Marine Fisheries Service: Section 7 consultation
- Monterey Bay National Marine Sanctuary: authorization of coastal permit(s)
- National Marine Fisheries Service: concurrence under the Marine Mammal Protection Act for elephant seals

Summary

Caltrans has also been in communication with the California Department of Parks and Recreation, the U.S. Bureau of Land Management, the California Coastal Commission, San Luis Obispo Council of Governments and the California Coastal Conservancy regarding planning for the California Coastal Trail and general land management within the area.

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List of Abbreviated Terms

Caltrans	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
ECOSLO	Environmental Center of San Luis Obispo
ESA	Environmentally Sensitive Area
National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
PM	post mile
SLOCOG	San Luis Obispo Council of Governments
State Parks	California Department of Parks and Recreation

Chapter 1 Proposed Project

1.1 Introduction

The California Department of Transportation (Caltrans) is proposing a project to address the effects of coastal erosion on Highway 1 in San Luis Obispo County near the Piedras Blancas Lighthouse. Caltrans is the lead agency under the California Environmental Quality Act and the National Environmental Policy Act. The project involves a 2.8-mile length of highway, from 0.3 mile north of the lighthouse to the Arroyo de la Cruz Bridge, that will be realigned up to 500 feet inland of the existing alignment. (See Figures 1-1 and 1-2.) Caltrans identified this location because of the rapidly eroding bluffs that threaten highway operations.

The proposed project is included in and consistent with the 2005 Regional Transportation Plan for San Luis Obispo County. Construction is expected to begin in 2014. The total project cost is approximately \$50.1 million and would be funded from the 2010 State Highway Operation and Protection Program.

There is a long history of cooperation between the Hearst Corporation and Caltrans concerning the Highway 1 corridor on the Central Coast. In 1938, the California Department of Public Works' Division of Highways (now the Department of Transportation or Caltrans) and the Hearst Sunical Land and Packing Corporation (now the Hearst Corporation) entered into an *Agreement and Deed* regarding property rights and obligations. As a result of this agreement, portions of the existing highway, including the section within the project limits, lie on an easement held by Caltrans with the underlying fee ownership held by Hearst.

In 2005, state and private agents approved a series of easement agreements covering the Hearst Ranch coastal property. The land was divided into the East Side Conservation Easement Area and the West Side Public Ownership Area. The East Side Conservation Easement Area contains all of the area proposed for highway realignment; this realignment corridor is referred to in this document as the Proposed Highway 1 Realignment Area. The Proposed Highway 1 Realignment Area is limited to an area no more than 500 feet east of the existing highway. After the highway is realigned, the excess land to the west of the new alignment would be added to the West Side Public Ownership Area. Land on the east side of the highway would

remain as part of the East Side Conservation Easement Area. For further details on the easements, see section 2.1.1.1 *Existing and Future Land Use*.

The project area is located in a rural part of northern San Luis Obispo County, where Highway 1 closely follows the shoreline. From Cayucos to the Monterey County line, Highway 1 is a two-lane conventional highway with 12-foot-wide traffic lanes. Within the project limits, the existing shoulders vary in width from zero to four feet. The posted speed limit in the project area is 55 miles per hour.

The Big Sur coast is recognized worldwide for its scenic beauty, and the area has been shielded from development by a host of protective national, state and local planning policies. A distinctive and valued feature of Highway 1 is its spectacular views of the ocean, mountains, and steep coastal bluffs. However, this dynamic coastline challenges the ability of highway engineers to maintain this important route, and viable alternatives to maintain the corridor are limited.

In 1996, Highway 1 south of the project location was realigned inland to address the effects of coastal erosion on the highway. Also in the mid-1990s, Caltrans initiated two emergency projects within the current project limits as part of a three-phase strategy to protect the highway from shoreline erosion.

- The first phase—placing rock slope protection where coastal bluff erosion was threatening highway operations—provided an immediate protective measure.
- The second phase in the overall strategy to address the erosion problem realigned the highway at two locations where the rock fortification had been placed. These realignments, called Rocks I and Rocks III, were completed in 2003, and are expected to provide an operational life of at least 10 years (based on the average erosion rate.)
- This proposed highway realignment project is the third and final phase of the strategy, and the long-term solution to the coastal erosion problem along this segment of Highway 1.

1.2 Purpose and Need

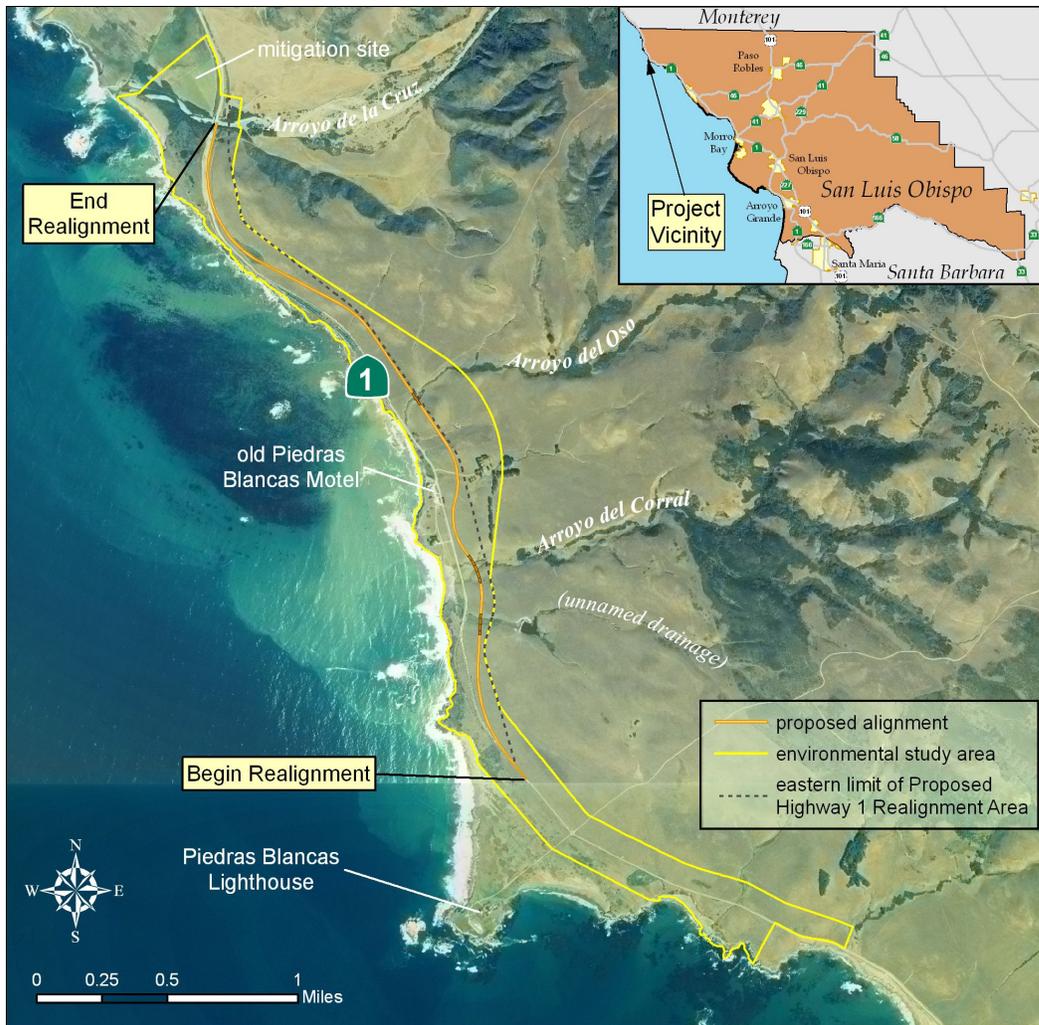
1.2.1 Purpose

The purpose of the project is to provide a long-term solution to the adverse effects of shoreline erosion on a scenic stretch of Highway 1 just north of the Piedras Blancas Lighthouse to the Arroyo de la Cruz Bridge. This project has been conceived to

address the accelerated rates of coastal erosion that threaten to undermine the highway, and prevent coastal bluff erosion from adversely affecting future operation of the highway. The goal of the project is to protect the highway from bluff retreat for the next 100 years.



Figure 1-1 Project Vicinity Map



For reference, see USGS 7.5' Quad Map Piedras Blancas

Figure 1-2 Project Location Map

1.2.2 Need

Throughout the project limits, the shoreline is receding an average of 20 inches per year. In one location, this has resulted in more than 175 feet of bluff receding away since 1957. During periods of storm activity and high surf, waves wash over this section of the highway, strewing rock and debris onto the road and making the road impassible. The progressive advance of erosion has reached the southbound shoulder of the highway, compromising vehicular access between Cambria and points north.

Past solutions in the project area have been to place rock to armor the bluff and protect the highway embankment. However, the permit issued by the Coastal Commission for these activities states this rock protection must be removed by October 2017 and replaced by a more permanent solution.

The fragile nature of the shoreline requires special consideration. Projects that address erosion by armoring the shoreline do not comply with California Coastal Commission policy in several ways. They may be adverse to natural coastal processes, may present unsuitable visual elements, and are generally seen as temporary, emergency measures. A long-term solution is required that provides for continued highway operation while meeting policies for providing public coastal access and protecting coastal resources.

1.3 Alternatives

Early in the planning process, two distinct solutions were identified as capable of meeting the goal to protect the highway from bluff erosion for the next 100 years, while addressing the purpose and need of the project:

- Relocate the highway to a stable location farther inland.
- Fortify the eroding coastal bluffs and thereby prevent future undermining of the highway in its current location.

Several realignment variations were considered to move the road inland from the bluff. These alignments were studied during the preliminary design work and environmental scoping. During the screening process all but one of the variations were eliminated from further discussion. For additional information on the alternatives screening process, see section 1.3.6 *Alternatives Considered but Eliminated from Further Discussion*.

Coastal bluff protection was also considered, but rejected, due to its inconsistency with Local Coastal Plan policies. This alternative is discussed in Section 1.3.6 *Alternatives Considered but Eliminated from Further Discussion*.

1.3.1 Build Alternative

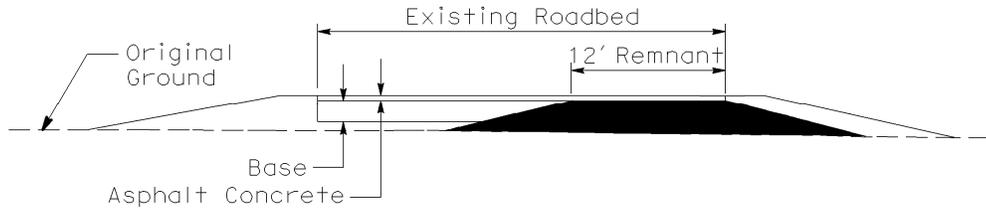
The build alternative, identified as Alternative 2, proposes to realign the inland portion of Highway 1 that is particularly susceptible to coastal erosion within the next 100 years. The realignment would branch off from the existing roadway about 1,400 feet north of the Piedras Blancas Lighthouse driveway and re-connect with the existing roadway just prior to the Arroyo de la Cruz Bridge. The proposed alignment follows a curvilinear path, varying in distance from the existing alignment between

about 80 feet at the narrowest point to about 475 feet at the widest. The new roadway would have one 12-foot lane with an 8-foot shoulder in each direction, and be fenced on each side. This alignment maintains scenic values and was designed to minimize and avoid sensitive coastal resources to the maximum extent possible.

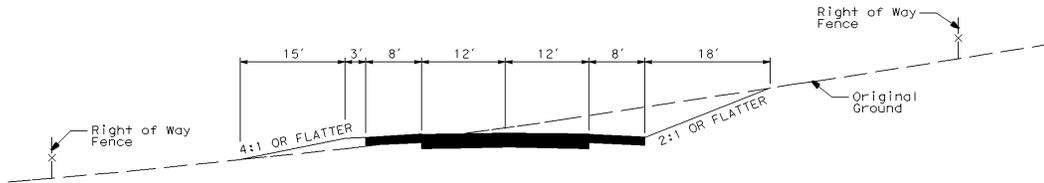
Once the new alignment is completed, traffic would be diverted to the new roadway. The rock revetment that has helped to stabilize the bluffs at two locations within the project limits would then be removed.

Following California Coastal Act Policy, the California Department of Parks and Recreation (State Parks) is currently planning the California Coastal Trail, including potential visitor facilities, through this section of the Central Coast. To facilitate their plans, State Parks has asked Caltrans to leave portions of the abandoned roadway base material for their use rather than grade it to original ground, which is the usual practice. Between the former Piedras Blancas Motel and the ranch house driveway to the south, the road base for the full road width would remain so vehicles can enter a future visitors' center. At the northern and southern ends of the abandoned roadway, all but a 12-foot wide strip of base material of the existing road would be removed and the land graded to natural-appearing landforms. In the remaining center sections, the entire roadbed would be removed and the site graded to match original ground. Throughout the entire length of abandoned highway, the old asphalt concrete surface would be removed. All of the culverts throughout the entire length of the abandoned roadway would also be removed. Typical roadway cross sections are shown in Figure 1-3.

To maintain access to visitor facilities, the proposed project includes construction of a driveway from the new alignment to the former Piedras Blancas Motel parking lot.



Existing roadway after construction. Potential area to remain shown in black.



Proposed roadway. New base and surfacing shown in black.

Figure 1-3 Typical Roadway Cross Sections

Bridges

The project includes the construction of three bridges: a 205-foot-long bridge at Arroyo del Oso, a 380-foot-long bridge at Arroyo del Corral, and either a 200-foot- or 240-foot-long bridge at the unnamed drainage south of Arroyo del Corral. The bridge at Arroyo del Oso will span the creek and the primary floodplain. The bridge at Arroyo del Corral would include two, two-column piers within the floodplain but outside of the stream channel. The bridge at the drainage to the south would have one, two-column pier, unless the shorter, single-span (no pier) bridge is used. (Bridge type at this location will be decided during the final design phase.) In addition, culverts would be placed at approximately 12 locations within the new alignment for drainage.

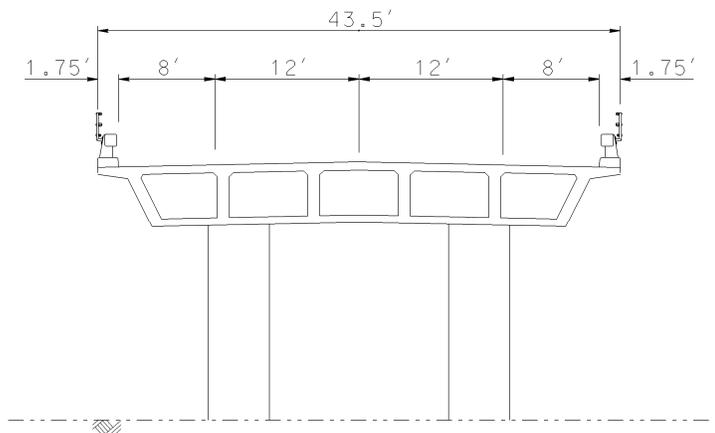


Figure 1-4 Typical Bridge Cross Section (with piers)

Right-of-Way

The project would require relocating utilities and purchasing private land. AT&T and PG&E utilities would be affected by the project. The AT&T facilities are currently underground and would likely be relocated to a new underground facility adjacent to the new alignment. At the bridges, the relocated facilities would be incorporated into the bridge structures. Service boxes would be placed roughly every 1,000 feet throughout the new corridor at a distance from the edge of the roadway that would provide safe access. PG&E power lines, currently located above ground on poles to the east of the existing roadway, would either be relocated on poles placed near the new eastern right-of-way fence on the new alignment or placed underground. In addition, the proposed alignment bisects three private parcels and would require the purchase of right-of-way from these owners.

1.3.2 No Build Alternative

The No Build Alternative proposes that no realignment project be constructed at this time. The severe coastal erosion at this location would continue to degrade the highway, requiring ongoing maintenance resulting in detours, road closures, and additional bluff armoring. Although the permit issued by the California Coastal Commission for placement of the existing rock facing contains a condition that the rock be removed, preservation of the highway would take precedence, and the rock would likely remain.

As there are areas where waves overtop the highway during severe storms, it is expected that the highway would quickly deteriorate beyond the ability of Caltrans to preserve operations, and the highway would have to be closed. There are no state highway connections that lead to parallel routes between Highway 68 near Monterey and Highway 46 south of Cambria. If the highway were closed at this location, northbound users would have to travel about 40 miles to reach Highway 101 via Highway 46 before continuing on their journey, and distance for southbound users such as a resident near Ragged Point would dramatically increase by approximately 200 miles if they had to divert to Highway 101 and then backtrack using Highway 46 to go to southbound destinations. Emergency services responses would be severely limited. The No Build Alternative would require emergency repairs to keep the highway open. Emergency road repairs would have to be initiated under expedited emergency conditions, resulting in a roadway that, while adequately serving the public need, would not likely incorporate elements that address community values,

such as maintaining high visual quality in a rural setting and protecting environmental resources.

1.3.3 Comparison of Alternatives

This document evaluates the pros and cons of the proposed highway realignment project, the Build Alternative, versus the No Build Alternative. Impacts from the Build and No Build Alternatives are shown in the Summary of Major Potential Impacts from Alternatives table in the Summary section; additional information on Alternative 2 is contained in Table 1-1 *Alignment Comparison (Rejected to Proposed)*. Impacts from construction of the proposed project are quantified and explained throughout this document.

Impacts from the No Build Alternative are difficult to predict, but the known, immediate impact would be the continued degradation of the highway at this location. The consequences of this situation are described in section 1.3.2 *No Build Alternative*.

1.3.4 Environmentally Superior Alternative

The environmentally superior alternative appears to be the No Build, in that there would be no immediate impact on the environment. As explained above, the long-term affects of the No Build cannot be determined, and as described in section 1.3.2 *No Build Alternative*, subsequent maintenance projects would be necessary. Caltrans has been able to fully mitigate the environmental impacts from previous maintenance projects along this lowland stretch of Highway 1. Nevertheless, the No Build would result in an unacceptable decrease in the mobility and safety of travelers along the coast. Therefore, the No Build Alternative not only does not meet the purpose and need of the project, but it also does not support Caltrans' mission or goals related to mobility and safety.

The environmentally superior alternative that meets the project purpose and need has been identified as Alternative 2.

1.3.5 Preferred Alternative

After comparing and weighing the benefits and impacts of the two alternatives, Caltrans has identified Alternative 2 as the preferred alternative because it meets the project purpose and need and has the least environmental impact of all the alignments studied, as discussed in section 1.3.3 *Comparison of Alternatives* above. A discussion

of alternatives considered but rejected and eliminated from further discussion is found in section 1.3.6.

1.3.6 Alternatives Considered but Eliminated from Further Discussion

Coastal Bluff Protection

A potential alternative to protect the highway from the effects of encroaching erosion would be to permanently armor the coastline by continuing to place large rock as needed. As with the proposed project, this alternative would require permits from the California Coastal Commission and San Luis Obispo County, as well as the Monterey Bay National Marine Sanctuary. However, this concept is not in accordance with the County of San Luis Obispo Coastal Plan Policies. According to Policy 1, "...new development ... shall be designed so that shoreline protective devices ... that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. Construction of permanent structures on the beach shall be prohibited...." Policy 11 further directs that the County, "develop a program with a long-term comprehensive approach to avoid the permanent armoring of the shoreline...."

Also, as mentioned previously, an existing permit requires the rock currently in place be removed by 2017, when the long-term solution would be completed. Moreover, continued placement of large rocks would not be a permanent solution to the erosion problem, but rather would potentially cause erosion in other locations along the coast that abutted the protected areas, and would not protect the highway from waves during high surf. For these reasons, this alternative was removed from consideration.

Alignment Variations

As part of the development process that resulted in the proposed alignment, numerous initial alignments were mapped out, and then overlaid with the areas of environmental sensitivity to determine the extent of impacts on resources. All of these alignments were constrained by the realignment corridor, identified in section 1.3 *Alternatives*. This process allowed most of the initial alignments to be eliminated from consideration early in the analysis because of their high levels of environmental impacts. The remaining alignments were then refined in order to reduce their impacts further. Alignments were subsequently eliminated when studies showed they would result in greater environmental impacts. The result of this process was the preliminary development of Alignments 1 and 2, which met the project's purpose and need while

minimizing impacts to the environment. These alignments had the fewest environmental impacts, yet fell within the realignment corridor.

A third alignment, one that was located outside of the realignment corridor, was also developed in order to evaluate the potential of avoiding the private parcels that would otherwise be bisected by Alignments 1 and 2. This alignment was identified as Alignment B. (The numeric identification system was not applied to Alignment B in order to distinguish it from those proposed alignments that fell within the realignment corridor.) Alignment B swings 1,050 feet farther inland than Alignments 1 and 2, east of the Proposed Highway 1 Realignment Area. This effort would also assess whether the Proposed Highway 1 Realignment Area was creating an artificial barrier to the exploration of an eastern alignment with fewer environmental impacts.

A unique consideration for Alignment B was its location outside the Proposed Highway 1 Realignment Area. Any alignment outside this realignment area could have legal ramifications due to the conditions set forth in the 2005 easement agreements. The agreements provided for miles of coastal public access that had previously been private property. Once transferred to State Parks, the land has the potential to be subject to Section 4(f) of the Department of Transportation Act of 1966, codified in federal law at 23 CFR 774. This law protects certain publicly owned lands, including public parks and recreation areas of national, state, or local significance. As discussed in section 2.1.1.1 *Existing and Future Land Use*, by realigning the highway inland within the Proposed Highway 1 Realignment Area, all area west of the new alignment would be transferred to State Parks and potentially be protected under Section 4(f) as a result. Moving the highway outside the Proposed Highway 1 Realignment Area would annul this agreement.

Table 1-1 identifies the environmental resources used for evaluation of the three alignments and quantifies the impacts. The difference in impacts to wetlands and coastal prairie between the three alignments was not substantial enough to be a decision factor. Alignment 2 was chosen after completing the Section 106 process primarily because it was the only alignment to avoid all of the important cultural resources. (See section 2.1.5 *Cultural Resources*.) It also would impact the fewest number of sensitive plant species. Based on the results of this evaluation process, it became evident that proposed Alignments 1 and B were inferior, and were rejected from further consideration.

Table 1-1 Alignment Comparison* (Rejected and Proposed)

Affected Resource	Alignment 1	Alignment 2 (Build Alternative)	Alignment B
Wetlands (acres, permanent only)	3.61	3.56	3.52
Coastal Prairie (acres, permanent only)	21.87	22.81	22.74
Sensitive Wildlife (# of species)	5	5	5
Sensitive Plants (# of species)	9	8	12
Cultural Resources	Yes, one eligible property	No adverse effect with Standard Conditions	Yes, one eligible property; three unevaluated properties.
Visual Resources	Preserves ocean views from highway. Retains rural coastal character.	Preserves ocean views from highway. Retains rural coastal character.	Intervening topography blocks some views of ocean from highway. Ocean views are more distant.
Noise	Greater impacts on 5 receptors; lesser on 2	Greater impacts on 5 receptors; lesser on 2	Avoids all receptors
Right-of-Way (acres required)	Total = 45.82; required from residential parcels = 2.13	Total = 46.91; required from residential parcels = 1.88	Total = 49.11; required from residential parcels = 0.38
Within Proposed Highway 1 Realignment Area	Yes	Yes	No

*Information based on 2008 data.

**Quantities for Alignment 1 and Alignment 2 include wetlands that were previously located within the recently

1.4 Permits and Approvals Needed

- Section 1602 Agreement from the California Department of Fish and Game for construction at and near the creeks. Status: sought during the subsequent phase (PS&E) in the project's development.
- Section 404 Individual Permit from the U.S. Army Corps of Engineers for bridge construction and wetland impacts. Status: sought during the subsequent phase (PS&E) in the project's development.
- Section 401 Certification from the Regional Water Quality Control Board for bridge construction and other work in waters of the U.S. Status: sought during the subsequent phase (PS&E) in the project's development.
- Coastal Development Permit from San Luis Obispo County and the California Coastal Commission for work within the coastal zone. Status: sought during the subsequent phase (PS&E) in the project's development.

- Section 7 consultation with the U.S. Fish and Wildlife Service for the California red-legged frog and critical habitat, for tidewater goby and critical habitat, and for western snowy plover. Status: completed February 26, 2010.
- Section 7 consultation with the National Marine Fisheries Service for the California steelhead and critical habitat. Status: completed April 19, 2010.
- Monterey Bay National Marine Sanctuary authorization of Coastal Development Permit for existing bluff protection rock removal. Status: sought during the subsequent phase (PS&E) in the project's development.
- Concurrence under the Marine Mammal Protection Act by the National Marine Fisheries Service for elephant seals. Status: completed February 3, 2009.

Chapter 2 Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures

This chapter explains the impacts that the project would have on the human, physical, and biological environments in the project area. It describes the existing environment that could be affected by the project, potential impacts from each of the alternatives, and proposed avoidance, minimization, and/or mitigation measures. Any indirect or cumulative impacts are included in the general impacts analysis and discussions that follow.

As part of the scoping and environmental analysis conducted for the project, the following environmental issues were considered, but no adverse impacts were identified. Consequently, there is no further discussion regarding these issues in this document.

- Growth—The proposed project would not add capacity to the roadway. There are no components of the project that would induce or influence growth. (Source: sections 1.2 *Purpose and Need* and 1.3.1 *Build Alternative*)
- Traffic and Transportation/Pedestrian and Bicycle Facilities—The proposed project would have no adverse impact on modes of transportation. In accordance with Caltrans’ policy on complete streets, bicyclists and pedestrians would be accommodated on the new road shoulders. The existing road would be maintained until the new alignment has been opened. No detours are planned. (Source: proposed project design plans.)
- Paleontology—The project lies in an area shown as having low to no potential for encountering paleontological resources. (Source: Caltrans Paleontology Identification Report, May 2008, page 5.)

2.1 Human Environment

2.1.1 Land Use

2.1.1.1 Existing and Future Land Use

Affected Environment

The project lies in a rural area, between the foothills of the Santa Lucia mountain range and the coast of the Pacific Ocean. The vast majority of the land is privately owned and used for grazing, though there are a few scattered residences. The Piedras Blancas Lighthouse, now under the control and management of the Bureau of Land Management, is just beyond the southern end of the project limits. The former Piedras Blancas Motel building, which is under control and management of State Parks but is currently vacant, is on the west side of the highway within the project limits.

In 2005, a series of easement agreements were approved between Hearst Corporation and other land stewards. The proposed series of transactions consist of several components that, together, cover the entire 81,777-acre Hearst Ranch:

- The East Side Conservation Easement Area consists of about 80,000 acres of the Hearst Ranch on the east side of Highway 1. Future development within this area would be restricted to protect the scenic, open space, agricultural and natural resource values of the Hearst Ranch.
- The West Side Public Ownership Conservation Area consists of about 1,500 acres of the Hearst Ranch on the west side of Highway 1 that would be transferred into state ownership: 949 acres to State Parks (including the area under the current highway) and 518 acres to Caltrans to accommodate moving the highway inland.
- Hearst Corporation would retain ownership of about 700 acres on San Simeon, Ragged Point and Pico Point, but would convey conservation easements over the points, as well as easements for trails and other public access.
- Caltrans acquired a scenic protection easement over all property west of Highway 1, regardless of the highway location and regardless of the property ownership. Acquisition of the scenic easement included purchase of all

development rights west of the highway within the Public Ownership Conservation Area.

Environmental Consequences

Realignment of Highway 1 implements the Public Ownership Conservation Area contract, thereby transferring ownership of the property west of the new alignment from Hearst Corporation to State Parks. Under State Parks' ownership, this land would be available for public use, though it is still available to Hearst Corporation for grazing purposes. State Parks' use of the property must conform to the scenic protection restrictions, which include passive recreational use with no adverse impacts to the viewshed. Caltrans' abandonment of the existing roadway would provide a potential alignment for State Parks' proposed California Coastal Trail.

The proposed alignment would go through three other privately owned parcels and would affect the driveway of a fourth. These impacts are discussed further in section 2.1.3.1 *Relocations*.

Under the No Build Alternative, the transfer of land west of the realigned highway to State Parks would not occur and the opportunity to acquire public land would be lost.

Avoidance, Minimization, and/or Mitigation Measures

State Parks has requested that Caltrans leave at least 12 feet of existing road base material in strategic locations for potential recreational uses. In all other areas, the existing road would be completely removed and the ground graded to resemble natural landforms and then revegetated. The scenic protection easement allows for the maintenance-in-kind of existing ranch access roads. Other than the Coastal Trail, no other new roads are allowed. However, the proposed project also includes a driveway from the new alignment to the road remnant at the former Piedras Blancas Motel, which would maintain public access to coastal resources.

2.1.1.2 Consistency with State, Regional and Local Plans

Affected Environment

Regional Transportation Plan for San Luis Obispo County

The 2005 Regional Transportation Plan outlines the region's goals and policies for meeting current and future transportation needs and provides a foundation for making transportation decisions.

San Luis Obispo County General Plan

The main planning policies for the area are found in the North Coast Area Plan of the San Luis Obispo County General Plan. This document provides goals, objectives, policies, programs and standards to guide resource management, conservation, environmental protection, and community character.

Environmental Consequences

The proposed project is included in and consistent with the 2005 Regional Transportation Plan for San Luis Obispo County. The project also abides by all policies and objectives of the North Coast Area Plan.

Under its discussion on circulation alternatives, the Circulation Element of the North Coast Area Plan specifically identifies Highway 1 within its objectives for highways, streets and roads:

This highway is the main route through the Planning Area, serving area residents, the agricultural community, and tourists driving the scenic coast route between San Luis Obispo and the Monterey Peninsula. . . . Highway One is, however, required by statute to remain a two lane, scenic road in rural areas of the coastal zone. . . . In addition, Highway One should be realigned landward in order to maintain the road as a scenic highway, provide continuing access to and along the North Coast of the County, and limit the amount of shoreline protection devices that may otherwise be needed to prevent damage to the highway from bluff erosion.

The North Coast Area Plan identifies land use combining designations, which are special overlay land use categories applied in areas of the county with potentially hazardous conditions or significant natural resources. The Geologic Study Area combining designation identifies portions of the coastline where bluff erosion poses a concern for new development. The North Coast Area Plan states that where there is bluff erosion, “[d]evelopment should be located so that it can withstand 100 years of bluff erosion, without the need for a shoreline protection structure that would substantially alter the landform, affect public access, or impact sand movement along the beach.”

The No Build Alternative is not in conformance with the North Coast Area Plan because it would require continuous support of the eroding bluffs.

Avoidance, Minimization, and/or Mitigation Measures

There are no conflicts between the proposed project and any local plans, therefore no measures are required.

2.1.1.3 Coastal Zone

Regulatory Setting

The proposed project lies within a designated coastal zone. The Coastal Zone Management Act of 1972 is the primary federal law enacted to preserve and protect coastal resources. The Coastal Zone Management Act sets up a program under which coastal states are encouraged to develop coastal management programs. States with an approved coastal management plan are able to review federal permits and activities to determine if they are consistent with the state's management plan.

California has developed a coastal zone management plan and has enacted its own law, the California Coastal Act of 1976, to protect the coastline. The policies established by the California Coastal Act are similar to those for the Coastal Zone Management Act; they include the protection and expansion of public access and recreation; the protection, enhancement, and restoration of environmentally sensitive areas; the protection of agricultural lands; the protection of scenic beauty; and the protection of property and life from coastal hazards. The California Coastal Commission is responsible for implementation and oversight under the California Coastal Act.

Just as the federal Coastal Zone Management Act delegates power to coastal states to develop their own coastal management plans, the California Coastal Act delegates power to local governments (15 coastal counties and 58 cities) to enact their own local coastal programs. Local coastal programs determine the short- and long-term use of coastal resources in their jurisdiction consistent with the California Coastal Act goals. A federal consistency determination may be needed as well.

The California Coastal Act of 1976 requires local jurisdictions to identify an alignment for the California Coastal Trail within their local coastal plans that ideally would be continuous and located along the shoreline. Assembly Concurrent Resolution 20 of the 2001-02 regular session declared the California Coastal Trail to be an official state trail and urged the California Coastal Conservancy and the California Coastal Commission to work collaboratively to complete the trail. In February 2007, the State of California enacted Assembly Bill 1396, which requires

transportation planning agencies to coordinate with the State Coastal Conservancy, the California Coastal Commission, and Caltrans regarding development of the California Coastal Trail. It also requires the California Coastal Conservancy to consult with Caltrans in coordinating development of the coastal trail.

Affected Environment

The coastal zone encompasses all lands within the North Coast Planning Area. The entire project lies within the coastal zone and would require a permit for construction. The project is primarily within the permitting jurisdiction of the County of San Luis Obispo, however most of the work on the bluffs (removing the rock) would be within the permitting jurisdiction of the California Coastal Commission.

The following California Coastal Act and Local Coastal Program information is provided to assist with permitting activities on the Build Alternative, except as noted under the Local Coastal Program, Shoreline Access and Coastal Watersheds. (See Tables 2-1 and 2-2.) The No Build Alternative could be inconsistent with these policies, notably where additional bluff protection is used. The San Luis Obispo County Planning Department would make a determination on consistency during the permitting process.

Table 2-1 California Coastal Act—Public Resources Code Division 20

Policy Number	Subject of Policy	Assessment
30210-30212	Public Access	The proposed project would improve coastal public access by increasing roadway reliability. Furthermore, the proposal includes driveways to provide right of entry to existing coastline access points.
30221	Recreation	The proposed project would have no adverse impact on recreational uses of the coastal area.
30231	Biological activity; water quality	These resources would benefit from removal of the existing culverts, removal of the shore protection rock, and by minimization of the hydrological connections between the highway and the watershed; mitigation measures have been included to minimize adverse environmental effects to the extent possible.
30233	Diking, filling, dredging of wetlands	The proposed alignment represents the least environmentally damaging alternative; mitigation measures have been included to minimize adverse environmental effects to the extent possible.
30235	Construction altering natural shoreline	Removing the rock facing would likely result in a brief period of localized bluff disturbance, but the end effect would be re-establishment of a natural shoreline appearance and ecological functions.

Policy Number	Subject of Policy	Assessment
30240	Environmentally Sensitive Habitat	The project would avoid environmentally sensitive habitat where practicable and enhance or replace lost habitat to ensure no net loss.
30241-30242	Agricultural land	The maximum amount of prime agricultural land has been maintained and the project would not impair or diminish agricultural viability. The project further triggers enactment of the Hearst Conservation Easement agreement, which protects the surrounding agricultural land from future development.
30244	Archaeological/ Paleontological resources	There would be no adverse impact to these resources.
30251	Scenic and visual qualities	Scenic and visual qualities have been considered in the project planning.
30252	Public access	The proposed project includes driveways to access coastal features.
30254	Public works facilities	Highway 1 would remain a two-lane, scenic road.
30609.5	State lands between the first public road and the sea	Upon completion of the highway realignment project, the land previously used for the highway would be transferred to State Parks.

Table 2-2 Local Coastal Program—San Luis Obispo County Land Use Element, Coastal Plan Policies

Policy Subject	Assessment
Shoreline Access	Existing access would be preserved with the construction of a new driveway to the former Piedras Blancas Motel. State Parks would assume responsibility for this driveway after construction. The project would improve public safety by removing the road from an unstable area. The No Build Alternative could be considered inconsistent with this policy because it does not provide for long-term safe access to the shore.
Recreation and Visitor-Serving Facilities	Coastal recreation and visitor-serving facilities would be protected. As a visitor-serving facility itself, the highway is an allowable development. State Parks would gain ownership of additional land as a result of the project.
Energy and Industrial Development	Caltrans would recommend to AT&T that its existing underground utilities be relocated underground, and to PG&E that its existing above-ground utilities be moved to relocated poles on the inland side of the new alignment.

Policy Subject	Assessment
Environmentally Sensitive Habitats (ESHs)	Impacts to Environmentally Sensitive Habitats have been reduced to the extent practicable. The highway is not a resource-dependent use on any of the Environmentally Sensitive Habitats; this could be determined to be inconsistent with coastal policy. Diking, dredging and filling of wetlands are allowable for incidental public service purposes. Since impacts are not expected to significantly disrupt the resource, this is consistent with coastal policy. Impacts to coastal prairie and some sensitive plant species are potentially significant, though they are not expected to be inconsistent with the biological continuance of the habitat. However, this could be determined to be inconsistent with coastal policy. Wetland mitigation is included in the project, both on- and off-site. The highway is not considered a use, therefore it is consistent with coastal policy. The project would go through California Department of Fish and Game review. Vehicle use (during construction only) would occur within wetlands, but these areas are accounted for in the impact area totals and have been included in the mitigation area calculations. Minor incidental public works projects, including roads, are permitted within riparian areas. Bridges have been sited and designed so as not to impede up- and downstream movement of native fish or to reduce stream flows. Native plants are included in the revegetation plans.
Agriculture	Prime agricultural lands would be affected by the project; this could be determined to be inconsistent with coastal policy. Agricultural land converted to non-agricultural use by the project would not adversely affect surrounding agricultural uses. The project includes provisions for beach access.
Public Works	Caltrans would submit the project to the county for review, comment and findings as to its conformity with the Coastal Plan during the coastal development permit process. The project includes measures to ensure the protection of coastal natural resources.
Coastal Watersheds	The project is sited on slopes of less than 20%. Development and grading would occur within 100 feet of an environmentally sensitive habitat; this could be determined to be inconsistent with coastal policy. An erosion control plan would be prepared as part of the project to reduce the potential for serious erosion. The No Build Alternative would require shoreline protective devices for the life of the structure and permanent armoring of the shoreline; this could be determined to be inconsistent with coastal policy.
Visual and Scenic Resources	Scenic vistas would be maintained. Bridges would be designed to fit into the rural landscape. Graded contours would be given a natural-looking appearance. Replacement tree planting would be included in the landscaping plan. Utility lines, if left above ground, would be placed landward.
Hazards	The purpose of the project is to move the highway away from geologic hazards in the form of shore erosion. The plan has been reviewed by a certified engineering geologist. The project has been designed to withstand bluff erosion and wave action for a period of 100 years without construction of shoreline protection structures.
Archaeology	The project has been designed to avoid and protect archaeological resources. A Historical Property Survey Report was prepared to document the studies. Should unidentified resources be discovered during construction, all work in the area of the finding shall cease until evaluated by a qualified archaeologist.
Air Quality	The County of San Luis Obispo has included the project in their 2005 Regional Transportation Plan, which is in conformance with the 2001 Clean Air Plan. Dust generation during construction is expected to be well within the San Luis Obispo County Air Pollution Control District's Guidelines.

Environmental Consequences

Caltrans would obtain coastal zone development permits from both the County of San Luis Obispo and the California Coastal Commission. The permit process would include a public hearing and comment period. Most of the project lies within an area

that would allow any permit issued to be appealed to the Coastal Commission. Potential inconsistencies with Coastal Plan policies may require a Local Coastal Plan Amendment.

In 2005, Caltrans was one of the parties in a series of agreements that resulted in 800 acres being transferred to State Parks immediately, with another 600 acres in public easement rights to be transferred once Highway 1 was realigned. (See section 2.1.1.1 *Existing and Future Land Use* for more information on these agreements.) In 2007, Caltrans participated in the State of California’s purchase of the 20-acre coastal parcel that contained the former Piedras Blancas Motel. Prior to the land transfers, these properties were privately owned. Public access was permitted at will, revocable at any time. As a result of these agreements, including realignment of the highway, 18 miles of coastline were made available for permanent public access.

The increase in permanent public access to the coast was one of the driving factors for the agreements, as was protecting the natural and scenic resources—factors that were specifically identified in the agreements. The Memorandum of Agreement between Caltrans and the California Resources Agency for the scenic easement states, “The parties are committed to working toward protection of all of the valuable resources associated with the Hearst Ranch, providing appropriate public access opportunities and providing for long-term maintenance of the highway while preserving and protecting the scenic and natural qualities of the highway corridor to the greatest extent possible.” The deeds between Hearst Corporation and Caltrans state that this area of the coast possesses “extraordinary scenic and open space values...that are of great importance to [Hearst Corporation], [Caltrans], and the people of the County of San Luis Obispo and the State of California, and visitors from across the United States of America.” These deeds also confirm, “The purpose of this [easement] is to assure that the [easement area] will be preserved to protect the scenic viewshed...and therefore will be retained forever predominantly in its natural, scenic, historic, agricultural and open space conditions, while allowing public access for outdoor passive recreation and scenic enjoyment....”

Avoidance, Minimization, and/or Mitigation Measures

There are no measures associated with this issue at this time, although the coastal zone development permits could be issued with conditions.

2.1.1.4 Parks and Recreation

Affected Environment

The project abuts coastal property owned by the California Department of Parks and Recreation (State Parks), including the former Piedras Blancas motel and surrounding land. The motel buildings are vacant and unimproved; State Parks provides the public with portable toilets. An informal recreational trail leads along the bluffs and provides access to nearby beaches. The parking lot is accessible to visitors, including tour buses, to the coastal bluffs and the lighthouse. The California Coastal Conservancy and State Parks are planning to align the California Coastal Trail through this area.

Environmental Consequences

The realignment project would move the highway up to 220 feet farther away from the former motel building. Once the highway is moved, the land between the motel and the new alignment would be added to the park. The project would have no long-term adverse effect on the park property, though various construction activities would have short-term impacts. These activities include connecting the access road from the new highway alignment to the motel parking lot, minor landform grading after removing culverts at Arroyo del Corral and the unnamed drainage just south of Arroyo del Corral (north of the former motel), accessing the shore rock in order to remove it, and establishing the mitigation area near Arroyo de la Cruz. These short-term impacts could include dust and noise disturbance, reduction in visual quality, and possibly a restriction of public access while the activity is underway.

The State Park properties are subject to Section 4(f) of the 1966 Department of Transportation Act, however the impacts from the realignment project do not constitute a “use” because ownership transfer of the land to State Parks was planned concurrently and jointly with the highway realignment project. This is discussed more fully in Appendix B *Resources Evaluated Relative to the Requirements of Section 4(f)*.

Avoidance, Minimization, and/or Mitigation Measures

The project includes a driveway from the new alignment to the existing parking lot associated with the motel, which will maintain public access. In addition, the entire roadway width of the existing highway base material will be left in place between the motel and the ranch house to the south in order to facilitate access.

2.1.2 Farmlands/Timberlands

Regulatory Setting

The National Environmental Policy Act and the Farmland Protection Policy Act (FPPA, 7 U.S. Code 4201-4209; and its regulations, 7 Code of Federal Regulations Part 658) require federal agencies, such as the Federal Highway Administration, and Caltrans as assigned, to coordinate with the Natural Resources Conservation Service if their activities may irreversibly convert farmland (directly or indirectly) to nonagricultural use. For purposes of the Farmland Protection Policy Act, farmland includes prime farmland, unique farmland, and land of statewide or local importance.

The California Environmental Quality Act requires the review of projects that would convert Williamson Act contract land to non-agricultural uses. The main purposes of the Williamson Act are to preserve agricultural land and to encourage open space preservation and efficient urban growth. The Williamson Act provides incentives to landowners through reduced property taxes to promote agricultural and open space lands uses.

Affected Environment

The vast majority of the North Coast planning area is designated Agriculture. Most of the area is used for cattle grazing because of predominantly rolling to steep slopes. Although the coastal lowlands have suitable soils, use of the land for crop production is limited by water availability and extensive wind and fog.

The major agricultural land holding in the North Coast planning area is the Hearst Ranch; the agricultural use is a cow-calf operation. The ranch encompasses a wide range of topography and habitats. The North Coast Area Plan indicates that over 98 percent of the ranch will remain in agricultural use, with only isolated pockets of resort development for tourist use of the coastal area.

The proposed project traverses the Hearst Ranch, which contains large areas of soil types designated as Prime Farmland and Farmland of Statewide Importance. Approximately 31 acres of these soil types would be directly affected by the project and an additional 14 acres would be taken out of production through right-of-way fencing. According to the Natural Resources Conservation Service, this is equal to 0.012 percent of the county total.

There are no properties under Williamson Act contract and no timberlands within the project area.

Environmental Consequences

The percentage of county farmland potentially affected by the proposed project does not represent a substantial loss of farmland, but could be a concern in complying with the Local Coastal Plan. Therefore, this subject is discussed in Tables 2-1 and 2-2 in Section 2.1.1.3 *Coastal Zone*. The Farmland Conversion Impact Rating Form is provided in Appendix H. Farmland conversion by alternative is shown in Table 2-3.

Table 2-3 Farmland Conversion by Alternative

Alternatives	Land Converted (acres)	Prime and Unique Farmland (acres)	Percentage of Farmland in County	Percentage of Farmland in State	Farmland Conversion Impact Rating
Build	45	10.35	0.012	0.0001	88
No Build	0	0	0	0	Not applicable

Source: Form NRCS-CPA-106 (Farmland Conversion Impact Rating for Corridor-Type Projects)

Avoidance, Minimization, and/or Mitigation Measures

There are no measures associated with this issue.

2.1.3 Community Impacts

2.1.3.1 Relocations

Regulatory Setting

Caltrans’ Relocation Assistance Program (RAP) is based on the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended) and Title 49 Code of Federal Regulations, Part 24. The purpose of the RAP is to ensure that persons displaced as a result of a transportation project are treated fairly, consistently, and equitably so that such persons will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole.

Please see Appendix M for a summary of the RAP.

All relocation services and benefits are administered without regard to race, color, national origin, or sex in compliance with Title VI of the Civil Rights Act (42 U.S. Code 2000d, et seq.). Please see Appendix C for a copy of Caltrans’ Title VI Policy Statement.

Affected Environment

Four private parcels east of the existing alignment would be affected by the proposed project. These are shown in Figure 2-1 as locations 3, 5, 6 and 7. The northernmost of these parcels (3) has an existing house that is currently used as a vacation rental. The three other properties, called the Lighthouse Estates, each has a new, single-family dwelling recently completed and also currently being used as vacation rentals.

Environmental Consequences

The proposed alignment would intersect three of the privately owned parcels (3, 6 and 7) and the driveway of the fourth (5). One of the two new structures would be directly impacted by the new alignment and would likely be removed (7). The second new structure (6) would be within about 75 feet of the new edge of road shoulder. This section of roadway has about 25-30 feet of fill slope beyond the edge of road shoulder that would further encroach upon the property. Also, the edge of shoulder of the new alignment would come within 325 feet of the northernmost rental property (3).

The two parcels with houses nearest the roadway would possibly be full acquisitions, while the two parcels with houses farthest from the roadway would be partial acquisitions. In the case of the easternmost parcel, only the driveway would be affected. Because there are currently no full-time occupants of the affected dwellings, there are no expected relocations.

Avoidance, Minimization, and/or Mitigation Measures

Caltrans would reimburse property owners at fair market value for private property acquired for the new roadway alignment. If the houses become occupied and relocations become necessary, acquisition and relocation would be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

2.1.3.2 Environmental Justice

Regulatory Setting

All projects involving a federal action (funding, permit, or land) must comply with Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, signed by President Bill Clinton on February 11, 1994. This order directs federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations

to the greatest extent practicable and permitted by law. “Low-income” is defined based on the Department of Health and Human Services poverty guidelines. For 2008, this was \$21,200 for a family of four.

All considerations under Title VI of the Civil Rights Act of 1964 and related statutes have also been included in this project. Caltrans’ commitment to upholding the mandates of Title VI is evidenced by its Title VI Policy Statement, signed by the Director, which can be found in Appendix C of this document.

Affected Environment

Due to the lack of permanent tenants in the affected properties, there is no established minority or low-income population within the area. Affected properties are estate-type and not considered low income.

Environmental Consequences

Environmental impacts of the proposed project on property owners include property acquisition, a change in visual quality, increased noise, and temporary construction impacts. (See sections 2.1.3.1. *Relocations*, 2.1.4 *Visual/Aesthetics*, 2.2.4 *Noise and Vibration*, and 2.4 *Construction Impacts*, respectively.)

Avoidance, Minimization, and/or Mitigation Measures

No minority or low-income populations have been identified that would be adversely affected by the proposed project as determined above. Therefore, this project is not subject to the provisions of Executive Order 12898.

2.1.4 Visual/Aesthetics

Regulatory Setting

The National Environmental Policy Act of 1969, as amended, establishes that the federal government use all practicable means to ensure all Americans safe, healthful, productive, and *aesthetically* (emphasis added) and culturally pleasing surroundings [42 U.S. Code 4331(b)(2)]. To further emphasize this point, the Federal Highway Administration in its implementation of the National Environmental Policy Act [23 U.S. Code 109(h)] directs that final decisions regarding projects are to be made in the best overall public interest taking into account adverse environmental impacts, including among others, the destruction or disruption of aesthetic values.

Likewise, the California Environmental Quality Act establishes that it is the policy of the state to take all action necessary to provide the people of the state “with...enjoyment of aesthetic, natural, scenic and historic environmental qualities.” [CA Public Resources Code Section 21001(b)]

Affected Environment

Applicable technical report: Visual Impact Assessment, August 2008.

Highway 1 in San Luis Obispo County is an officially designated State Scenic Highway and a federal All-American Road under the National Scenic Byways Program. The undulating topography of the region allows the opportunity for long-range vistas, however the highway traveler also experiences close- and mid-range views of the coastline and shore. Surface water is a critical visual element throughout the region, with the Pacific Ocean dominating views throughout most of the area, as well as from within the project limits. Throughout the region, built developments have a generally low visual presence in the landscape. Wood post and wire fencing line both sides of the highway.

The majority of people viewing the project area are on the highway, either in a vehicle or on a bicycle. Other viewing opportunities from recreational locations include visitors using the former Piedras Blancas Motel for coastal beach access, bicycle and pedestrian viewpoints along the existing highway road shoulder, and views from the ocean.

The existing visual quality of Highway 1 in the project area is very high, as are most views along the Coast Highway. Figure 2 in Appendix D shows existing views from the highway. The existing views are referred to as observer viewpoints (OV-) 5 and 6. The locations of OV-5 and OV-6 are shown on the Observer Viewpoint Location Map (Figure 1 in Appendix D). This view quality is due primarily to the abundance of ocean views, rolling hillsides, and the minimal visibility of built elements. Among the few visual detractors within the project limits are the former Piedras Blancas Motel, the residences east of the existing highway, the overhead utility poles, temporary K-rail and rock slope protection along the ocean bluff, and some roadside and commercial signs.

Environmental Consequences

Changes in visual resources would occur as a result of this project. These changes would result in a minor to moderate reduction in visual quality, as seen from on and

off the project site. Project impacts would come from the widening of the highway, in combination with the visibility of cut and fill slopes. Any potential visual impacts resulting from the loss of shoreline views are expected to be offset by the increase in long-range ocean and landscape vistas. If a noise barrier is required, its type and location might adversely affect visual quality.

Once in place, only the highway users most familiar with the route would notice any visual change. The high-quality landscape setting would absorb the visual changes caused by this proposed project and generally render them imperceptible to the casual viewer. As a result, the realigned highway would remain visually subordinate to the overall natural landscape. In addition, no identified scenic resources as defined by CEQA Guidelines or Caltrans policy would be adversely affected by the project.

The primary affected viewers are those who travel the highway and are in the immediate vicinity of the project. Viewers through this area generally have high expectations regarding scenic quality, and the state and federal scenic designations further heighten viewers' sensitivity along this route.

The existing Highway 1 alignment includes direct shoreline views for much of its length through the project limits. The proposed alignment would move the highway farther away from the ocean bluff and would reduce the extent of these close-in views of the shoreline. The proposed alignment would retain some of these shoreline views, particularly in the area of Arroyo de Corral, where the proposed alignment is not far from the existing highway (see Figure 3 in Appendix D, OV-2). They would also be retained at the northern end, where the elevated viewing position would provide greater visual access to the adjacent shore (see Figure 4 in Appendix D, OV-4). Because of the natural topography of the area, the proposed project alignment would be higher than that of the existing roadway elevation (see Figure 4 in Appendix D, OV-3 and OV-4). This elevated roadway would increase long-range views of the surrounding landscape and coastline. The proposed highway alignment would be somewhat more curvilinear than the existing roadway, which would help the corridor retain some of its rural character.

As a result of the natural topographic variety, the proposed alignment would result in substantial cut and fill slopes, especially at the northern end of the project (see Figure 4 in Appendix D, OV-3 and OV-4). At two locations, the proposed road alignment would “notch” through the landform, requiring cut slopes on each side of the roadway. The earthwork required for these areas would create unnatural landform

“remnants” that would affect views to the ocean and the inland hills for highway travelers. The visible cut and fill slopes would be inconsistent with the natural landforms of the area. The engineered character of the earthwork would be most apparent during the first two years following construction, until plantings become established in the slope areas. The proposed cut and fill slopes would be visible from the new roadway alignment as well as from the recreational area surrounding the former Piedras Blancas Motel. Future development of the California Coastal Trail along the existing highway alignment would also provide views to the earthwork proposed by the project.

The wider roadway would add more visible paved surface than what currently exists. A slight alteration of existing rural character would occur because of the increased paved shoulder width. This change of character would, however, be partially offset by the increased curvature of the roadway alignment. Although the wider pavement would be somewhat inconsistent with the rural setting, the roadway and its shoulders would remain visually subordinate to the broad vistas and expansive views provided by the new alignment.

The three new bridges proposed by the project would add new, engineered elements into the landscape setting. The most noticeable components of the bridges would be the bridge decks and the bridge rails (Figure 3 in Appendix D, OV-2 shows the proposed Arroyo del Corral bridge). Depending on the height of the viewing position, views from the roadway to the ocean would be affected to some degree by the bridge rail. Bicycle railing, if included on the bridge rail, would further affect views. Because of the road curvature, brief angled views of the sides of the bridge structures would be available from certain locations on the new roadway. The bridges would be highly visible from the California Coastal Trail.

Overhead utilities line the inland side of the existing highway throughout the southern portion of the project. If these utility poles and lines were left in their current location after the project was built, they would be visible west of the highway and would detract from the ocean views. However, PG&E power lines, currently located above ground on poles to the east of the existing roadway, would either be relocated on poles placed near the new eastern right-of-way fence on the new alignment or placed underground.

Because of their closer proximity, the private residences inland from the highway would be more visible with the proposed realignment. This increased visibility would further reduce the rural character of the highway traveling experience. Furthermore, if noise attenuation is required for these residences, it could have an adverse effect on vistas and the visual character along the highway.

As seen from the new alignment, the existing roadway would be visible, depending on the extent of landform and road base left in place and depending on the amount of planting restoration that occurred on the old alignment. As a result of the project, a section of the existing driveways connecting the private residences to the highway would be visible west of the new alignment. Removal of the existing highway drainage culverts would reduce the prominence of the existing highway facility as seen from the proposed alignment.

The No Build Alternative would leave the existing highway in place, which would maintain a visual condition the same or similar to the current situation. However, depending on the rate of shore erosion, the No Build Alternative could result in additional emergency measures to protect the roadway, such as concrete K-rail and rock slope protection. These measures could cause the coastal area to appear like a permanent construction zone and could potentially reduce the visual quality of the area.

Avoidance, Minimization, and/or Mitigation Measures

To reduce the project's potential effect on coastal resources and the existing rural character of the area, the following minimization and mitigation measures would be included:

1. Contour grading – A contour grading plan will be prepared that reduces the engineered appearance of cut and fill slopes throughout the project limits. The contour-grading plan will use slope-rounding and other techniques to recreate natural-looking landforms.
2. Remove landform remnants – Landforms created on the ocean side of the new highway that would potentially affect ocean views and/or look unnatural will be removed to the extent practicable and contour-graded to appear natural.
3. Remove or relocate overhead utilities – Existing overhead utilities within the project limits will be placed underground or relocated to the inland side of the new road where practicable.

4. Restore existing roadway to be abandoned – Other than locations requested by State Parks, the existing roadway will be restored to a naturally appearing condition to the greatest extent possible. All existing asphalt and road base along the length of the abandoned roadway will be removed and the existing landform of the abandoned roadway will be re-contoured and re-vegetated.
5. Remove and restore private driveways – The portion of the private residential driveways west of the new alignment will be removed where no longer needed and restored to a natural condition.
6. Save and re-apply topsoil – The existing topsoil to be disturbed by the proposed roadway will be saved and reapplied on cut and fill slopes, on the abandoned roadway, and on other disturbed areas to the greatest extent possible.
7. Bridges and other structures – Open-style bridge rail will be used on all bridges. Bridges will include details and colors to help blend the structures with the natural/rural setting. Other built items (i.e. services boxes, etc.) will be located to minimize their visibility.
8. Guardrail – All metal beam guardrail and end treatments will be darkened by acid-etching.
9. Fencing – All required right-of-way fencing will be wooden post and wire.
10. Noise Barriers – If noise barriers are required, earthen berms would be used at the minimum size needed to attenuate sound to the required level. Berms shall be designed to appear as naturally-occurring landforms and to reduce their engineered appearance. Berms will have variable slope faces and shall undulate both horizontally and vertically; they could be vegetated if necessary to reduce visibility of existing houses from the highway. Berm design will be determined in consultation with the Caltrans District Landscape Architect.

2.1.5 Cultural Resources

Regulatory Setting

“Cultural resources” as used in this document refer to historic and archaeological resources, regardless of significance. Laws and regulations dealing with historic and archaeological resources include the following:

The National Historic Preservation Act of 1966, as amended, sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 Code of Federal Regulations 800). On January 1, 2004, a Section 106 Programmatic Agreement among the Advisory Council, the Federal Highway Administration, the State Historic Preservation Officer, and Caltrans went into effect for Caltrans projects, both state and local, with Federal Highway Administration involvement. The Programmatic Agreement implements the Advisory Council's regulations, 36 Code of Federal Regulations 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans. The Federal Highway Administration's responsibilities under the agreement have been assigned to Caltrans as part of the Surface Transportation Delivery Pilot Program (23 Code of Federal Regulations 773) (July 1, 2007).

Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the "use" of land from historic properties. See Appendix B for specific information regarding Section 4(f).

Historical resources are considered under the California Environmental Quality Act, as well as California Public Resources Code Section 5024.1, which established the California Register of Historical Resources. Section 5024 of the Public Resources Code requires state agencies to identify and protect state-owned resources that meet listing criteria for the National Register of Historic Places. It further specifically requires Caltrans to inventory state-owned structures in its rights-of-way. Sections 5024(f) and 5024.5 require state agencies to provide notice to and consult with the State Historic Preservation Officer before altering, transferring, relocating, or demolishing state-owned historical resources that are listed on or are eligible for inclusion in the National Register or are registered or eligible for registration as California Historical Landmarks.

Affected Environment

Applicable technical report: Historical Property Survey Report, September 2007.

Preliminary research included a review of the following databases: National Register of Historic Places (National Register), California Register of Historical Resources, California Historical Landmarks, and California Points of Historical Interest.

Archaeological field survey investigations were conducted on January 5-7 and 26-27, 2005; February 9-10, 2005; November 16-17, 2005; and June 22, 2006. A total of 697 acres east and west of Highway 1 were surveyed. The width of the survey area on the west side of Highway 1 varied due to the irregular coastline. East of Highway 1, the width of the survey area followed a 500-foot easement, except for the central survey area around Arroyo del Oso and Arroyo del Corral. In this area, the project coverage expanded to 1,640 feet from the highway in order to survey alternatives that would potentially avoid cultural and biological resources.

The archival record search revealed that portions of the study area were previously surveyed over the course of 11 inventories, and that 20 prehistoric sites are within the study area; seven of the 20 are within the area of potential effect. Of the seven prehistoric sites, three were previously evaluated and found to be ineligible for the National Register. Studies performed expressly for this project on the four remaining sites determined that only one, CA-SLO-265, was eligible for the National Register. A Phase II investigation determined the site was eligible under Criterion D. (Criterion D refers to resources that have yielded or may be likely to yield information important in history or prehistory).

CA-SLO-265 (commonly referred to as the Twin Windmills Site) is a large deposit that was originally recorded during the 1966 Hearst Ranch inventory and was recently re-recorded as a much larger site during this study. The site is predominately composed of a moderately dense scatter of flaked stone tools and tool-making debris that extends across the upper terrace. A relatively rich shell-waste deposit is situated within the southeast portion of the site on the edge of the terrace extending down slope to the Arroyo del Corral floodplain, buried under recent alluvial sediments.

Environmental Consequences

The proposed project would traverse the western portion of CA-SLO-265. The impact would occur within a component of the site that was determined not to be a contributing factor to the site's eligibility for the National Register. The State Historic Preservation Officer concurred with this determination in October 2007. (See Appendix I for letters regarding Section 106 compliance.)

Avoidance, Minimization, and/or Mitigation Measures

The proposed project alignment was developed to avoid cultural resources to the extent practicable. Pursuant to the assumption of Federal Highway Administration Section 106 responsibilities by Caltrans under 23 U.S. Code 327, a finding of “No Adverse Effect with Standard Conditions” for the undertaking was made and a letter of notification sent to the State Historic Preservation Officer in March 2008. (See Appendix I.) The conditions under which Caltrans has made this finding are outlined in an Environmentally Sensitive Area Action Plan.

The Environmentally Sensitive Area Action Plan was developed in accordance with Programmatic Agreement Stipulation VIII.C.3, Stipulation X.B.2.a.ii.iii, and Attachment 5 of the Programmatic Agreement. This Environmentally Sensitive Area Action Plan would be implemented to protect the portion of CA-SLO-265 eligible for the National Register from construction impacts. The Environmentally Sensitive Area Action Plan would be incorporated into the final construction drawings, contract Special Provisions, and the Pending File of the Resident Engineer assigned to the construction project. The CA-SLO-265 site boundary would be shown on construction plans and would be designated as an Environmentally Sensitive Area with no access allowed during construction. Additionally, the District 5 Environmental Construction Liaison would have a copy of the plan on file and maintain contact with the Resident Engineer, the contractor, and the District 5 Archaeologist on Environmentally Sensitive Area compliance.

Placement of the Environmentally Sensitive Area boundaries within the project area of potential effect was determined in consultation with the Project Engineer, based on information gathered during surface surveys, archaeological excavations, and field visits. A physical barrier—orange plastic mesh construction fence—would be used to prohibit construction vehicles, equipment, and personnel from entering the Environmentally Sensitive Area.

Prior to any ground-disturbing activities in the area of potential effect, the Resident Engineer, the contractor, a Native American representative, and a Caltrans District 5 Archaeologist would meet at the location to discuss the Archaeological Monitoring Area, the Environmentally Sensitive Area limits, and monitoring during construction.

If cultural materials were discovered during construction, all earth-moving activity within and around the immediate discovery area would be diverted until a qualified archaeologist could assess the nature and significance of the find.

If human remains were discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Per Public Resources Code Section 5097.98, if the remains were thought to be Native American, the coroner would notify the Native American Heritage Commission, which would then notify the Most Likely Descendent. At this time, the person who discovered the remains would contact the District Environmental Branch so that branch may work with the Most Likely Descendent on the respectful treatment and disposition of the remains. Further provisions of Public Resources Code 5097.98 are to be followed as applicable.

2.2 Physical Environment

2.2.1 Hydrology and Floodplain

Regulatory Setting

Executive Order 11988 (Floodplain Management) directs all federal agencies to refrain from conducting, supporting, or allowing actions in floodplains unless it is the only practicable alternative. Requirements for compliance are outlined in 23 Code of Federal Regulations 650 Subpart A.

To comply, the following must be analyzed:

- The practicability of alternatives to any longitudinal encroachments
- Risks of the action
- Impacts on natural and beneficial floodplain values
- Support of incompatible floodplain development
- Measures to minimize floodplain impacts and to preserve/restore any beneficial floodplain values affected by the project.

The base floodplain is defined as “the area subject to flooding by the flood or tide having a one percent chance of being exceeded in any given year.” An encroachment is defined as “an action within the limits of the base floodplain.”

Affected Environment

Applicable technical report: Floodplain Evaluation Report Summary, August 2008.

Arroyo del Oso, Arroyo del Corral, and the unnamed drainage south of Arroyo del Corral are within Zone A floodplains. Zone A incorporates areas of the 100-year flood where base flood elevations and flood hazard factors have not been determined. The floodplains are confined in channels ranging from 250 to 500 feet wide and 8 to 20 feet deep. The depth of flow during the 100-year storm within the channels is about 4.5 feet. The floodplains are shown on the Flood Insurance Rate Maps 060304-0025C and 060304-0175C in Appendix F.

Beneficial uses of the floodplain are associated with the related water bodies. These beneficial uses can be found in Appendix G.

Environmental Consequences

The proposed project would not have a longitudinal encroachment on the base floodplain and does not support probable incompatible floodplain development. The removal of the existing culverts, plus moving the highway to a higher elevation on a bridge, would reduce the elevation of the 100-year floodwaters and reduce existing flood hazard factors. The project as proposed does not constitute a significant floodplain encroachment as defined in the Code of Federal Regulations, Title 23, Section 650.105 (q).

Avoidance, Minimization, and/or Mitigation Measures

The proposed bridges have been designed to minimize impacts to the floodplain to the extent practicable. As the proposed project would reduce existing flood hazards by changing the location of the highway relative to the floodplain boundary, no other avoidance, minimization and/or mitigation measures are proposed.

2.2.2 Water Quality and Storm Water Runoff

Regulatory Setting

Section 401 of the Clean Water Act requires water quality certification from the State Water Resources Control Board or from a Regional Water Quality Control Board when the project requires a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers to dredge or fill within a water of the United States.

Along with Section 401 of the Clean Water Act, Section 402 of the Clean Water Act establishes the National Pollutant Discharge Elimination System permit for the discharge of any pollutant into waters of the United States. The federal Environmental Protection Agency has delegated administration of the National

Pollutant Discharge Elimination System program to the State Water Resources Control Board and nine Regional Water Quality Control Boards. The State Water Resources Control Board and Regional Water Quality Control Boards also regulate other waste discharges to land within California through the issuance of waste discharge requirements under authority of the Porter-Cologne Water Quality Act.

The State Water Resources Control Board has developed and issued a statewide National Pollutant Discharge Elimination System permit to regulate storm water discharges from all Caltrans activities on its highways and facilities. Caltrans construction projects are regulated under the statewide permit, and projects performed by other entities on Caltrans right-of-way (encroachments) are regulated by the State Water Resources Control Board's Statewide General Construction Permit. All construction projects over one acre require a Storm Water Pollution Prevention Plan to be prepared and implemented during construction.

Affected Environment

Applicable technical report: Water Quality Assessment Report, May 2008.

The proposed project is located within the jurisdiction of the Regional Water Quality Control Board, Central Coast Region. The Regional Water Quality Control Board has adopted the Water Quality Control Plan for Central Coast Region, Fourth Edition (September 8, 1994).

The largest watershed in the project area is Arroyo de la Cruz, however the project will have no impact on this watershed. The watersheds that will be impacted include Arroyo del Corral, Arroyo del Oso, and an unnamed drainage located just south of Arroyo del Corral. Except for the unnamed drainage south of Arroyo del Corral, these waterways appear to have minimal impact from human influences; rather, the primary influences on the formation of these streams are coastal erosion and storms.

Coastal erosion is the dominant erosion process at the site, but erosion due to wind, sheet flow of water, and concentrated flow of water can be substantial. Coastal erosion, however, is a natural process and could be important to the ecology of the inter-tidal zone.

Because of the small size of the watersheds, there is a minimal floodplain area. Grasslands and wetlands moderate storm water runoff, but there is evidence that storms can produce enough runoff to cause substantial erosion. These signs can take

the form of creek meanders, scour pools at culvert outlets and inlets, and erosion at developed areas.

Beneficial uses for specific water bodies within the project limits can be found in Appendix G.

Environmental Consequences

With the completion of the highway realignment, the existing bluff protection rock would be removed. In the long term, the rock removal would allow natural coastal processes, which have been temporarily arrested by the man-made structural protection of the bluff, to restore the dynamic equilibrium of coastal bluff retreat in this area.

When bluff protection rock is removed, the exposed bluff would likely erode rapidly during the first big storm or high surface event, or more slowly during the course of several mild storm events. During this period, temporary accelerated erosion of the formerly protected bluffs, along with increased turbidity of coastal waters, is expected to occur and is unavoidable. Over time, the erosion rate in this section of the coastline would stabilize and the bluffs and beach would return to a natural appearance.

The eventual removal of the rock slope protection is a condition of the original Coastal Development Permit (CDP 3-07-030), which stipulates that the rock will be removed and the site restored to its former (pre-rock placement project) condition.

Elimination of the culverts on the stream channels of Arroyo del Oso and Arroyo del Corral on the present road alignment is expected to remove the control points that have effectively controlled the pattern of these channels. With the construction of the bridges, the channels are expected to meander and change course naturally. This process is expected to result in some water quality impacts from sedimentation.

Shallow groundwater, such as that found in the project area, is known to support extensive wetland areas, which naturally filter the water passing through them. Protecting the shallow groundwater hydrology is therefore critical to preventing substantial destruction of wetlands. Also, because groundwater tends to move by permeating the soil rather than concentrating into fast-moving flows, maintaining the natural movement can reduce the potential for erosion.

The proposed project includes constructing three bridges over waterways. Consequently, there is a potential for pollutants and spills on the highway to discharge directly to the waterway.

Construction activities such as roadway excavation and fill, drainage improvements, and grading operations can create loose soil, which may eventually enter waterways. The No Build Alternative would require repeated emergency construction projects to maintain the highway, which could contribute to adverse impacts to water quality.

The Build Alternative would add about five acres of impervious surface to the project area. Because the project area contains little existing development, the watersheds may be able to attenuate this increased impervious surface on a watershed scale. The localized effect of concentrating flow from impervious areas could cause gullies leading to sediment discharges to waterways and potential loss of wetlands. Maintaining sheetflow in these areas would help prevent the formation of gullies.

Avoidance, Minimization, and/or Mitigation Measures

The proposed project would not substantially change storm water discharge rates and would preserve the existing groundwater hydrology. Storm water would be routed primarily to adjacent grasslands to keep highway runoff from directly entering waterways. Likewise, the bridges would be designed such that runoff (and therefore any type of spill as well) would be diverted from directly entering the waterways they cross. The road would have a permeable sub-base in areas where groundwater is less than one foot below the ground surface. The permeable sub-base is intended to maintain groundwater flow in the project vicinity where groundwater is very shallow.

Construction practices routinely incorporate specifications that help to avoid and minimize impacts to water quality. Caltrans has a well-developed storm water program that generally addresses potentially significant impacts to water quality during storms. This program is primarily intended to comply with the Caltrans statewide National Pollution Discharge Elimination System Storm Water Permit and ensures that all construction, design and treatment best management practices are implemented and comply with the Regional Water Quality Control Board requirements.

Avoidance and minimization measures of the proposed project would include:

- **Temporary Wetland Disturbances:** avoid temporary disturbances to existing wetlands during construction to the maximum extent practicable. Where temporary disturbances to wetlands are unavoidable, reasonable measures to maintain the original grade and soil characteristics shall be implemented to prevent permanent wetland loss.
- **Bridges:** construct bridges over Arroyo del Oso, Arroyo del Corral and the unnamed watershed south of Arroyo del Corral. Bridge abutments and piers should be located, to the maximum extent possible, to avoid permanent wetland impacts and to maintain existing groundwater and surface water hydrology.
- **Staging Areas:** stage construction equipment, stockpiles, etc., in upland locations that are at least 100 feet from all waterways, wetlands and riparian areas.
- **Bridge Drainage:** drain storm water that collects on bridges to areas away from creeks to prevent the direct discharge of storm water pollutants to the adjacent creek, where feasible.
- **Hydrology:** design storm water runoff from the new highway to maintain sheet flow to adjacent grasslands and wetlands. To the maximum extent practicable, storm water flow shall not be allowed to concentrate.
- **Litter:** Because storm water will mostly flow to adjacent grasslands along the realigned highway, the potential for litter to be carried into surface waters (i.e., streams or the ocean) is lower than the existing highway alignment.
- **Permeable Pavement:** install permeable pavement wherever feasible.
- **Culverts:** (for all areas requiring installation of culverts) design the size and alignment of culverts to minimize influencing the hydrology of the project site to the maximum extent practicable.
- **Permeable Road Sub-base:** construct the highway with a permeable sub-base (e.g., drain rock wrapped in fabric) wherever groundwater is located within three feet of the surface in order to preserve hydrologic function necessary for maintaining existing wetlands.
- **Remove Old Highway Pavement and Culverts:** remove culverts from Arroyo del Oso, Arroyo del Corral and the unnamed creeks; remove pavement and other construction material from the existing Highway 1 alignment to prevent discharge of this material into the ocean (e.g., during coastal erosion events); restore natural functions of creeks, estuaries, and wetlands. In certain locations, road base will be

left on one half of the existing abandoned highway alignment for use as a possible trail.

- Wetlands: restore and create mitigation wetlands as required by law. Potential sites include the existing highway alignment and a site north of Arroyo de la Cruz.
- Invasive Plants: remove invasive plants that could adversely affect water quality and associated beneficial uses; prevent spreading if feasible.

2.2.3 Geology/Soils/Seismic/Topography

Regulatory Setting

For geologic and topographic features, the key federal law is the Historic Sites Act of 1935, which establishes a national registry of natural landmarks and protects “outstanding examples of major geological features.” Topographic and geologic features are also protected under the California Environmental Quality Act.

This section also discusses geology, soils, and seismic concerns as they relate to public safety and project design. Earthquakes are prime considerations in the design and retrofit of structures. Caltrans’ Office of Earthquake Engineering is responsible for assessing the seismic hazard for Caltrans projects. The current policy is to use the anticipated Maximum Credible Earthquake, from young faults in and near California. The Maximum Credible Earthquake is defined as the largest earthquake that can be expected to occur on a fault over a particular period of time.

Affected Environment

Applicable technical reports: Preliminary Geotechnical Report, January 2001 and Supplemental Report, October 2006.

The project lies in the Coast Range Geomorphic Province. The project route follows the coastal plain between the coastal bluffs and the base of the Santa Lucia mountains. The coastal plain has broad, gently sloping marine terraces that have been dissected by coastal streams. The geology of the coastal plain consists of marine sedimentary formations overlying Franciscan mélangé bedrock. The marine formations are composed of sand and conglomerate overlain by fine-grained silty sand. There are no natural landmarks in the project area listed in the National Register as identified in the Historic Sites Act of 1935.

The project is intended to provide a highway corridor protected from coastal erosion for the next 100 years. This 100-year erosion line was determined by analyzing aerial photography of the project area shot periodically from 1957 through 2005. The photograph sets were scanned to create digital images, and then loaded to scale into drafting software. Lines were drawn over the images at the tops of the coastal bluffs, along the centerline of Highway 1, and over several geographic features that were identifiable throughout the years. The drafting software was used to measure minimum distances between the coastline and centerline at several of the geographic features in each set of photographs. These distances were entered into a spreadsheet and rates of shoreline recession were calculated.

Coastal bluff retreat is a significant geomorphic process in the project area. Studies indicate that a rate of shoreline retreat of 5 to 6.5 feet or more per year can be predicted within the project area. Bluff erosion has commonly been addressed in the past by placing boulders and rock slope protection at key locations to protect the highway. This has reduced but not stopped erosion impacts to the highway.

Approximately two-thirds of the project would be built over soil types that are rated with limitations for roadway construction by the Natural Resources Conservation Service. These limitations include shrink-swell potential, low soil strength, shallow depth to bedrock, and slopes greater than 15 percent.

The project area is located in a seismically active region with several prominent active earthquake faults. The closest faults are the San Simeon, Hosgri and Oceanic (West Huansna), located 0.9, 1.2, and 3.7 miles from the project, respectively. The traces of these faults trend north-northwest and roughly parallel the highway. These faults are capable of producing up to a 7.5 (Richter scale) Maximum Credible Magnitude earthquake with a corresponding 0.7 g (gravity) acceleration. The Arroyo del Oso Fault crosses the project site, but is not considered an active fault. The chance of a ground rupture is considered low, while the potential for loss of soil strength due to liquefaction during a seismic event is moderate.

Environmental Consequences

During a seismic event, soil layers could become unstable, and ground shaking and soil liquefaction could weaken the bridge foundations. Cut slopes and fill slopes may fail and shed debris on the roadway.

With the No Build Alternative, coastal bluff erosion would continue to affect the existing highway by undercutting the roadbed and damaging the highway corridor.

Avoidance, Minimization, and/or Mitigation Measures

As a standard procedure, the highway would be constructed mainly on a compacted base of imported material. Drains and filter fabric would be used at key areas to address saturated soil conditions. Best management practices would be used to control erosion and protect water quality.

The project contract would include special provisions to protect the highway from earthquake damage. The proposed project design incorporates a 2:1 slope (horizontal to vertical ratio) limit on steepness of cut and fill slopes to provide stability during an earthquake. Project bridges are designed to withstand the maximum credible ground accelerations projected to occur during seismic events.

2.2.4 Noise and Vibration

Regulatory Setting

The National Environmental Policy Act of 1969 and the California Environmental Quality Act provide the broad basis for analyzing and abating the effects of highway traffic noise. The intent of these laws is to promote the general welfare and to foster a healthy environment. The requirements for noise analysis and consideration of noise abatement and/or mitigation, however, differ between the National Environmental Policy Act and the California Environmental Quality Act.

California Environmental Quality Act

The California Environmental Quality Act requires a strictly baseline versus build analysis to assess whether a proposed project will have a noise impact. If a proposed project is determined to have a significant noise impact under the California Environmental Quality Act, then the act dictates that mitigation measures must be incorporated into the project unless such measures are not feasible. The rest of this section will focus on the National Environmental Policy Act-23 Code of Federal Regulations 772 noise analysis; please see Chapter 3 for further information on noise analysis under the California Environmental Quality Act.

National Environmental Policy Act and 23 Code of Federal Regulations 772

For highway transportation projects with Federal Highway Administration (and Caltrans, as assigned) involvement, the Federal-Aid Highway Act of 1970 and the

associated implementing regulations (23 Code of Federal Regulations 772) govern the analysis and abatement of traffic noise impacts. The regulations require that potential noise impacts in areas of frequent human use be identified during the planning and design of a highway project. The regulations contain noise abatement criteria that are used to determine when a noise impact would occur.

The noise abatement criteria differ depending on the type of land use under analysis. For example, the criterion for residences (67 decibels) is lower than the criterion for commercial areas (72 decibels). Table 2-4 lists the noise abatement criteria for use in the National Environmental Policy Act and 23 Code of Federal Regulations 772 analysis. Table 2-5 shows the noise levels of typical activities.

Table 2-4 Activity Categories and Noise Abatement Criteria

Noise Abatement Criteria, A-weighted Noise Level (dBA), Leq(h)	Description of Activities
57 Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose
67 Exterior	Picnic areas, recreation areas, playgrounds, active sport areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals
72 Exterior	Developed lands, properties, or activities not included in Categories A or B above
--	Undeveloped lands
52 Interior	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums

Source: Caltrans Traffic Noise Analysis Manual, 1998

A-weighted decibels (dBA) are adjusted to approximate the way humans perceive sound. Leq(h) is the steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual time-varying levels over one hour.

Table 2-5 Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
Jet Fly-over at 300m (1000 ft)	110	Rock Band
Gas Lawn Mower at 1 m (3 ft)	100	
Diesel Truck at 15 m (50 ft), at 80 km (50 mph)	90	Food Blender at 1 m (3 ft)
Noisy Urban Area, Daytime	80	Garbage Disposal at 1 m (3 ft)
Gas Lawn Mower, 30 m (100 ft) Commercial Area	70	Vacuum Cleaner at 3 m (10 ft) Normal Speech at 1 m (3 ft)
Heavy Traffic at 90 m (300 ft)	60	Large Business Office
Quiet Urban Daytime	50	Dishwasher Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	30	Library
Quiet Rural Nighttime	20	Bedroom at Night, Concert Hall (Background)
	10	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

In accordance with Caltrans' *Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects*, August 2006, a noise impact occurs when the future noise level with the project results in a substantial increase in noise level (defined as a 12-decibel or more increase) or when the future noise level with the project approaches or exceeds the noise abatement criteria. Approaching the noise abatement criteria is defined as coming within 1 decibel of the noise abatement criteria.

If it is determined that the project would have noise impacts, then potential abatement measures must be considered. Noise abatement measures that are determined to be reasonable and feasible at the time of final design are incorporated into the project plans and specifications. This document discusses noise abatement measures that would likely be incorporated in the project.

Caltrans' *Traffic Noise Analysis Protocol* sets forth the criteria for determining when an abatement measure is reasonable and feasible. Feasibility of noise abatement is basically an engineering concern. A minimum 5-decibel reduction in the future noise level must be achieved for an abatement measure to be considered feasible. Other considerations include topography, access requirements, other noise sources, and safety considerations. The reasonableness determination is basically a cost-benefit analysis. Factors used in determining whether a proposed noise abatement measure is reasonable include residents' acceptance, the absolute noise level, build versus existing noise, environmental impacts of abatement, public and local agencies' input, newly constructed development versus development pre-dating 1978, and the cost per benefited residence.

Affected Environment

Applicable technical report: Final Noise Study Report, July 2008.

The project area is largely undeveloped agricultural land. There are seven sensitive receptors within the project limits. (See Table 2-6.) Existing noise levels at the seven sensitive receptors range from 48 to 60 decibels, depending on the distance from the existing highway. Four single-family residences, two business structures and a former (vacant) motel are the only developed land uses in the project area; all are identified as Activity Category B uses. (See Table 2-4). Because these receptors are widely scattered and vary in distance from the existing and proposed alignments, a receptor location was assigned to each property. Aside from vehicular traffic, the main source of noise in the area is the ocean.

The proposed project would move the highway away from two potential noise receptors and closer to five: a Hearst Corporation ranch house, an existing vacation rental property, and three single-family residences. Of these five, only two of the new properties would experience a substantial increase in noise levels as a result of the project. One of these residences is slated for demolition because it lies within the proposed alignment.

Receptor numbers and locations are shown in Figure 2-1. Short-term noise readings were conducted in May 2008 to calibrate the noise model and to provide a baseline for current and future predicted peak hour noise levels. One reading was taken at a receptor on each side of the highway.

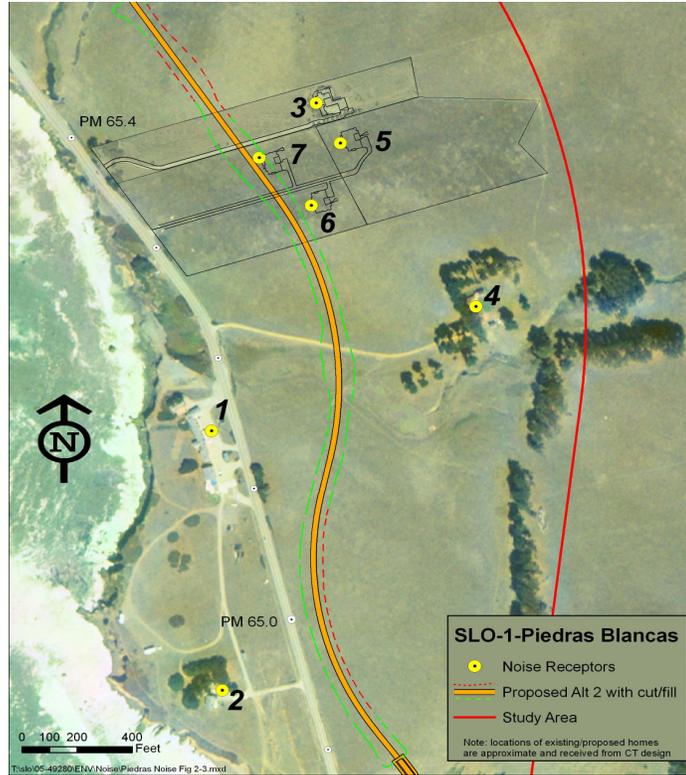


Figure 2-1 Sensitive Noise Receptor Locations

Environmental Consequences Under the National Environmental Policy Act

Traffic noise impacts occur when traffic generated noise levels approach or exceed the noise abatement criteria, or when they experience an increase of 12 decibels or more. In accordance with 23 CFR 772, noise abatement is considered when noise impacts are predicted in areas of frequent human use that would benefit from a lowered noise level. Accordingly, this impact analysis focuses on locations with defined outdoor activity areas, such as residential backyards.

According to the coastal development permit for construction of the residence identified as Receptor 6, the property owners were required to construct a berm 3 feet higher than original ground level. A portion of this berm would be affected by construction of the proposed project and consequently relocated. (The berm is identified as Barrier B1 in Figure 2-2.) Noise modeling conducted with consideration of the berm predicted a post-construction noise level of 61 decibels at this location. Compared to a level of 64 decibels predicted without the berm, this is not considered a substantial increase. Furthermore, the berm is a condition of a coastal permit and is

an existing structure. Therefore, it is a standard condition of project construction and is not considered noise abatement. If Receptor 6 is acquired by the State prior to construction of the project, no relocation of the berm would be carried out.

Table 2-6 Noise Levels

Receptor # and Location	Existing Noise Level (dBA)	Predicted Noise Level without Project (dBA)	Predicted Noise Level with Project (dBA)
Receptor 1 Former Piedras Blancas Motel 16420 Cabrillo Highway	60	62	57
Receptor 2 Former Motel Residence 16420 Cabrillo Highway	56	57	56
Receptor 3 16485 Cabrillo Highway	49	51	56
Receptor 4 Hearst Ranch House	48	50	54
Receptor 5 16445 Cabrillo Highway	49	51	57
Receptor 6 16425 Cabrillo Highway	52	54	61
Receptor 7 (to be removed) 16465 Cabrillo Highway	52	54	69

With relocation of the berm at Receptor 6, no location on the project would approach or exceed the noise abatement criteria in 2036, and no location would experience a substantial noise increase.

During construction, noise from construction activities could intermittently dominate the noise environment in the project area. Construction equipment can generate noise levels ranging from 70 to 90 decibels at a distance of 50 feet. Sensitive receptors that are within 500 feet of the construction areas would experience higher construction noise levels than those farther away.

The No Build Alternative would require repeated construction projects over the life of the highway, which could adversely affect future tenants of the former Piedras Blancas Motel and the associated structure.



Figure 2-2 Proposed Berm for Receptor 6

Avoidance, Minimization, and/or Noise Abatement Under the National Environmental Policy Act

There are no long-term noise abatement measures included with the proposed project.

Construction noise is regulated by Caltrans Standard Specifications, Section 14-8.02 *Noise Control*. This section is mandatory on all construction projects and requires the contractor to comply with all local sound control and noise level rules, regulations and ordinances that apply to any work performed pursuant to the contract. The section also requires that each internal combustion engine used for any purpose on the job, or related to the job, be equipped with a muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without a muffler.

Project construction is expected to last about three years. During this time, construction noise is expected to occur only during the day (no night work is planned.) Implementing the following measures would further minimize the temporary noise impacts from construction:

- As directed by Caltrans, the contractor will implement appropriate additional noise mitigation measures, including changing the location of stationary construction equipment, turning off idling equipment, rescheduling construction

activity, notifying adjacent residents in advance of construction work, and installing acoustic barriers around stationary construction noise sources.

- Local property owners shall be given notice of proposed construction dates, times, and potential impacts at least two weeks in advance of the beginning of proposed construction. The issuance of the notice is the responsibility of the Resident Engineer, but may be coordinated through the District 5 Public Information office.

2.3 Biological Environment

2.3.1 Natural Communities

Regulatory Setting

This section of the document discusses natural communities of concern. It also includes information on wildlife corridors and habitat fragmentation. Wildlife corridors are areas of habitat used by wildlife for seasonal or daily migration. Habitat fragmentation involves the potential for dividing sensitive habitat and thereby lessening its biological value.

Habitat areas that have been designated as critical habitat under the Federal Endangered Species Act are discussed in sections 2.3.5 *Threatened and Endangered Species* and 2.3.2 *Wetlands and Other Waters*.

Affected Environment

Applicable technical report: Natural Environment Study, November 2007 (amended September 2008).

The proposed project has the potential to affect coastal prairie. This is an umbrella term used to describe a native, perennial bunchgrass community made up of diverse plant species, including many special-status plants and several species on the margins of their range. Coastal prairie is limited to areas with a maritime climate and is greatly dependent on the water-retention properties of the soil type for plant support. Much of California's coastal grasslands have been lost to development, as they occur on narrow terraces along the coast. Within the project area, it is the most abundant plant community found. The prairies in the project area are dominated by four native, perennial grass species: California oatgrass (*Danthonia californica*), purple needlegrass (*Nassella pulchra*), coast tufted hairgrass (*Deschampsia caespitosa* ssp. *holciformis*), and blue wildrye (*Elymus glaucus*). Within the coastal prairie exist

small pockets of other plant communities including California annual grassland, northern coastal bluff scrub, coastal brackish marsh, central (Lucian) coastal scrub, freshwater seep, Central Coast arroyo willow riparian forest, blue blossom ceanothus-coyote brush-poison oak, and dune communities. Refer to section 2.3.2 *Wetlands and Other Waters* for information on wetland communities.

Environmental Consequences

As a result of the project, approximately 30 acres of coastal prairie would be affected by construction. Of those 30, fewer than 13 acres would be permanently lost, while about 17 acres would be temporarily impacted. Conversely, as a result of property to the west of the realigned highway being transferred to State Parks, the proposed project would result in nearly 60 acres of coastal prairie being preserved.

Cumulative Impacts

Grading for four home sites within the proposed project limits degraded and/or displaced more than 6 acres of coastal prairie, including 2.5 acres of coastal prairie wetlands, without mitigation. The Rocks I and III highway realignments impacted about 7 acres of coastal prairie (identified as California oatgrass grassland) in 2003, but replaced an approximately equal area and retained the endemic seed bank by restoring the old alignments. A 1.7-mile highway realignment in 1996, south of the proposed project, displaced about 13 acres of coastal grazing land. This likely consisted of native vegetation classified as coastal prairie and coastal scrub. Mitigation for the 1.7-mile realignment project included restoring native vegetation by grading the abandoned roadway to a natural level and reseeding with a native seed mix.

It is likely that construction of the California Coastal Trail, and any related visitor-serving facilities, would affect coastal prairie (and associated sensitive plant species.) However, there is considerable flexibility in the trail design and placement, which could be used to minimize impacts to natural communities. In addition, if portions of the abandoned Highway 1 alignment are used for the trail, it could reduce environmental impacts that might otherwise be incurred from grading a new trail area. Nonetheless, because the proposed project cannot mitigate at a 1:1 ratio, and because there was no mitigation included with some of the previous grading, the proposed project's impacts would contribute to a cumulative effect on coastal prairie.

Avoidance, Minimization, and/or Mitigation Measures

Equipment staging and materiel stockpiling areas would be located in previously disturbed areas where possible. If staging and stockpiling areas must be located in coastal prairie, then vegetation would not be removed from these sites.

Mitigation within the old roadbed would provide approximately 7 acres of coastal prairie by removing topsoil from the proposed alignment and placing it where the existing road and road base would be removed. Topsoil and duff stockpiles would be placed on top of sterile straw layers to minimize disturbance to underlying grasslands. These methods proved successful in reestablishing coastal prairie, retaining native plant diversity (including rare plants), and minimizing disturbance in stockpile areas on two Highway 1 realignments in the same area (Rocks I and Rocks III).

Mitigation along the existing road would not provide full mitigation for coastal prairie on an acreage basis, but would provide the best preservation of the native seed bank and rare plants. This would also comply with the conditions of the public ownership easement, which directs Caltrans to remove the existing highway, restore it to natural conditions, and relocate rare plants and native grasses to the old road area.

In addition to mitigating within the abandoned road, coastal prairie mitigation would also occur at a site north of Arroyo de la Cruz currently owned by State Parks. At this location, topsoil from the new alignment would be transported to the former agricultural field within the Arroyo de la Cruz floodplain. Although the alluvial soils of the mitigation area differ from the marine terrace of the proposed road, the two areas have similar soil textures and moisture regimes. With the addition of the salvaged topsoil, the soil should support coastal prairie plant species. The topsoil collection would probably have to be combined with traditional plantings to improve chances for success. Due to the existing weeds at the proposed Arroyo de la Cruz mitigation site, the site would require extensive preparation, planting, and monitoring.

Although coastal prairie mitigation would be implemented along the existing road and at the Arroyo de la Cruz floodplain, it would not fully mitigate the loss of coastal prairie on an acreage basis. If private parcels are acquired for road construction, they might also be available for coastal prairie mitigation. These areas have the potential to provide up to 5 acres of coastal prairie restoration/creation. In addition, wetland and coastal prairie mitigation sites could overlap in areas where wetlands are also considered coastal prairie.

2.3.2 Wetlands and Other Waters

Regulatory Setting

Wetlands and other waters are protected under a number of laws and regulations. At the federal level, the Clean Water Act (33 United States Code 1344) is the main law regulating wetlands and waters. The Clean Water Act regulates the discharge of dredged or fill material into waters of the United States, including wetlands. Waters of the United States include navigable waters, interstate waters, territorial seas, and other waters that may be used in interstate or foreign commerce. To classify wetlands for the purposes of the Clean Water Act, a three-parameter approach is used that includes the presence of: hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils subject to saturation/inundation). All three parameters must be present, under normal circumstances, for an area to be designated as a jurisdictional wetland under the Clean Water Act.

Section 404 of the Clean Water Act establishes a regulatory program that provides that no discharge of dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment or if the nation's waters would be significantly degraded. The Section 404 permit program is administered by the U.S. Army Corps of Engineers with oversight by the Environmental Protection Agency.

The Executive Order for the Protection of Wetlands (Executive Order 11990) also regulates the activities of federal agencies with regard to wetlands. Essentially, this executive order states that a federal agency, such as the Federal Highway Administration, and Caltrans as assigned, cannot undertake or provide assistance for new construction located in wetlands unless the head of the agency finds: 1) that there is no practicable alternative to the construction and 2) the proposed project includes all practicable measures to minimize harm.

At the state level, wetlands and waters are regulated mainly by the California Department of Fish and Game and the Regional Water Quality Control Boards. In certain circumstances, the California Coastal Commission (or Bay Conservation and Development Commission) may also be involved. Sections 1600-1607 of the Fish and Game Code require any agency that proposes a project that would substantially divert or obstruct the natural flow of or substantially change the bed or bank of a river, stream, or lake to notify the California Department of Fish and Game before beginning construction. If the California Department of Fish and Game determines

that the project may substantially and adversely affect fish or wildlife resources, a Lake or Streambed Alteration Agreement would be required. The California Department of Fish and Game's jurisdictional limits are usually defined by the tops of the stream or lake banks, or the outer edge of riparian vegetation, whichever is wider. Wetlands under jurisdiction of the Army Corps of Engineers may or may not be included in the area covered by a Streambed Alteration Agreement obtained from the Department of Fish and Game.

The Regional Water Quality Control Boards were established under the Porter-Cologne Water Quality Control Act to oversee water quality. The Regional Water Quality Control Boards also issue water quality certifications in compliance with Section 401 of the Clean Water Act. See section 2.2.2 *Water Quality and Storm Water Runoff* for additional details.

Affected Environment

Applicable technical reports: Natural Environment Study, November 2007 (amended September 2008).

Approximately 93 acres of Coastal Act wetlands were mapped within the project study area (Appendix E). The following plant communities are supported within these wetlands: coastal prairie wetland, coastal brackish marsh, freshwater seep, and Central Coast arroyo willow riparian forest. Waters of the United States within the project area include the Pacific Ocean, Arroyo de la Cruz, Arroyo del Oso, Arroyo del Corral, and two unnamed drainages, the larger being just south of Arroyo del Corral.

On July 24, 2007, Caltrans requested a jurisdictional determination for the wetland delineation from the Army Corps of Engineers. A jurisdictional determination from the Corps is anticipated during the design phase, and would be required before they issued a Section 404 permit.

Arroyo de la Cruz would not be affected by the proposed project.

Environmental Consequences

The proposed project would permanently fill approximately 3.3 acres of freshwater wetlands, which includes coastal prairie wetlands, freshwater seep and Central Coast arroyo willow riparian forest. The project would also have temporary impacts on approximately 3 acres of freshwater and brackish-water wetlands. Brackish-water wetlands include coastal brackish marsh at the creek mouths. The temporary impacts

would be caused by temporary fill placement at creek crossings, removal of existing culverts, and disturbance from equipment access in coastal prairie wetlands.

The proposed project would include the removal of the rock slope protection along the coastal bluff at the outlet of Arroyo del Oso. Once the rock slope protection is removed, the exposed cliffs are expected to erode during the first big storm or high surface event, causing temporary impacts to both the ocean and Arroyo del Oso. Temporary impacts would occur at Arroyo del Oso, Arroyo del Corral, and the unnamed drainage to the south for temporary crossings and during bridge construction. In addition, temporary impacts would occur at these drainages when existing culverts are removed. Permanent impacts within surface waters may occur at some bridge pier locations. See also section 2.2.2 *Water Quality and Storm Water Runoff*.

The project would require California Department of Fish and Game Section 1602 Streambed Alteration Agreements for construction of the three bridges, a culvert at the wetland swale east of the former Piedras Blancas Motel, and a culvert at the small, unnamed drainage north of Arroyo del Oso. Agreements would also be required for removing the existing highway features from the same five drainages.

Section 404 and 401 permits would be required from the U.S. Army Corps of Engineers for constructing the three bridges and for crossing most, if not all, of the wetlands shown in Appendix E. The proposed project will exceed the one-half acre limit of permanent impacts and would therefore require an individual permit. The 404(b)(1) guidelines allow discharges of dredged or fill material in waters of the U.S. (including wetlands) only if there are no practicable alternatives that would have a less adverse impact.

The No Build Alternative would require repeated work along the shoreline and would likely impact areas of wetlands.

Cumulative Impacts

Grading for four home sites within the project limits degraded and/or displaced nearly 2.5 acres of coastal prairie wetlands without mitigation. The Rocks I and III highway realignments displaced approximately 0.8 acre in 2003. Mitigation included recreating new wetlands (equal to the amount impacted) adjacent to the area affected. In addition, the old alignment was graded to its natural level in order to connect the wetlands that had been flanking the highway. The 1.7-mile highway realignment in

1996 displaced 0.1 acre of wetlands. Mitigation for the 1.7-mile realignment project included acquiring additional land outside of the project limits for wetland re-creation and vegetation of the creek banks with native riparian species.

Construction of the California Coastal Trail would likely affect wetlands (and associated sensitive plant species). However, there is considerable flexibility in the trail design and placement, which could be used to minimize impacts to wetlands. In addition, if the abandoned Highway 1 alignment is used for the trail, it could reduce environmental impacts that might otherwise be incurred from grading a new trail area. Nonetheless, because there was no mitigation included with some of the previous grading, the proposed project's impacts would contribute to a cumulative effect.

Least Environmentally Damaging Practicable Alternative

There is no “wetlands avoidance alternative” for the proposed project that would meet the purpose and need of the project. The existing highway alignment, and any proposed realignment, runs more or less perpendicular to the natural drainages, thereby requiring a crossing. Bridges generally have a smaller ground footprint than culverts, and therefore impact smaller wetland areas. Initial studies for the draft Environmental Impact Report/Environmental Assessment revealed that the three alignments most carefully examined would all impact approximately 3.5 acres of wetlands and approximately 22 acres of coastal prairie, as shown in table 1-1. (These numbers were based on the best available data at the time. Since then, Alignment 2 has been further refined and the design modified, resulting in updated quantities for wetland and coastal prairie impacts, shown in this section and section 2.3.1 *Natural Communities*.) To reduce impacts further, the proposed bridges have been designed to span the wetland areas to the extent feasible and to use fewer piers.

Because the difference in impacts to wetlands and coastal prairie between the three best alignments is negligible, the Selected Alternative was based on other factors. As shown in Table 1-1, Alignment 2 was selected because it is the only one to have no adverse effects on a cultural resource and because it would have the fewest impacts to the number of sensitive plant species. The selection process is described in more detail in Chapter 1.

Though it would have no immediate environmental impacts, the No Build is not considered a practicable alternative because it does not address the purpose and need of the project. Furthermore, it would ultimately result in subsequent repair and

maintenance projects that would have similar impacts to sensitive environmental resources as the Build Alternative, which could become cumulatively considerable.

Avoidance, Minimization, and/or Mitigation Measures

Avoidance and minimization measures include the following:

1. Construct permeable roadway sections rather than drainage ditches to help avoid indirect impacts from disrupting hydrologic connectivity in coastal prairie wetlands. This would maintain connectivity of seasonal, perched water tables across the highway so that the road would not block water movement and cause areas to become drier.
2. Locate storage/stockpile areas where they would not create additional impacts.
3. Reduce permanent impacts by minimizing and/or modifying the road and/or bridge footprints to the extent practicable.
4. Reduce temporary impacts by minimizing the construction area, particularly at the bridges, to the extent practicable.
5. Prohibit encroachment into areas beyond the minimum required for construction.

The project also includes mitigation measures to restore and create new wetlands as compensation for impacts and to monitor them for success. Approximately 2.8 acres of wetlands would be restored on site within the abandoned roadbed and adjacent areas that historically supported wetlands. The old roadbed would be graded to match wetland elevations occurring on each side of the road to create appropriate hydrologic conditions. Wetland topsoil salvaged from the new alignment location would be placed where the old road was removed, matching soil types. This technique would preserve the native seed bank and its site-specific genetic stock. Restoring wetlands in this manner has already proven successful at Rocks I, the Highway 1 realignment project just north of Arroyo del Oso, completed in 2003.

Restoring wetlands on-site at a minimum 1:1 ratio (restored wetlands:permanently impacted wetlands) would not satisfy state and federal “no net loss” policies to mitigate wetland impacts, therefore off-site wetland creation or restoration would also be required. Wetlands would be restored off site at a minimum 3:1 ratio in the Arroyo de la Cruz floodplain, just north of the project area. Approximately 4 to 6 acres appear to have wetland hydrology and are suitable for restoration. This area is also expected to provide equivalent habitat function for California red-legged frogs.

Groundwater levels are currently being monitored there to determine the most effective design for establishing and maintaining wetlands.

New wetland delineations were conducted on the private parcels to determine whether wetlands were still present and whether conditions still existed for wetland restoration or creation. Due to the substantial alteration of the land, wetlands no longer exist on the parcels and they are not expected to have suitable hydrology or soils for wetland mitigation. If private parcels are purchased as part of the project, the land will be restored to the extent possible, but is not expected to contribute towards wetland mitigation.

Wetlands Only Practicable Finding

The land formation in the project area supports wide areas of wetlands, as opposed to wetlands that lie in narrow strips on each side of a creek or stream that can often be spanned completely. Placing the new roadway east or west of the proposed alignment does not avoid these wetland areas. In accordance with Executive Order 11990, the project has been planned to minimize wetland impacts with the inclusion of three bridges that span contiguous wetland areas. The bridges were designed with the smallest footprint possible and the construction area has been limited to minimize disturbance.

Based on the above considerations, it is determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use.

2.3.3 Plant Species

Regulatory Setting

The U.S. Fish and Wildlife Service and California Department of Fish and Game share regulatory responsibility for the protection of special-status plant species. Special-status species are selected for protection because they are rare and/or subject to population and habitat declines. “Special-status” is a general term for species that are afforded varying levels of regulatory protection. The highest level of protection is given to threatened and endangered species; these are species that are formally listed or proposed for listing as endangered or threatened under the Federal Endangered Species Act and/or the California Endangered Species Act. Please see section 2.3.5 *Threatened and Endangered Species* for detailed information regarding these species.

This section of the document discusses all other special-status plant species, including California Department of Fish and Game fully-protected species and species of special concern, U.S. Fish and Wildlife Service candidate species, and non-listed California Native Plant Society rare and endangered plants.

The regulatory requirements for the Federal Endangered Species Act can be found at United States Code 16, Section 1531, et. seq. See also 50 Code of Federal Regulations Part 402. The regulatory requirements for the California Endangered Species Act can be found at California Fish and Game Code, Section 2050, et. seq. Caltrans projects are also subject to the Native Plant Protection Act, found at Fish and Game Code, Section 1900-1913, and the California Environmental Quality Act, Public Resources Code, Sections 2100-21177.

Affected Environment

Applicable technical report: Natural Environment Study, November 2007 (amended September 2008).

The project vicinity is biologically unique: a large-scale landscape that is almost entirely undeveloped and uncultivated. It is vegetated primarily with native species, though there is a large population of ice plant (*Carpobrotus* sp.) along the coastal bluffs. Several native plant species occur in the project area that are common elsewhere, but within the project area are on the margins of their range. Some species are the only occurrences known in San Luis Obispo County. These peripheral populations warrant consideration under CEQA as locally rare and unique occurrences. A list of sensitive and locally rare and unique plants that were considered during this project can be found in Appendix J.

Environmental Consequences

There would be no impacts to any plant species listed under the state or federal Endangered Species Act. The proposed project would affect four plant species considered locally rare or unique: white brodiaea (*Triteleia hyacinthina*), coastal tufted hairgrass (*Deschampsia caespitosa* ssp. *holciformis*), large-flowered star tulip (*Calochorus uniflorus*), and California acaena (*Acaena pinnatifida* var. *california*).

Additionally, the proposed project has the potential to affect several plant species with special-status listing, including Nuttall's milkvetch (*Astragalus nuttallii* var. *nuttalli*), listed as California National Plant Survey limited distribution (watch list); fairly endangered in California, and Cambria morning glory (*Calystegia subacaulis*

ssp. *episcopalis*), compact cobwebby thistle (*Cirsium occidentale* var. *compactum*), and Hickman's onion (*Allium hickmanii*), all listed as California National Plant Survey rare, threatened, or endangered in California and elsewhere. These species are all found dispersed throughout the project area with the exception of compact cobwebby thistle, limited to the area around the bluffs and dunes, and Hickman's onion, found in only four patches within the study area. In all cases, only a narrow strip required for road construction would be disturbed.

Avoidance, Minimization, and/or Mitigation Measures

Areas where these rare, unique, or special-status species are found would be avoided to the greatest extent practicable. The remaining habitat for these species would be off-limits to construction activities, designated an Environmentally Sensitive Area on the plan sheets, and delineated on the ground during construction.

Where the plants could not be avoided, topsoil would be collected from the proposed alignment and spread over the existing alignment, after removing the existing road and road base material. Salvaged topsoil may also be transported to other potential mitigation sites. In the case of white brodiaea, Nuttall's milkvetch, and compact cobwebby thistle, plants that could not be avoided would be collected and deposited at the Hoover Herbarium at California Polytechnic University in San Luis Obispo. Any compact cobwebby thistle plants that have apparently viable seed would be salvaged and scattered on the ground in unaffected habitat adjacent to the project.

For many of the species, the project inherently minimizes impacts because it would move the highway inland, away from habitat areas. Furthermore, removing and restoring the existing roadbed could replace habitat in most cases.

2.3.4 Animal Species

Regulatory Setting

Many state and federal laws regulate impacts to wildlife. The U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Fisheries Service, and the California Department of Fish and Game are responsible for implementing these laws. This section discusses potential impacts and permit requirements associated with wildlife not listed or proposed for listing under the state or federal Endangered Species Act, and therefore have no protected status. Species listed or proposed for listing as threatened or endangered are discussed in section 2.3.5. All other special-status animal species are discussed here, including California Department of Fish and Game

fully protected species and species of special concern, and the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Fisheries Service candidate species.

Federal laws and regulations pertaining to wildlife include the following:

- National Environmental Policy Act
- Migratory Bird Treaty Act
- Fish and Wildlife Coordination Act
- Marine Mammal Protection Act

State laws and regulations pertaining to wildlife include the following:

- California Environmental Quality Act
- Sections 1601–1603 of the Fish and Game Code
- Sections 4150 and 4152 of the Fish and Game Code

California Senate Bill 857 requires Caltrans to remedy passage barriers for anadromous fish (fish that return to fresh water streams from the ocean for breeding) whenever a Caltrans project affects the structure that is a barrier.

Affected Environment

Applicable technical report: Natural Environment Study, November 2007 (amended September 2008) and the Biological Opinion prepared by the National Marine Fisheries Service.

The Hearst Corporation owns the surrounding 81,777-acre cattle ranch, most of which is ungraded and undeveloped. Likewise, the creeks within this area remain mostly in their natural state. Consequently, the project vicinity supports relatively intact native animal communities, including several special-status species. The open landscape and creek systems of the ranch provide unimpeded connectivity for animal movement, necessary to the health of many of these native communities.

Table 2-7 shows a list of the animal species potentially affected by the proposed project, their protection status, and a summary of their presence in the project area.

Table 2-7 Animal Species Potentially Affected

Species	Status	Presence
California red-legged frog	Federally threatened; California Species of Special Concern	Abundant in the study area; adults, juveniles, and egg masses; no critical habitat.
Burrowing owl	California Species of Special Concern	One owl was seen using a ground squirrel

		burrow in project limits.
Southwestern pond turtle	California Species of Special Concern; former federal species of concern	Four adult turtles seen in project limits; habitat present.
Steelhead	Federally threatened; California Species of Special Concern	No individuals seen; critical habitat present.
Tidewater goby	Federally endangered; California Species of Special Concern	Identified routinely at Arroyo del Corral and historically at Arroyo del Oso; critical habitat present.
Northern elephant seal	Protected under federal Marine Mammal Protection Act; California fully protected species	Present year-round at the beach north of Piedras Blancas lighthouse and at the mouth of Arroyo del Corral.
Swallows	Protected under Migratory Bird Treaty Act.	Nesting in the culverts at Arroyo del Corral and the unnamed drainage to the south.
Western Snowy Plover	Federally threatened.	Nesting on the beach at Arroyo del Corral.

Note: Because of their federal status, the California red-legged frog, steelhead, tidewater goby and western snowy plover are covered under section 2.3.5 Threatened and Endangered Species.

Burrowing Owl

In coastal San Luis Obispo County, burrowing owls are rare winter residents and have never been recorded nesting. They have been seen occasionally near the elephant seal viewing areas south of the Piedras Blancas Lighthouse.

Southwestern Pond Turtle

Though considered an aquatic species, southwestern pond turtles will use upland areas for refuge, nesting and resting sites. Breeding, however, usually takes place under water. The eggs are usually laid in upland areas neighboring the aquatic habitat.

There is potential aquatic habitat for the turtle at both Arroyo del Corral and Arroyo del Oso. Though turtles occur in several nearby creeks outside of the study area, the only turtles seen in the study area were at the Arroyo del Corral culvert.

Northern Elephant Seal

Elephant seals come ashore and form colonies for only a few months of each year to give birth, breed, and molt. The local elephant seal colony has been hauling out on the beaches near the Piedras Blancas lighthouse since 1977, according to National Marine Fisheries Service. At that time, there were only a few seals; by 1990, their numbers had increased to around 200 individuals. The population at the Piedras Blancas rookery, located about 7 miles north of the lighthouse, is estimated to be between 8000 and 15,000 individuals. Young males have been increasing the colony's range by spreading to other beaches, particularly during the breeding season (December through February). Elephant seals are known to haul out at Arroyo del Corral, and occasionally travel through the creek and culvert to the east side of the highway.

State and federal protections on the northern elephant seal prohibit harassing the animals and strictly limit human interactions without a license or permit.

Swallows

Swallows nest in large groups and build enclosed jug-shaped mud nests on rocks, buildings and other structures. Swallows typically nest along the Central Coast between mid-March to mid-August. They have been documented nesting in the box culverts within the project limits.

Environmental Consequences

Burrowing Owl

The proposed project would displace approximately 4 acres of grasslands that provide suitable non-breeding burrow sites, and more than 20 acres of foraging habitat.

Southwestern Pond Turtle

The project would temporarily disturb the potential aquatic habitat at Arroyo del Corral during construction. However, the project would have a beneficial effect by restoring and expanding the small lagoon at Arroyo del Corral once the culvert is removed.

Northern Elephant Seal

Elephant seals could be adversely affected if they inadvertently entered the construction area.

Swallows

Adult swallows, their fledglings and their nests would be adversely affected if intact, active nests were disturbed, such as during culvert removal.

Avoidance, Minimization, and/or Mitigation Measures

Burrowing Owl

Avoidance and minimization would follow the California Department of Fish and Game “Staff Report on Burrowing Owl Mitigation” (1995) and the California Burrowing Owl Consortium guidelines (1993). Pre-construction surveys for burrowing owl would be performed within 30 days before any earthwork that would occur between October and March. Surveys would include the disturbance area and a 160-foot buffer. One-way exits would be fitted to any occupied burrows for seven days before grading.

The loss of burrowing and foraging areas for wintering birds would be partially offset with the restoration of coastal prairie. Habitat would also be preserved on the west side of the new alignment, as all this land would fall under the management of State Parks.

Southwestern Pond Turtle

To minimize effects to aquatic habitat, potential upland nesting habitat, and potential aestivation (during the dry-season) refuge sites, all areas beyond the minimum required for construction would be off limits to construction activities. Pre-construction surveys would be conducted and any turtles found would be relocated to suitable habitat either up- or downstream. Removing the culvert at Arroyo del Corral would restore perennial lagoon habitat to a natural state and allow for natural lagoon functions, benefiting the resident turtles at that location.

Northern Elephant Seal

The following avoidance and minimization measures would be incorporated into the project:

- Temporary exclusionary fencing would be placed at the outlet of the Arroyo del Corral culvert, before construction activities, after a field survey to verify that no elephant seals are upstream of the culvert outlet. The purpose of the fencing is to prevent any harm or harassment to animals that could otherwise travel up-stream through the Arroyo del Corral culvert and into the construction site.
- If elephant seals are found upstream of the culvert outlet, no construction activities or fencing would be allowed in the Arroyo del Corral drainage until all elephant seals have moved back to the west side of the highway.
- The fencing would be tied into existing right-of-way fencing and completely enclose the outlet area in order to prevent eastward movement by the seals. The fencing would be removed once all work in the drainage and surrounding area was completed.
- A biological monitor would be present during construction to ensure the fencing was properly maintained and effective, and to observe the effects of construction on the colony. If the monitor at any time determines that construction activities, such as pile driving, appear to be having an adverse effect on the animals, the activity must be stopped immediately and the project biologist contacted.
- After removal of the fencing, a final report (required by the National Marine Fisheries Service) would be prepared to document the following:
 - the installation, effectiveness, and removal of the exclusionary fencing

- information about Arroyo del Corral, including the seasonal, marine mammal use of this small, freshwater, perennial stream and the expansion of the elephant seal range
- behavioral changes in the colony that could be attributed to construction activities
- the benefits to marine mammals from the proposed project

These measures do not eliminate the stipulation in section 109 (h) of the Marine Mammal Protection Act, *Taking of Marine Mammals as Part of Official Duties*, stated in subsection 1A:

Nothing in this title or title IV shall prevent a Federal, State, or local government official or employee or a person designated under section 112(c) from taking, in the course of his or her duties as an official, employee, or designee, a marine mammal in a humane manner (including euthanasia) if such taking is for the protection or welfare of the mammal.

The National Marine Fisheries Service has concurred with these activities.

Swallows

Netting or other means of preventing nesting would be applied to the Arroyo del Corral culvert by February 15 of the construction year, prior to removing it. Specifications relating to migratory birds would be included in the project contract.

2.3.5 Threatened and Endangered Species

Regulatory Setting

The main federal law protecting threatened and endangered species is the Federal Endangered Species Act: 16 United States Code, Section 1531, et seq. See also 50 Code of Federal Regulations Part 402. This act and subsequent amendments provide for the conservation of endangered and threatened species and the ecosystems on which they depend. Under Section 7 of this act, federal agencies, such as the Federal Highway Administration, and Caltrans as assigned, are required to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species or destroy or adversely modify

designated critical habitat. Critical habitat is defined as geographic locations critical to the existence of a threatened or endangered species.

The outcome of consultation under Section 7 is a Biological Opinion and an incidental take statement. Section 3 of the Federal Endangered Species Act defines take as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or any attempt at such conduct.”

California has enacted a similar law at the state level, the California Endangered Species Act, California Fish and Game Code, Section 2050, et seq. The California Endangered Species Act emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate planning to offset project-caused losses of listed species populations and their essential habitats. The California Department of Fish and Game is the agency responsible for implementing the California Endangered Species Act. Section 2081 of the Fish and Game Code prohibits “take” of any species determined to be an endangered species or a threatened species. “Take” is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The California Endangered Species Act allows for take incidental to otherwise lawful development projects; for these actions an incidental take permit is issued by the California Department of Fish and Game.

For projects requiring a Biological Opinion under Section 7 of the Federal Endangered Species Act, the California Department of Fish and Game may also authorize impacts to the California Endangered Species Act species by issuing a Consistency Determination under Section 2080.1 of the Fish and Game Code.

Affected Environment

Applicable technical report: Natural Environment Study, November 2007 (amended September 2008) and the Biological Opinions prepared by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

Caltrans and the U.S. Fish and Wildlife Service visited the site on May 11, 2006, to review the California red-legged frog aquatic sites and discuss the project’s potential impacts. A species list was requested on September 5, 2003, stating that Caltrans/Federal Highway Administration intended to address the California red-legged frog and tidewater goby. The U.S. Fish and Wildlife Service responded that a species list for the project would not include any other species, and therefore the U.S.

Fish and Wildlife Service did not intend to provide an official list. However, Appendix J contains the Habitat Assessment for Species Considered in this Study.

California Red-Legged Frog

California red-legged frogs breed in permanent or temporary freshwater bodies that will hold water through July, though they require permanent water for hydration. They will move between aquatic sites to breed, forage, or to escape drying conditions. These overland movements can extend more than two miles, often in straight lines and without regard to habitat type.

The federal Recovery Plan for the California red-legged frog places the project area within the Estero Bay recovery unit; the project lies within Critical Habitat SLO-2 (Piedras Blancas to Cayucos Creek), as determined by the U.S. Fish and Wildlife Service. Within the study area, frogs were found to be abundant. Adults were found in almost all nearby water bodies, juveniles were found in two locations, and tadpoles were found in one location. Egg masses were seen in two drainages, including Arroyo del Oso, which supports an important breeding site.

The grasslands and other plant communities offer virtually unimpeded dispersal and foraging habitat; the only potential dispersal barrier is Highway 1.

Steelhead Trout

The populations here are part of the South-Central California Coast Evolutionarily Significant Unit (federally threatened). Arroyo del Corral and Arroyo de la Cruz are designated critical habitat. Suitable habitat was found in Arroyo del Corral and Arroyo del Oso. Despite numerous field surveys, including focused visual steelhead surveys, steelhead have never been documented at either drainage.

The culvert at Arroyo del Oso is likely a barrier to fish passage. Though the culvert at Arroyo del Corral is not currently a barrier, it could become one with the rapidly changing coastline.

Tidewater Goby

The tidewater goby is a fish that resides in coastal lagoons and the lower reaches of freshwater creeks flowing into coastal lagoons. Arroyo del Corral is designated critical habitat for this species. This species currently occurs in Arroyo del Corral and has historically occurred in Arroyo del Oso within the project area.

Western Snowy Plover

The western snowy plover is a small shorebird native to the Pacific Coast. During the breeding season, March to September, it nests on beaches and dunes, often near the high tide line. Snowy plovers are known to nest on the beach about 85 feet from the outlet of Arroyo del Corral, which would be about 330 feet from the proposed bridge. Operation of heavy equipment, pile driving and daily construction noise could have temporary adverse effects that might disrupt western snowy plover behaviors. If this occurred during the breeding season, it could lead to lower or no reproductive success.

Environmental Consequences

California Red-Legged Frog

Removing the existing highway would affect aquatic California red-legged frog critical habitat at Arroyo del Oso, Arroyo del Corral, and the unnamed drainage south of Arroyo del Corral. This would temporarily disturb small areas of aquatic habitat as the concrete pipes and box culverts are removed. Bridges proposed at both Arroyo del Oso and Arroyo del Corral would cross over critical habitat areas, including the breeding site at the Arroyo del Oso pond. The shading effect from the bridge might affect water temperatures at the breeding site. Shading would also degrade basking sites that are essential for regulating frog body temperatures. The presence of the Arroyo del Oso Bridge over this highly productive breeding site and aquatic habitat is expected to degrade the critical habitat and reduce the number of California red-legged frogs that breed and reside there. In addition, the northern abutment fill slope could encroach upon the banks of the pool, displacing about 653 square feet of aquatic California red-legged frog critical habitat.

Along with the shading and the temporary disturbance under the new bridges during construction, these permanent fills and shading would likely degrade this pool to the point that it is no longer suitable for breeding. Construction access at Arroyo del Oso would temporarily affect about 150 square feet of breeding critical habitat by placing a temporary culvert and fill.

The direct upland critical habitat impacts would be minimal. California red-legged frogs forage in uplands around aquatic sites, especially during wet weather. Vehicle strikes are much more likely where a road encroaches upon uplands that are adjacent to aquatic sites. (Where a road remains far from aquatic sites, only dispersing frogs are exposed to vehicle traffic.)

Habitat connectivity is essential to maintaining wildlife population. Highways have been shown to contribute to, or even directly cause, substantial population declines or losses. The only potential dispersal barrier for wildlife at this location is Highway 1, which has very low nighttime traffic volumes. The length of the proposed bridges would allow frogs to pass underneath the highway unimpeded at creeks and floodplains, whereas the existing highway has only narrow culverts, forcing more frogs to cross the highway surface. The proposed alignment would increase habitat connectivity for California red-legged frog by reducing the number of dispersal paths the highway crosses.

Caltrans received a “may affect, likely to adversely affect” finding in the Biological Opinion from the U.S. Fish and Wildlife Service for both California red-legged frog and its critical habitat. (See Chapter 4 Comments and Coordination.)

Steelhead Trout

The project would temporarily adversely affect 150 square feet of perennial stream habitat at both Arroyo del Corral and Arroyo del Oso during construction. Culvert removal has the potential for beneficial impacts by improving lagoon habitat at both of these creeks and by preventing them from becoming fish passage barriers, per Senate Bill 857. Removing the culvert at Arroyo del Oso would allow unimpeded fish passage at this location. Likewise, culvert removal at Arroyo del Corral would ensure that it would not become a barrier to fish passage and would restore approximately 0.05 acre of lagoon habitat for steelhead.

Caltrans received a “may affect, likely to adversely affect” finding in the Biological Opinion from the National Marine Fisheries Service for both steelhead and its critical habitat. (See Chapter 4 Comments and Coordination.)

Tidewater Goby

Temporary impacts to individuals and habitat are likely to occur from water diversion and increased sedimentation during construction. However, permanent beneficial effects to habitat are expected, with no permanent adverse impacts.

The existing culvert at Arroyo del Oso affects lagoon formation on the inland side of the culvert. No lagoon exists at the outlet, which is often inundated by waves. Removing the culvert would change how and when the sandbar forms, which would affect the timing and extent of lagoon formation. How this would affect tidewater goby habitat in the small lagoon pool is unknown, but the creek is expected to remain

suitable habitat. Since the species was documented up to one-quarter mile upstream where there are perennial pools, it is assumed that effects to the existing lagoon would not threaten the creek's population. Removal of the culverts would be conducted in a manner that would not cause the sandbars to breach or the lagoons to flush.

Tidewater gobies are within Arroyo del Corral and would likely be affected during bridge construction and culvert removal. The stream diversion and temporary access road would temporarily displace about 150 square feet of aquatic habitat.

Caltrans received a “may affect, likely to adversely affect” finding in the Biological Opinion from the U.S. Fish and Wildlife Service for both tidewater goby and its critical habitat. (See Chapter 4 Comments and Coordination.)

Western Snowy Plover

The construction area is not within critical habitat for western snowy plovers, but high noise levels generated during construction, particularly during pile driving, have the potential to affect the birds. Conversely, the new alignment will move Highway 1 farther away from the plover nesting area near the outlet of Arroyo del Corral.

Caltrans received a “may affect, likely to adversely affect” finding in the Biological Opinion from the U.S. Fish and Wildlife Service for the snowy plover. (See Chapter 4 Comments and Coordination.)

Avoidance, Minimization, and/or Mitigation Measures

California red-legged frog

Avoidance and minimization measures for California red-legged frog and critical habitat are listed below. (“Service” in items 1 through 19 below refer to the U.S. Fish and Wildlife Service.)

1. The existing Arroyo del Oso culvert would be removed in a manner that would not cause a sandbar breach and lagoon draining when California red-legged frog larvae or eggs are present.
2. Explore extending the Arroyo del Oso Bridge northern abutment and piers to avoid the California red-legged frog breeding pool.
3. Bridges are proposed for crossing the drainage south of Arroyo del Corral, Arroyo del Corral, and Arroyo del Oso. These bridges will span the floodplains to the

extent feasible in order to minimize California red-legged frog habitat impacts and maximize habitat connectivity.

4. Only Service-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frogs.
5. Ground disturbance will not begin until written approval is received from the Service that the biologist is qualified to conduct the work.
6. A Service-approved biologist will survey the project site 48 hours before the onset of work activities. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The Service-approved biologist will relocate the California red-legged frogs the shortest distance possible to a location that contains suitable habitat and will not be affected by activities associated with the proposed project. The Service-approved biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, any distinguishing features, photographs [digital preferred]) to assist him or her in determining whether relocated animals are returning to the original point of capture.
7. Before any activities begin on a project, a Service-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the species and its habitat, the specific measures that are being implemented for the current project to conserve the species, and the boundaries within which the project may be accomplished. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
8. A Service-approved biologist will be present at the work site until all California red-legged frogs have been removed, workers have been instructed, and disturbance of habitat has been completed. After this time, Caltrans will designate a person to monitor on-site compliance with all minimization measures. The Service-approved biologist will ensure that this monitor receives the training outlined in measure 7 and in the identification of California red-legged frogs. If the monitor or the Service-approved biologist recommends that work be stopped because California red-legged frogs would be affected to a degree that exceeds the levels anticipated by Caltrans and the Service during review of the proposed action, they will notify the resident engineer (the engineer that is directly overseeing and in command of construction activities) immediately. The resident

engineer will either resolve the situation by eliminating the effect immediately or require that all actions that are causing these effects be halted. If work is stopped, the Service will be notified as soon as is reasonably possible.

9. During project activities, all trash that may attract predators will be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris will be removed from work areas.
10. All refueling, maintenance, and staging of equipment and vehicles will occur within contained areas that eliminate the potential for spilled fluids to contaminate soil or water. The monitor will ensure contamination of habitat does not occur during such operations. Prior to the onset of work, Caltrans will ensure that a plan is in place for prompt and effective response to any accidental spills. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.
11. Project sites will be revegetated with an assemblage of native riparian, wetland, and upland vegetation suitable for the area. Locally collected plant materials will be used to the extent possible. Invasive, exotic plants will be controlled to the extent possible. This measure will be implemented in all areas disturbed by activities associated with the project, unless the Service and Caltrans determine that it is not feasible or practical. (For example, an area disturbed by construction that would be used for future activities need not be revegetated.)
12. Habitat contours will be returned to their original configuration at the end of project activities. This measure will be implemented in all areas disturbed by activities associated with the project, unless the Service and Caltrans determine that it is not feasible or modification of original contours would benefit the California red-legged frog.
13. The number of access routes, size of staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the project goal. Environmentally Sensitive Areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction, and minimize the impact to species habitat; this goal includes locating access routes and construction areas outside of wetlands and riparian areas to the maximum extent practicable.
14. Caltrans will attempt to schedule work activities for times of the year when impacts to the California red-legged frog would be minimal. For example, work that would affect large pools that may support breeding would be avoided, to the

- maximum extent possible, during the breeding season (November through May). Isolated pools that are important to maintain California red-legged frogs through the driest portions of the year would be avoided, to the maximum extent possible, during the late summer and early fall. Habitat assessments, surveys, and informal consultation between Caltrans and the Service during project planning should be used to assist in scheduling work activities to avoid sensitive habitats during key times of the year.
15. To control sedimentation during and after project implementation, Caltrans will implement best management practices outlined in any authorizations or permits issued under the authorities of the Clean Water Act that it receives for the specific project. If best management practices are ineffective, Caltrans will attempt to remedy the situation immediately, in consultation with the Service.
 16. If a work site is to be temporarily dewatered by pumping, intakes will be completely screened with wire mesh not larger than 0.2 inch (5mm) to prevent California red-legged frogs from entering the pump system. Water will be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. The methods and materials used in any dewatering will be determined by Caltrans in consultation with the Service on a site-specific basis. Upon completion of construction activities, any diversions or barriers to flow will be removed in a manner that would allow flow to resume with the least disturbance to the substrate. Alteration of the streambed will be minimized to the maximum extent possible; any imported material will be removed from the streambed upon completion of the project.
 17. Unless approved by the Service, water will not be impounded in a manner that may attract California red-legged frogs.
 18. A Service-approved biologist will permanently remove any individuals of exotic species, such as bullfrogs (*Rana catesbeiana*), crayfish, and centrarchid fishes from the project area, to the maximum extent possible. The Service-approved biologist will be responsible for ensuring his or her activities are in compliance with the California Fish and Game Code.
 19. To ensure that diseases are not conveyed between work sites by the Service-approved biologist, the fieldwork code of practice developed by the Declining Amphibian Populations Task Force will be followed at all times.

Creating a new pool at the Arroyo de la Cruz mitigation site would mitigate impacts to the breeding pool at Arroyo del Oso. Further information regarding the California red-legged frog mitigation can be found in the Draft Mitigation and Monitoring Report.

Steelhead Trout

Avoidance and minimization measures 7, 9-13, 15, 16, and 18 (under California red-legged frog) will be implemented for steelhead as well. In addition, measures 20 through 27 were specifically designed to avoid and minimize impacts to steelhead and steelhead critical habitat.

20. At Arroyo del Corral and Arroyo del Oso, pile driving and temporary bridge construction would be limited to June 1 through October 31, when water levels are at their lowest.

21. A qualified fisheries biologist would supervise all activities associated with the capture, handling, and monitoring of steelhead.

22. A qualified fisheries biologist would survey the project site prior to the onset of work activities. If any steelhead are present within affected aquatic habitat, the biologist would be allowed sufficient time to move them from the site before work activities begin. The fisheries biologist would relocate steelhead to a location that contains suitable habitat and would not be affected by activities associated with the proposed project.

23. Before any activities begin on a project, a qualified fisheries biologist would conduct a training session for all construction personnel. At minimum, the training would include a description of steelhead and their habitat, the specific measures that are being implemented to conserve steelhead during construction, and the limits of the construction area. Brochures, books and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.

24. Bridges would be constructed at both Arroyo del Corral and Arroyo del Oso, providing unimpeded fish passage at the new highway alignment.

25. Temporary creek crossings at Arroyo del Corral and Arroyo del Oso would be removed prior to the rainy season, or a suitable all-season crossing would be used.

26. Work within creek channels would be restricted to June 1 through October 31.

27. Removing the culvert at Arroyo del Oso would allow for unimpeded fish passage at this location. Likewise, culvert removal at Arroyo del Corral would ensure that it would not become a barrier to fish passage and would restore approximately 0.05 acre of lagoon habitat for steelhead.

Tidewater goby

Avoidance and minimization measures 7, 9-13, 15, 16, and 18 (under California red-legged frog) will be implemented for tidewater goby as well. In addition, measures 28 through 33 were specifically designed to avoid and minimize impacts to tidewater goby and tidewater goby critical habitat:

28. To minimize direct impacts to tidewater goby, all work within aquatic habitat shall be completed between June 1 and October 31.

29. Only biologists approved by the U.S. Fish and Wildlife Service shall participate in activities associated with the capture, handling, and monitoring of tidewater gobies.

30. If water is to be pumped around work sites, intakes shall be completely screened with wire mesh not larger than 0.2 inch (5mm).

31. If work areas are to be dewatered, individual fish shall be removed prior to draining the site, to the extent feasible. After barriers are constructed, tidewater gobies shall be captured, transported in buckets, and released in the most appropriate habitat adjacent to the dewatered areas.

32. If work areas have been dewatered, water above the barrier shall be released or pumped downstream at an appropriate rate to maintain downstream flows during construction. Upon completion of construction activities, the barriers to flow shall be removed in a manner that will allow flow to resume with the least disturbance to the substrate.

33. The existing Arroyo del Oso culvert would be removed in a manner that would not cause a sudden sandbar breach and lagoon flush.

Western Snowy Plover

Avoidance and minimization measures 7, 9-13, and 15 (under California red-legged frog) will be implemented for western snowy plover as well. In addition, measures 34 and 35 were specifically designed to avoid and minimize impacts to western snowy plover:

34. The culvert at Arroyo del Corral will be removed between September 1 and October 31 to avoid the nesting season.

35. Caltrans will monitor nesting western snowy plovers at Arroyo del Corral beach during pile driving and bridge construction activities. This monitoring would provide information on potential adverse effects to nesting western snowy plovers as a result of noise from pile driving and other bridge construction activities.

2.3.6 Invasive Species

Regulatory Setting

On February 3, 1999, President Bill Clinton signed Executive Order 13112 requiring federal agencies to combat the introduction or spread of invasive species in the United States. The order defines invasive species as “any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem whose introduction does or is likely to cause economic or environmental harm or harm to human health.” Federal Highway Administration guidance issued August 10, 1999 directs the use of the state’s noxious weed list to define the invasive plants that must be considered as part of the National Environmental Policy Act analysis for a proposed project.

Affected Environment

Invasive plants, such as Hottentot fig (*Carpobrotus edulis*) Sea fig (*Carpobrotus chilensis*) and bull thistle (*Cirsium vulgare*) were seen next to the existing alignment where the roadbed is to be removed and wetlands restored. A small stand of shrubby blue gum eucalyptus (*E. globulus*) grows along Arroyo del Corral. In addition, several other non-native plants exist within the project limits at the proposed mitigation site north of Arroyo de la Cruz, including poison hemlock (*Conium maculatum*), Italian thistle (*Carduus pycnocephalus*), ripgut brome (*Bromus diandrus*), Italian rye (*Lolium multiflorum*), and blessed milkthistle (*Silybum marianum*).

Hottentot fig is identified in the California Invasive Plant Council (Cal-IPC) inventory rating as “high,” meaning it has severe ecological impacts on physical processes, plant and animal communities, and vegetation structure. Plants with this rating have reproductive habits and other traits that are conducive to moderate to high rates of dispersal and establishment. Most are widely distributed.

Sea fig, bull thistle, poison hemlock, Italian thistle (listed as a California State noxious weed), riggut brome, Italian rye, and blue gum eucalyptus are identified on the Cal-IPC inventory rating as “moderate.” These species have substantial and apparent, but generally not severe, ecological impacts on physical processes, plant and animal communities, and vegetation structure. Their reproductive habits and other traits are conducive to moderate to high rates of dispersal, though establishment is generally dependent upon some form of natural disturbance. Their ecological extent and distribution may range from limited to widespread.

Blessed milkthistle is identified on the Cal-IPC inventory rating as “limited.” These species are invasive, but either their ecological impacts are minor on a statewide level or there was not enough information to justify a higher score. Their reproductive habits and other traits result in low to moderate rates of invasiveness. Their ecological extent and distribution is generally limited, but these species may be locally persistent and problematic.

No invasive plant species from the federal noxious weed list were seen in the project limits. No invasive animal species are known to occur in the study area.

Environmental Consequences

Once established, invasive plants will spread naturally, generally through seed dispersal or rhizome extension. (A rhizome is a root or underground plant stem that is capable of growing into a mature plant.) They can also spread when individual plants are carried to a new location, such as during grading activities. Invasive plants often out-compete native plants, which can defeat efforts to reestablish native plant communities.

The proposed project would disturb a large area of ground, some of which contains invasive plant species. Furthermore, large amounts of fill material would be brought to the project site from other locations, potentially also bringing invasive plants and/or seeds that could take root. These activities have the potential to spread invasive species within the project limits. The project would also involve hauling dirt off-site, which could result in the spread of invasive plant species to areas outside of the project limits.

Careful plant selection for replanting disturbed areas would help limit the spread of invasive species. Invasive species would not be used in any landscaping needed for the project.

Avoidance, Minimization, and/or Mitigation Measures

In compliance with the Executive Order on Invasive Species, Executive Order 13112, and subsequent guidance from the Federal Highway Administration, the landscaping and erosion control included in the project would not use species listed as noxious weeds. All seed mixes used for restoration would be native seed, common to the area. All fill material brought into the site shall be certified as clean fill.

Avoidance measures to ensure construction activities would not contribute to the spread of any invasive species include the placement and maintenance of fencing around areas of concern. Additional avoidance measures include the inspection and thorough cleaning of all earthmoving and seeding equipment to be used during project construction before entering and exiting the project site.

To minimize impacts from construction activities, noxious weeds and other invasive plants would be removed from the site prior to construction to the extent practicable. This will help prepare locations for topsoil redistribution and afford greater success for plant reestablishment.

2.4 Construction Impacts

This section discusses impacts to resources that were not addressed previously in this chapter.

Affected Environment

Air Quality

Applicable technical report: Final Air Quality Report, May 2008.

San Luis Obispo County is part of the South Central Coast Air Basin, which also includes Santa Barbara and Ventura counties. The climate of the San Luis Obispo area is strongly influenced by its proximity to the Pacific Ocean. The speed and direction of local winds are controlled by the location and strength of the Pacific high pressure system and other global weather patterns, topographical factors, and circulation patterns that result from temperature differences between the land and the sea.

Per the requirements of the law, the San Luis Obispo Air Pollution Control District adopted a Clean Air Plan for their jurisdiction. The *Final 2001 San Luis Obispo County Clean Air Plan* is used by the San Luis Obispo Air Pollution Control District

to address attainment of national and state fugitive dust (PM₁₀) and ozone standards for the entire county. The Clean Air Plan is a comprehensive planning document intended to provide guidance to the Air Pollution Control District, the County, and other local agencies on how to attain and maintain the state standard for ozone and PM₁₀. The County of San Luis Obispo has included the proposed project in their 2005 Regional Transportation Plan, which is in conformance with the 2001 Clean Air Plan. Because the project is in an area that is in attainment or unclassified for all National Ambient Air Quality Standards, it is exempt from regional conformity requirements.

Hazardous Waste or Materials

Applicable technical report: Initial Site Assessment, May 2008.

There is no evidence within the project limits of hazardous substances such as storage tanks, drums, petroleum product containers, pits, ponds, lagoons or wells, nor indicators of hazardous substances, including stained soils or pavement, stressed vegetation, waste water or odors. No areas within the project limits are included in the Caltrans Maintenance Soil List. The area is void of serpentine rock and therefore the presence of naturally occurring asbestos is unlikely.

Existing highway facilities include signs and guardrail, which use chemically-treated wooden posts. As of July 2007, new regulations require special handling, storage, treatment and/or disposal of treated wood waste, depending on quantities generated from the project. Estimated quantities from this project range from between 1,500 to 2,000 pounds. In addition, yellow paint containing lead could be present within the center stripe of the existing pavement. These products are considered reportable hazardous waste items.

Environmental Consequences

Air Quality

No additional lanes are being added to the highway; therefore there will be no difference in long-term air quality emissions with or without the project. Since the project will not increase local concentrations of air pollutants, it is consistent with the state air quality goals of the San Luis Obispo Air Pollution Control District.

The main sources of air pollutants would be from soil grading and application of asphalt products, both from the activities themselves and from the vehicles that perform the operations. The California Air Resources Board has studied the emissions of particulate matter from diesel engines and has concluded that all diesel particulate

emissions, including those from heavy-duty trucks and construction equipment, are potentially harmful. The greatest impacts generally occur to residents within 300-500 feet of the highway.

There would be a temporary increase in dust during the construction period, but dust generation is expected to be well within the San Luis Obispo County Air Pollution Control District's Guidelines.

Hazardous Waste or Materials

If not disposed of properly, chemicals from the treated wood waste could leach into the ground and waterways. The old roadway would be demolished in the form of whole slabs, or ground in whole volumes. This would dilute the yellow paints in the waste stream, rendering them non-toxic.

Avoidance, Minimization, and/or Mitigation Measures

Air Quality

Caltrans Standard Specifications pertaining to dust control and dust palliative requirements are a required part of all construction contracts and should effectively reduce and control emission impacts during construction. The provisions of Caltrans Standard Specifications section 14-9.01, *Air Pollution Control*, require the contractor to comply with all air pollution rules, regulations, ordinances, and statutes that apply to the contract. Section 14-9.02, *Dust Control*, addresses the alleviation and prevention of dust nuisance.

Hazardous Waste or Materials

Highway waste from the project (such as guardrail posts or sign posts) would be disposed of appropriately. Special Provision 15-300 should be included in the construction contract to address disposal of yellow thermoplastic paint. If documentation can be found to show that the previously placed yellow paint did not contain lead, then this special provision would not be required and the material could be disposed of at a regular municipal landfill.

Chapter 3 California Environmental Quality Act Evaluation

3.1 Determining Significance under the California Environmental Quality Act

The proposed project is a joint project by the California Department of Transportation (Caltrans) and the Federal Highway Administration and is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both the California Environmental Quality Act and the National Environmental Policy Act. The Federal Highway Administration's responsibility for environmental review, consultation, and any other action required in accordance with the National Environmental Policy Act and other applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S. Code 327. Caltrans is the lead agency under the California Environmental Quality Act and the National Environmental Policy Act.

One of the main differences between the National Environmental Policy Act and the California Environmental Quality Act is the way significance is determined. Under the National Environmental Policy Act, significance is used to determine whether an Environmental Impact Statement, or some lower level of documentation, will be required. The National Environmental Policy Act requires that an Environmental Impact Statement be prepared when the proposed federal action (project) *as a whole* has the potential to “significantly affect the quality of the human environment.” The determination of significance is based on context and intensity. Some impacts determined to be significant under the California Environmental Quality Act may not be of sufficient magnitude to be determined significant under the National Environmental Policy Act. Under the National Environmental Policy Act, once a decision is made regarding the need for an Environmental Impact Statement, it is the magnitude of the impact that is evaluated and no judgment of its individual significance is deemed important for the text. The National Environmental Policy Act does not require that a determination of significant impacts be stated in the environmental documents.

The California Environmental Quality Act, on the other hand, does require Caltrans to identify each “significant effect on the environment” resulting from the project and ways to mitigate each significant effect. If the project may have a significant effect on any environmental resource, then an Environmental Impact Report must be prepared.

Each significant effect on the environment must be disclosed in the Environmental Impact Report and mitigated if feasible. In addition, the California Environmental Quality Act Guidelines list a number of mandatory findings of significance, which also require the preparation of an Environmental Impact Report. There are no types of actions under the National Environmental Policy Act that parallel the findings of mandatory significance under the California Environmental Quality Act. This chapter discusses the effects of this project and California Environmental Quality Act significance.

3.2 Discussion of Significant Impacts

3.2.1 Less than Significant Effects of the Proposed Project

Impacts on land use, farmlands, communities, environmental justice, cultural resources, the floodplain, water quality and geology would be less than significant. Impacts from noise, invasive species and construction activities would also be less than significant. Impacts on visual quality and to certain sensitive plant and animal species could be significant, therefore mitigation measures have been incorporated into the project to reduce these impacts to less than significant. Further discussion can be found in the related subjects in Chapter 2.

3.2.2 Significant Environmental Effects of the Proposed Project

The project has the potential to have significant adverse impacts on the following environmental resources: coastal prairie (both individually and cumulatively), wetlands (both individually and cumulatively), and California red-legged frog and its habitat. (See sections 2.3.1 *Natural Communities*, 2.3.2 *Wetlands and Other Waters*, and 2.3.5 *Threatened and Endangered Species* for detailed information on these impacts.)

3.2.3 Unavoidable Significant Environmental Effects

There is potential for the project to permanently reduce the amount of coastal prairie in the area. There is not sufficient area within the project limits to fully mitigate for the loss of coastal prairie resulting from construction. The coastal prairie affected hosts a number of sensitive plant species that would not necessarily reestablish on the off-site mitigation area at the northern end of the project. The conditions are not identical to the impact area, and there is a possibility that some relocated plant communities would not be successful. Therefore, the project could also cause a loss in numbers of these plant species. (See section 2.3.1 *Natural Communities*.)

There is a lack of sufficient land within the area of impact for re-establishment of wetlands. Measures have been incorporated into the project to maintain hydrology suitable for wetland preservation within the project limits, but there is potential for these measures to fail. Additionally, wetlands would be restored and created at the northern end of the project, but the hydrology and soil types differ from the area of impact and the wetlands created might not be successful or of the same quality as those affected. (See section 2.3.2 *Wetlands and Other Waters*.)

Previous residential and highway projects in the vicinity of this project have impacted coastal prairie and wetlands, resulting in an overall loss to these resources. Construction of the California Coastal Trail could also impact these resources, though these impacts are yet to be quantified. These impacts from past and anticipated future projects, combined with the proposed project, would result in potentially significant cumulative impacts on coastal prairie and wetlands. (See sections 2.3.1 *Natural Communities* and 2.3.2 *Wetlands and Other Waters*.)

3.2.4 Climate Change under the California Environmental Quality Act

Regulatory Setting

While climate change has been a concern since at least 1988, as evidenced by the establishment of the United Nations and World Meteorological Organization's Intergovernmental Panel on Climate Change, the efforts devoted to greenhouse gas emissions reduction and climate change research and policy have increased dramatically in recent years. These efforts are primarily concerned with the emissions of greenhouse gas related to human activity that include carbon dioxide (CO₂), methane, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 –tetrafluoroethane), and HFC-152a (difluoroethane).

In 2002, with the passage of Assembly Bill 1493 (AB 1493), California launched an innovative and pro-active approach to dealing with greenhouse gas emissions and climate change at the state level. Assembly Bill 1493 requires the California Air Resources Board to develop and implement regulations to reduce automobile and light truck greenhouse gas emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009 model year; however, in order to enact the standards California needed a waiver from the U.S. Environmental Protection Agency. The waiver was denied by the Environmental Protection Agency in December 2007. See *California v. Environmental Protection Agency*, 9th Cir. Jul. 25, 2008, No. 08-70011. However, on January 26, 2009, it was announced that the Environmental Protection Agency will reconsider their decision regarding the denial of

California's waiver. On May 18, 2009, President Obama announced the enactment of a 35.5 mpg fuel economy standard for automobiles and light duty trucks that will take effect in 2012. On June 30, 2009 the Environmental Protection Agency granted California the waiver. California is expected to enforce its standards for 2009 to 2011 and then look to the federal government to implement equivalent standards for 2012 to 2016. The granting of the waiver will also allow California to implement even stronger standards in the future. The state is expected to start developing new standards for the post-2016 model years later this year.

On June 1, 2005, Governor Arnold Schwarzenegger signed Executive Order S-3-05. The goal of this Executive Order is to reduce California's greenhouse gas emissions to: 1) year 2000 levels by 2010, 2) 1990 levels by 2020 and 3) 80 percent below the 1990 levels by 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006. AB 32 sets the same overall greenhouse gas emissions reduction goals while further mandating that the California Air Resources Board create a plan, including market mechanisms, and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the state's climate action team.

With Executive Order S-01-07, Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this executive order, passed January 2007, the carbon intensity of California's transportation fuels is to be reduced by at least 10 percent by 2020.

Climate change and greenhouse gas reduction are also concerns at the federal level; however, at this time, no legislation or regulations have been enacted specifically addressing greenhouse gas emissions reductions and climate change. California, in conjunction with several environmental organizations and several other states, sued to force the U.S. Environmental Protection Agency to regulate greenhouse gas as a pollutant under the Clean Air Act (*Massachusetts vs. Environmental Protection Agency et al.*, 549 U.S. 497 (2007)). The court ruled that greenhouse gas does fit within the Clean Air Act's definition of a pollutant, and that the Environmental Protection Agency does have the authority to regulate greenhouse gas emissions. Despite the Supreme Court ruling, there are no promulgated federal regulations to date limiting greenhouse gas emissions.

On December 7, 2009, the Environmental Protection Agency Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

- Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases--carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)--in the atmosphere threaten the public health and welfare of current and future generations.
- Cause or Contribute Finding: The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action is a prerequisite to finalizing the Environmental Protection Agency's proposed greenhouse gas emission standards for light-duty vehicles, which were jointly proposed by the Environmental Protection Agency and the Department of Transportation's National Highway Safety Administration on September 15, 2009.¹

According to *Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate change in CEQA Documents* (March 5, 2007), an individual project does not generate enough greenhouse gas emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of greenhouse gas. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." (See CEQA Guidelines sections 15064(i)(1) and 15130.) To make this determination, the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects in order to make this determination is a difficult, if not impossible, task.

As part of its supporting documentation for the Draft Scoping Plan, the California Air Resources Board recently released an updated version of the greenhouse gas inventory for California (June 26, 2008). Shown below is a graph from that update that shows the total greenhouse gas emissions for California for 1990, 2002-2004 average, and 2020 projected if no action is taken.

¹ <http://www.epa.gov/climatechange/endangerment.html>

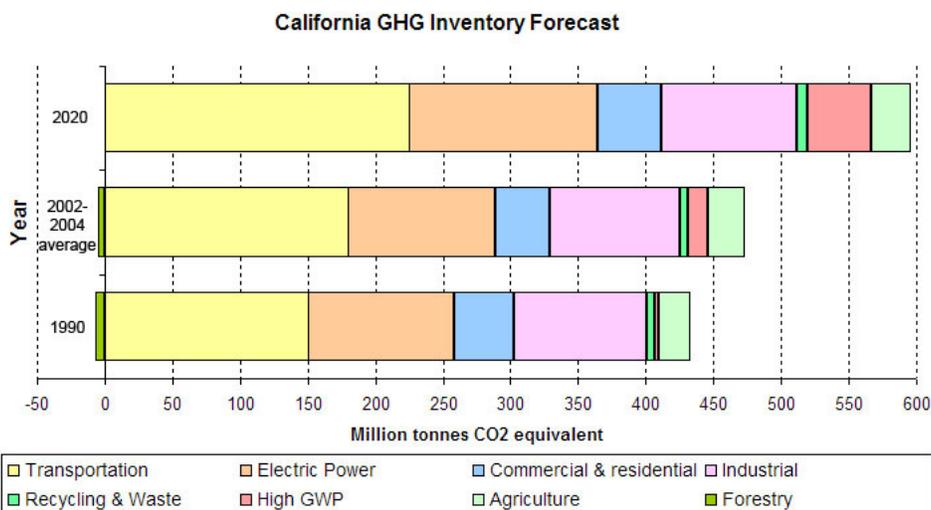


Figure 3-1 California Greenhouse Gas Inventory

Taken from <http://www.arb.ca.gov/cc/inventory/data/forecast.htm>

Caltrans and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing greenhouse gas emission reduction and climate change. Recognizing that 98 percent of California's greenhouse gas emissions are from the burning of fossil fuels and 40 percent of all human-made greenhouse gas emissions are from transportation, Caltrans has created and is implementing the Climate Action Program at Caltrans that was published in December 2006. More on this program can be found below under *AB 32 Compliance*.

Project Analysis

One of the main strategies in Caltrans' Climate Action Program to reduce greenhouse gas emissions is to make California's transportation system more efficient. The project proposes an in-kind change to a short segment of the highway. It would not have an effect on driving patterns, and therefore would not affect emissions levels from daily traffic. There is no other source within the project for long-term contributions to greenhouse gas accumulation or climate change. However, there would be a localized increase in emissions, particularly carbon monoxide, during construction from the additional equipment in operation.

Construction Emissions

Greenhouse gas emissions for transportation projects can be divided into those produced during construction and those produced during long-term operation. For most highway projects, construction greenhouse gas emissions include emissions produced as a result of material processing, emissions produced by onsite construction equipment,

and emissions arising from traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases. The traffic management plan for this realignment project is expected to eliminate any traffic delays during construction, thereby reducing emissions. Caltrans Standard Specification sections pertaining to equipment emission control and applications is a required part of all construction contracts and should effectively reduce and control emission impacts during construction. The provisions of Caltrans Standard Specifications section 14-9 *Air Quality* require the contractor to comply with all California Air Resources Board and San Luis Obispo County Air Pollution Control District rules, ordinances, and regulations.

AB 32 Compliance

Caltrans continues to be actively involved on the Governor's Climate Action Team as the California Air Resources Board works to implement the Governor's Executive Orders and help achieve the targets set forth in AB 32. Many of the strategies Caltrans is using to help meet the targets in AB 32 come from the California Strategic Growth Plan, which is updated each year. Governor Schwarzenegger's Strategic Growth Plan calls for a \$238.6 billion infrastructure improvement program to fortify the state's transportation system, education, housing, and waterways, including \$100.7 billion in transportation funding through 2016.² As shown in the figure below, the Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in greenhouse gas emissions. The Strategic Growth Plan proposes to do this while accommodating growth in population and the economy. A suite of investment options has been created that combined together yield the promised reduction in congestion. The Strategic Growth Plan relies on a complete systems approach of a variety of strategies: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements.

As part of the Climate Action Program at Caltrans, Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. Caltrans is working closely with local jurisdictions on planning activities; however, Caltrans does not have local land use planning authority. Caltrans is also supporting efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars and in light and heavy-duty

² Governor's Strategic Growth Plan, Fig. 1 (<http://gov.ca.gov/pdf/gov/CSGP.pdf>)

trucks. Caltrans is doing this by supporting on-going research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the Environmental Protection Agency and the California Air Resources Board hold control of the fuel economy standards. Lastly, the use of alternative fuels is also being considered; the Department is participating in funding for alternative fuel research at the University of California at Davis.

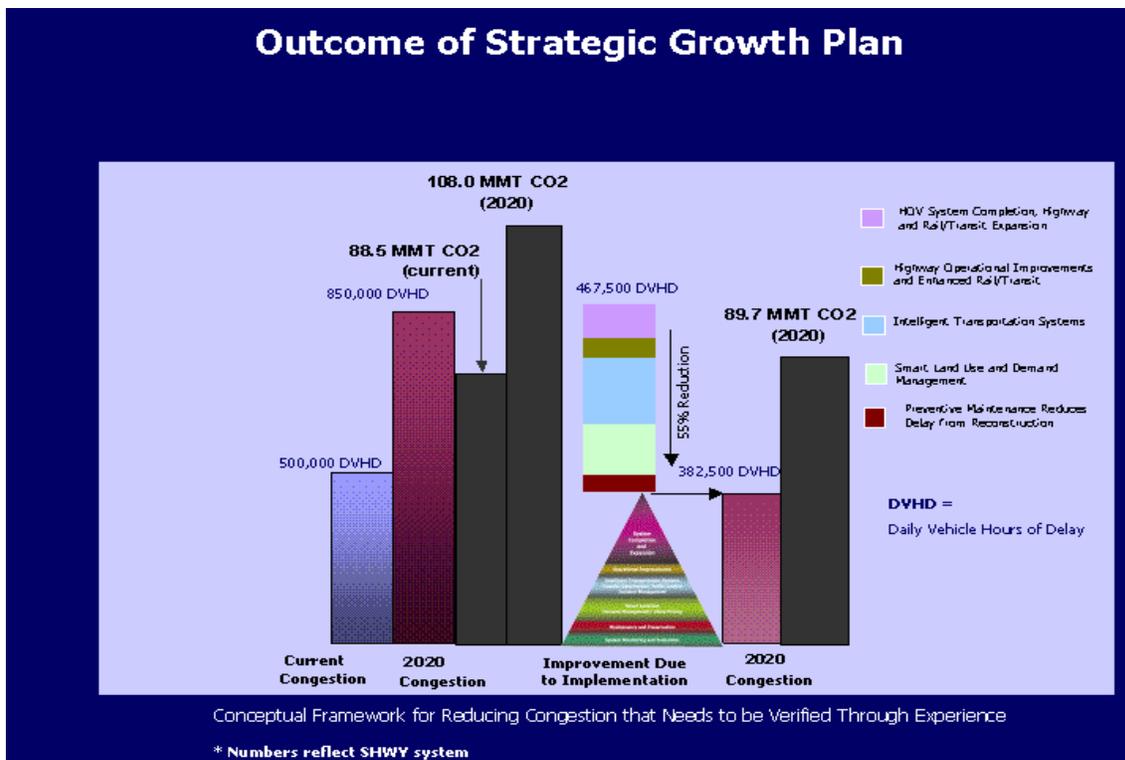


Figure 3-2 Outcome of Strategic Growth Plan

Table 3-1 summarizes statewide efforts that Caltrans is implementing in order to reduce greenhouse gas emissions. For more detailed information about each strategy, please see Climate Action Program at Caltrans (December 2006) at:

<http://www.dot.ca.gov/docs/ClimateReport.pdf>

Table 3-1 Climate Change Strategies

Strategy	Program	Partnership		Method/Process	Estimated CO ₂ Savings (MMT)	
		Lead	Agency		2010	2020
Smart Land Use	Intergovernmental Review (IGR)	Caltrans	Local Governments	Review and seek to mitigate development proposals	Not Estimated	Not Estimated
	Planning Grants	Caltrans	Local and regional agencies & other stakeholders	Competitive selection process	Not Estimated	Not Estimated
	Regional Plans and Blueprint Planning	Regional Agencies	Caltrans	Regional plans and application process	0.975	7.8
Operational Improvements & Intelligent Trans. System (ITS) Deployment	Strategic Growth Plan	Caltrans	Regions	State ITS; Congestion Management Plan	0.007	2.17
Mainstream Energy & greenhouse gas into Plans and Projects	Office of Policy Analysis & Research; Division of Environmental Analysis	Interdepartmental effort		Policy establishment, guidelines, technical assistance	Not Estimated	Not Estimated
Educational & Information Program	Office of Policy Analysis & Research	Interdepartmental, California Environmental Protection Agency, the California Air Resources Board, CEC		Analytical report, data collection, publication, workshops, outreach	Not Estimated	Not Estimated
Fleet Greening & Fuel Diversification	Division of Equipment	Department of General Services		Fleet Replacement B20 B100	0.0045	0.0065 0.45 0.0225
Non-vehicular Conservation Measures	Energy Conservation Program	Green Action Team		Energy Conservation Opportunities	0.117	.34
Portland Cement	Office of Rigid Pavement	Cement and Construction Industries		2.5 % limestone cement mix 25% fly ash cement mix > 50% fly ash/slag mix	1.2 0.36	3.6
Goods Movement	Office of Goods Movement	California Environmental Protection Agency, the California Air Resources Board, BT&H, MPOs		Goods Movement Action Plan	Not Estimated	Not Estimated
Total					2.72	18.67

As previously discussed, measures to reduce construction-related greenhouse gas emissions have been included as part of the project.

Adaptation Strategies

Adaptation strategies are ways that Caltrans and others can plan for the effects of climate change on the state's transportation infrastructure and strengthen or protect the facilities from damage. Climate change is expected to produce increased variability in precipitation, rising temperatures, rising sea levels, storm surges and intensity, and the frequency and intensity of wildfires. These changes may affect the highway in various ways, such as damaging the roadbed by longer periods of intense heat. This particular section of highway is already subject to increased storm damage from flooding and erosion, and in fact the project was proposed specifically to address these issues.

Climate change adaptation must also involve the natural environment as well. Efforts are underway on a statewide level to develop strategies to cope with impacts to habitat and biodiversity through planning and conservation. The results of these efforts will help California agencies plan and implement mitigation strategies for programs and projects.

On November 14, 2008, Governor Schwarzenegger signed Executive Order S-13-08, which directed a number of state agencies to address California's vulnerability to sea level rise caused by climate change.

The California Resources Agency (now the Natural Resources Agency [Resources Agency]), through the interagency Climate Action Team, was directed to coordinate with local, regional, state, and federal public and private entities to develop a state Climate Adaptation Strategy. The Climate Adaptation Strategy will summarize the best known science on climate change impacts to California, assess California's vulnerability to the identified impacts and then outline solutions that can be implemented within and across state agencies to promote resiliency.

As part of its development of the Climate Adaptation Strategy, the Resources Agency was directed to request the National Academy of Science to prepare a *Sea Level Rise Assessment Report* by December 2010 to advise how California should plan for future sea level rise. The report is to include:

- relative sea level rise projections for California, taking into account coastal erosion rates, tidal impacts, El Niño and La Niña events, storm surge and land subsidence rates
- the range of uncertainty in selected sea level rise projections
- a synthesis of existing information on projected sea level rise impacts to state infrastructure (such as roads and public facilities), beaches, natural areas, and coastal and marine ecosystems
- a discussion of future research needs regarding sea level rise for California

Furthermore, Executive Order S-13-08 directed the Business, Transportation, and Housing Agency to prepare a report that assesses the vulnerability of transportation systems to sea level affecting safety, maintenance and operational improvements of the system and economy of the state. Caltrans continues to work on assessing the transportation system's vulnerability to climate change, including the effect of sea level rise.

Prior to the release of the final *Sea Level Rise Assessment Report*, all state agencies with plans to construct projects in areas vulnerable to future sea level rise were directed to consider a range of sea level rise scenarios for the years 2050 and 2100 in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to sea level rise. Sea level rise estimates should also be used in conjunction with information regarding local uplift and subsidence, coastal erosion rates, predicted higher high water levels, storm surge and storm wave data. However, all projects with a Notice of Preparation already on file, which includes this realignment project, are exempt from this directive.

Climate change adaptation for transportation infrastructure involves long-term planning and risk management to address vulnerabilities in the transportation system from: increased precipitation and flooding; increased frequency and intensity of storms and wildfires; rising temperatures; and rising sea levels. Caltrans is an active participant in the efforts being conducted as part of Governor's Schwarzenegger's Executive Order on Sea Level Rise and is mobilizing to be able to respond to the National Academy of Science report on *Sea Level Rise Assessment*. Currently, Caltrans is working to assess which transportation facilities are at greatest risk from climate change effects. However, without statewide planning scenarios for relative sea level rise and other climate change impacts, Caltrans has not been able to determine what change, if any, may be made to its design standards for its transportation facilities. Once statewide planning scenarios become available,

Caltrans will be able review its current design standards to determine if changes could be warranted in order to protect the transportation system from sea level rise.

3.3 Mitigation Measures for Significant Impacts under the California Environmental Quality Act

The following measures would reduce potentially significant impacts:

- Locate equipment staging and materiel stockpile areas in previously disturbed areas where possible. If staging and stockpiling areas must be located in coastal prairies, then vegetation would not be removed from these sites.
- Restore approximately 7 acres of coastal prairie by removing topsoil from the proposed alignment and placing it where the existing road and road base would be removed. Create 12 to 17 acres of coastal prairie in the Arroyo de la Cruz floodplain by transporting topsoil to the former agricultural field, now owned by State Parks.
- During construction, limit the area used for construction activities. Locate storage and stockpile areas where they would not impact sensitive habitat.
- Reduce the road and/or bridge footprints to the extent practicable.
- Construct permeable roadway sections to maintain ground-water flow.
- Create new wetlands on-site at a minimum 1:1 (impacted : created) ratio and restore wetlands on the Arroyo de la Cruz floodplain at a minimum 3:1 ratio. Relocate wetland topsoil salvaged from the new alignment to the area where the old road was removed.
- Where sensitive or protected plants could not be avoided during construction, collect topsoil from the proposed alignment and spread it over the existing alignment after removing the existing road and road base material. Salvaged topsoil may also be transported to potential mitigation sites. In the case of the white brodiaea, Nuttall's milkvetch, and compact cobwebby thistle, collect plants that cannot be avoided and deposit at the Hoover Herbarium at California Polytechnic University in San Luis Obispo. Salvage any compact cobwebby thistle plants that have apparently viable seed and deposit on the ground surface in unaffected habitat adjacent to the project.
- Perform pre-construction surveys for burrowing owl within 30 days prior to any earthwork that would occur between October and March. Aim to achieve a no net

loss of burrowing and foraging area for wintering birds as compensatory mitigation. Offset affected potential burrowing and foraging area with a roughly equal amount of restored habitat. Conduct pre-construction surveys for southwestern pond turtle and relocate any turtles found to suitable habitat either up- or down-stream. Remove the culvert at Arroyo del Corral to restore perennial lagoon habitat to a natural state and allow for natural lagoon functions.

- Create one California red-legged frog breeding pool.
- Remove temporary creek crossings at Arroyo del Corral and Arroyo del Oso during the rainy season or use a suitable all-season crossing. Remove the culvert at Arroyo del Oso to allow for unimpeded fish passage at this location. Remove the culvert at Arroyo del Corral to ensure that it would not become a barrier to fish passage and to restore approximately 0.05 acre of lagoon habitat for steelhead. Relocate steelhead from all aquatic habitat affected. Schedule work activities for times of the year least likely to cause direct impacts and remove tidewater gobies from areas to be de-watered. Restore approximately 0.05 acre of open brackish-water habitat by removing the culvert at Arroyo del Corral.
- Use slope-rounding and other techniques to create natural landforms where grading occurs. Relocate power poles to the inland side of the road and underground utilities where practicable. Use details and coloring on bridges to help them blend with the setting. Locate other road-related items to minimize visibility.

Chapter 4 **Comments and Coordination**

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures, and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including project development team meetings and interagency coordination meetings, as part of Caltrans' efforts to fully identify, address, and resolve project-related issues through early and continuing coordination.

Since 2001, the following groups have participated in planning this project:

- Bureau of Land Management
- California Coastal Commission
- California Coastal Conservancy
- California Department of Parks and Recreation (State Parks)
- Coastwalk
- Environmental Center of San Luis Obispo (ECOSLO)
- Hearst Corporation
- Monterey Bay National Marine Sanctuary
- North Coast Advisory Council
- Northern Chumash and Salinan Native American communities
- San Luis Obispo Council of Governments (SLOCOG)
- San Luis Obispo County Board of Supervisors
- San Luis Obispo County Planning and Building Department
- Surfrider Foundation

Below is a record of communications held with these groups:

An informal meeting was held on February 20, 2001 with San Luis Obispo County Planning, California Coastal Commission, Monterey Bay National Marine Sanctuary, San Luis Obispo Council of Governments, Bureau of Land Management, and members of the San Luis Obispo County Board of Supervisors. The purpose of the meeting was to get input from key local government people concerning the proposal for a new alignment. California Coastal Commission stated that it requires mandatory public access since the highway is a public road.

A field review was conducted on March 1, 2001 that included representatives of the California Coastal Commission, Monterey Bay National Marine Sanctuary, Bureau of Land Management, Hearst Corporation, San Luis Obispo County, Northern Chumash and Salinan Native American communities, and Caltrans.

The project was introduced at the March 2001 meeting of the North Coast Advisory Council.

The public and interested agencies were invited to attend a public information meeting in Cambria on May 7, 2001. The meeting was held to present the project, objectives, design considerations and preliminary alternatives. The objective of the meeting was to identify stakeholders and their interests and needs that should be considered during project development.

A meeting was held on June 27, 2001 with San Luis Obispo County Planning, California Coastal Commission, San Luis Obispo Council of Governments, Coastwalk, Surfrider Foundation, Sierra Club, representative for the Hearst Ranch, coastal property owners, ECOSLO and Caltrans to discuss the project's status and alternatives. Access points for the California Coastal Trail were a concern for ECOSLO and the California Coastal Commission. The coastal property owners were concerned about their wells being polluted during construction and the highway being realigned through their properties. Hearst Ranch, Surf Rider Association, ECOSLO, and Sierra Club preferred the highway to remain close to the shoreline.

On May 12, 2004, Caltrans entered into an agreement with the California Resources Agency that laid out intentions concerning Caltrans' potential acquisition of the scenic easement, the potential future need for Caltrans to realign portions of Highway 1, and the continued cooperation between the parties regarding protection of resources in a manner compatible with federal legislation, policy and guidelines of the Transportation Enhancement Activities program. This Memorandum of Agreement specifically states, "The parties are committed to working toward

protection of all of the valuable resources associated with the Hearst Ranch, providing appropriate public access opportunities and providing for long-term maintenance of the highway while preserving and protecting the scenic and natural qualities of the highway corridor to the greatest extent possible.”

On March 20, 2005, a meeting was held with the California Coastal Commission to discuss its concerns and expectations with the project. The Commission was concerned that the Proposed Highway 1 Realignment Area might constrain the design and not allow for the best alignment. The Commission was also concerned with public access to the coast and continuity of the California Coastal Trail.

From April to September of 2006, project manager Paul Martinez participated in State Parks’ public outreach regarding the use of the Hearst Scenic Acquisition. He represented this project and Caltrans as a stakeholder. In May 2006, he was one of the exhibitors at State Parks’ public meeting.

On October 24, 2006, a project meeting and field review were held at Caltrans’ Cambria Maintenance Station with members of the Northern Chumash and Salinan communities. Fred Collins of the Northern Chumash Council, Robert Duckworth Jr. of the Salinan Nation Cultural Preservation Association, and Patti Dutton of Playano Salinan Heritage Services attended. Caltrans discussed the project, alternatives, and studies conducted to date. During the meeting, comments were made on the testing proposal and the need for Native American monitors during the archaeological studies and ground-disturbing activities. Following the meeting, the specific locations proposed for archaeological testing were reviewed at the project site.

A meeting with parties external to Caltrans was held on August 1, 2007 to discuss the vision of the California Coastal Trail and public access points. San Luis Obispo Council of Governments, California Coastal Conservancy, California Coastal Commission, and State Parks expressed interest in using a portion of the existing highway for the trail. San Luis Obispo County Supervisor Bruce Gibson offered assistance with the project. The outcome was that Caltrans would consider the existing highway for trail use if it were not needed for mitigation.

On September 19, 2007, Caltrans initiated consultation with the State Historic Preservation Officer, who responded on October 15, 2007 by sending a concurrence letter on Caltrans’ eligibility findings for cultural sites on the National Register of Historic Places in the project vicinity. On March 24, 2008, Caltrans sent a final letter to the State Historic Preservation Officer to satisfy Caltrans’ responsibility to notify

the State Historic Preservation Officer of Caltrans’ finding of “No Adverse Effect with Standard Conditions” for the undertaking. These letters can be found in Appendix I.

A Notice of Preparation was sent to the Office of Planning and Research and to responsible and trustee agencies; the public review period was March 13, 2008 through April 11, 2008. In response to the Notice of Preparation, written comments were received from the following agencies: California Coastal Commission, California Department of Parks and Recreation, California State Coastal Conservancy, National Marine Fisheries Service, Native American Heritage Commission, and the Monterey Bay National Marine Sanctuary. The draft Environmental Impact Report/Environmental Assessment took into consideration comments received from those interested parties.

An open forum public hearing was held on the evening of October 28, 2008 in Cambria and was attended by about a dozen members of the public. The discussion was dominated by concerns regarding coastal erosion and the project’s impacts on private property. Comments received at the meeting and throughout the public comment period, and Caltrans’ responses, can be found in Appendix L.

Section 7 consultations with the National Marine Fisheries Service and U.S. Fish and Wildlife Service have been concluded. The Biological Opinions were prepared on April 19, 2010 and February 26, 2010, respectively. Table 4-1 shows the determinations obtained.

Table 4-1 Section 7 Determinations

	National Marine Fisheries Service	U.S. Fish and Wildlife Service
steelhead	may affect, likely to adversely affect	
steelhead critical habitat	may affect, likely to adversely affect	
California red-legged frog		may affect, likely to adversely affect
California red-legged frog critical habitat		may affect, likely to adversely affect
tidewater goby		may affect, likely to adversely affect
tidewater goby critical habitat		may affect, likely to adversely affect
western snowy plovers		may affect, likely to adversely affect

Chapter 5 **List of Preparers**

This document was prepared by the following Caltrans staff:

Arkfeld, William, Transportation Engineer. B.S., Environmental Engineering; 21 years experience in water quality and hazardous waste regulations. Contribution: Water Quality Assessment Report.

Carr, Bob, Landscape Associate. B.S., Landscape Architecture; 20 years experience in visual impact analysis and landscape architecture. Contribution: Visual Impact Analysis.

Carr, Paula Juelke, Associate Environmental Planner (Architectural History.) M.A., Independent Studies: History, Art History, Anthropology, Folklore and Mythology; B.A., Cultural Anthropology; 25 years of experience in California history. Contribution: Historical Resources Evaluation Report.

Joslin, Terry, Associate Environmental Planner (Archaeology.) M.A., Anthropology; 15 years experience in archaeological studies in California. Contribution: Historical Properties Survey Report and Archaeological Survey Report.

Gallaher, Malinda, Transportation Engineer. B.S., Mechanical Engineering; 3 years experience in design and civil engineering. Contribution: project design.

Hacker, David, Associate Environmental Planner (Natural Sciences.) B.S., Natural Resource Management; 9 years experience in biotic resource inventories and impact assessment. Contribution: Natural Environment Study.

Huddleston, Paula, Associate Environmental Planner. B.A., Anthropology; 18 years experience in environmental analysis. Contribution: environmental studies coordination and research.

Leyva, Isaac, Engineering Geologist. B.S., Geology; 20 years experience in Petroleum Geology, Environmental, Geotechnical Engineering. Contribution: Initial Site Assessment for Hazardous Materials.

Mills, Wayne W., Transportation Engineer. B.A., Earth Science; B.A., Social Sciences; 24 years experience in air quality and noise studies; 11 years experience in paleontology studies. Contribution: Air Quality Report, Noise Report, and Paleontology Technical Report.

Moonjian, Jennifer, Environmental Planner (Natural Sciences.) M.S., Biology; 5 years experience in biological studies on the Central Coast. Contribution: biological consultation and wetland studies.

Richman, Ron, Senior Specialist in Geotechnical Design; B.S. Geology, M.S., Civil Engineering; 25 years experience in geotechnical studies. Contribution: Preliminary Geotechnical Report and Supplemental.

Other project team members include:

Baab, Christopher, Project Engineer. B.S., Civil Engineering; 10 years experience in design and civil engineering.

Brown, Katherine L., Landscape Associate. B.A., Landscape Architecture; 25 years experience in landscape architecture.

Cesena, Chuck, Chief of Environmental Management Branch. B.A., Natural Resource Management; 35 years experience in environmental analysis.

Fouche, John, Chief of Engineering Design. B.S., Civil Engineering; 12 years experience in design and civil engineering.

Fowler, Matt, Senior Environmental Planner. B.A., Geographic Analysis; 9 years experience in environmental planning.

Levulett, Valerie A., Chief of Technical Studies Branch. Ph.D., Anthropology; 38 years experience in cultural resource studies.

Martinez, Paul, Project Manager. B.S., Civil Engineering; 18 years experience in highway design; 9 years experience in project management.

Appendix A California Environmental Quality Act Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA, not NEPA, impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

	Potentially significant impact	Less than significant with mitigation	Less than significant impact	No impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Appendix A • California Environmental Quality Act Checklist

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES: Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES: Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. GEOLOGY AND SOILS: Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. GREENHOUSE GAS EMISSIONS: Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

An assessment of the greenhouse gas emissions and climate change is included in the body of environmental document. While Caltrans has included this good faith effort in order to provide the public and decision-makers as much information as possible about the project, it is Caltrans determination that in the absence of further regulatory or scientific information related to greenhouse gas emissions and CEQA significance, it is too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in the body of the environmental document.

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. LAND USE AND PLANNING: Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. MINERAL RESOURCES: Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. NOISE: Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING: Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. PUBLIC SERVICES:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION:

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	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. TRANSPORTATION/TRAFFIC: Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Appendix B Resources Evaluated Relative to the Requirements of Section 4(f)

The environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 U.S. Code 327.

No properties subject to Section 4(f) of the 1966 Department of Transportation Act within the project limits would be used permanently or hindered by the project. This includes historic properties, public parks, recreation lands, or wildlife and waterfowl refuges.

In 2005, as a result of a five-year effort by the Hearst Corporation, conservationists, environmentalists, agricultural interests, the local community, and the State of California, more than a dozen agreements were approved governing the Hearst Ranch.³ The agreements included transferring 949 acres to the California Department of Parks and Recreation (including the land currently in use for the existing highway) to be held in fee by State Parks and subject to a scenic conservation agreement to be held by Caltrans; 613 acres retained in fee by Hearst subject to a public access easement to be held by State Parks and a scenic conservation easement to be held by Caltrans; and 518 acres to Caltrans for the purposes of realigning the highway. The realignment would then allow the area under the existing highway to be abandoned by Caltrans and used for future public access. However, the majority of the land transfer would not occur until the highway was realigned and the existing alignment abandoned. The “Deed of Scenic Conservation Easement and Agreement Concerning Easement Rights (West Side Public Ownership Area)”, dated February 10, 2005, addressed Section 4(f) concerns with the highway realignment and includes the following language:

All future public access and public access facilities established on land which is subject to this Agreement and Irrevocable Offer to Dedicate are deemed by Grantor and Grantor’s successors and assigns to be jointly planned by public agencies with jurisdiction over such access and facilities pursuant to the provisions of section 4f of the Federal Department of Transportation Act (codified at 49 United States section 303(c)) taking into account all existing transportation facilities. Said joint planning rec-

³ The full list of agreements can be accessed at http://www.resources.ca.gov/hearst_ranch.html

ognizes and includes any needed future realignment of such existing transportation facilities. Said joint planning also recognizes and includes any needed temporary or permanent relocation and temporary closure of said public access and public access facilities.

These agreements covered only the property owned by Hearst. After the State of California secured public ownership of the Hearst shoreline, the focus shifted to protecting the former Piedras Blancas Motel and surrounding area. It was a goal of State Parks to acquire, preserve, and interpret this scenic area along the coast near Hearst Castle, and to provide the public with a safe access point for hiking along the bluff and down to the beach .

The motel site was completely surrounded by the Hearst Ranch scenic acquisition. The owners of Piedras Blancas Motel wanted to sell their property and retire. In February 2005, the Trust for Public Land (Trust) signed a deal to buy the motel property. On May 17, 2005, the Trust purchased the Piedras Blancas Motel. On March 21, 2007, the Piedras Blancas Motel was conveyed into public ownership; the land was later incorporated into the Hearst San Simeon State Park.

Funding partners for this transaction included a mix of federal and state agencies including the State Coastal Conservancy, State Parks, the National Oceanic and Atmospheric Administration (through their Coastal and Estuarine Land Conservation Program), and the Federal Highway Administration (through their National Scenic Byways Program, administered through Caltrans.) The Federal Highway Administration and State Parks are restricting parcel use to activities that are consistent with the National Scenic Byways Program.

The Memorandum of Understanding, the Deed of Conservation Easement, and the purchase of the motel property involved extensive participation and cooperation between all parties, demonstrating joint planning with the intent to reserve a new highway alignment corridor while setting aside future parkland west of the proposed roadway corridor.

Title 23 of the Code of Federal Regulations, section 774.11 states,

- (i) When a property is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established and concurrent or joint planning or development of the transportation facility and the Section 4(f) resource

occurs, then any resulting impacts of the transportation facility will not be considered a use as defined in §774.17. Examples of such concurrent or joint planning or development include, but are not limited to:

- (2) Designation, donation, planning, or development of property by two or more governmental agencies with jurisdiction for the potential transportation facility and the Section 4(f) property, in consultation with each other.

Most of the construction work for the realignment will take place on land designated for the highway or on privately owned land. Caltrans will have to encroach on State Park property during grading associated with culvert removal, and in order to access the shore rock at the northern-most location (Rocks I). (The rock itself is located below the mean high-tide line, which places it in State Lands' jurisdiction.)

As described in section 2.1.1.4 *Parks and Recreation*, the proposed project would have short-term impacts to State Park property during construction. However, the impacts of the highway realignment on this resource do not constitute a "use" under Section 4(f) because the realignment was concurrently planned with the park. This would include not only the new highway alignment itself, but all resultant and incidental impacts, including work in mitigation areas and the removal of the shore rock, which are considered part of the highway realignment project. The land needed for the highway realignment was reserved from and, therefore, has never been part of the park property. Furthermore, Caltrans has continued to participate in concurrent or joint planning or development of the highway realignment project through coordination with jurisdictional agencies, including State Parks. (See Chapter 4, *Comments and Coordination*.)

There would also be no constructive use of the 4(f) resource. In concurrence with 23 CFR 774.15(a), proximity impacts would not be so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) would be substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the property are substantially diminished. In addition, in concurrence with 23 CFR 774.15(f)(7), Caltrans has determined that a constructive use would not occur because the change in accessibility would not substantially diminish the utilization of the Section 4(f) property. The planned roadway improvements and connections will improve overall access to the coastline and the parkland.

On the basis of these conditions, the provisions of Section 4(f) are not triggered.

Appendix C Title VI Policy Statement

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY (916) 653-4086



*Flex your power!
Be energy efficient!*

August 25, 2009

TITLE VI POLICY STATEMENT

The California State Department of Transportation under Title VI of the Civil Rights Act of 1964 and related statutes, ensures that no person in the State of California shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity it administers.


RANDELL H. IWASAKI
Director

"Caltrans improves mobility across California"

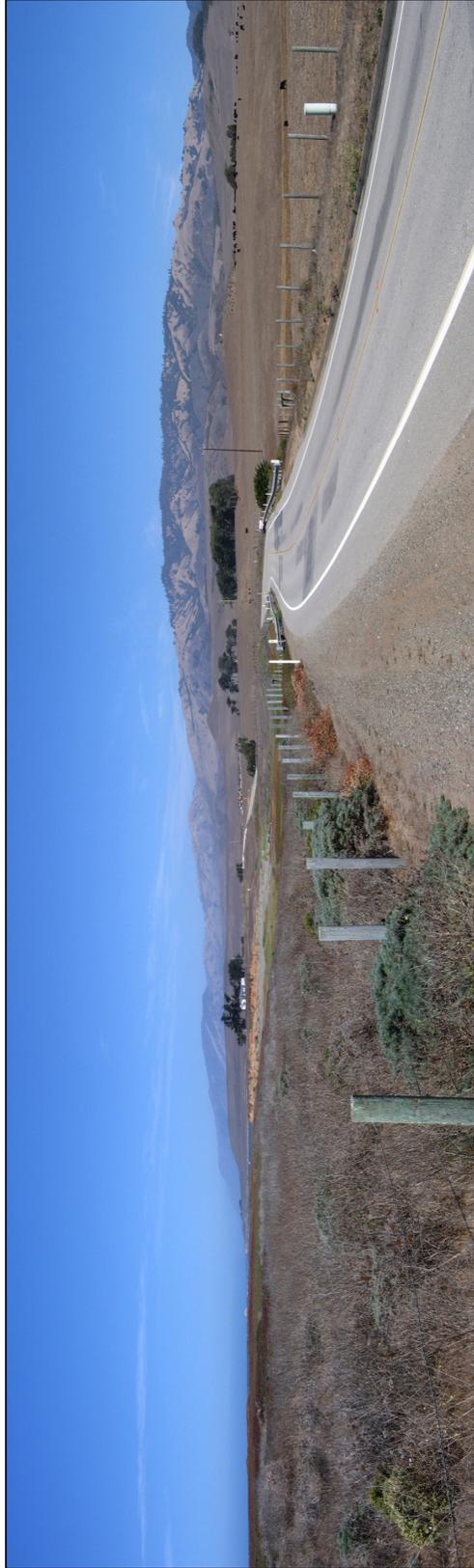
Appendix D Existing Views and Photo Simulations



Piedras Blancas Realignment
Highway 1 - San Luis Obispo County
Visual Impact Assessment

OBSERVER VIEWPOINT (OV) LOCATION MAP

Figure 1

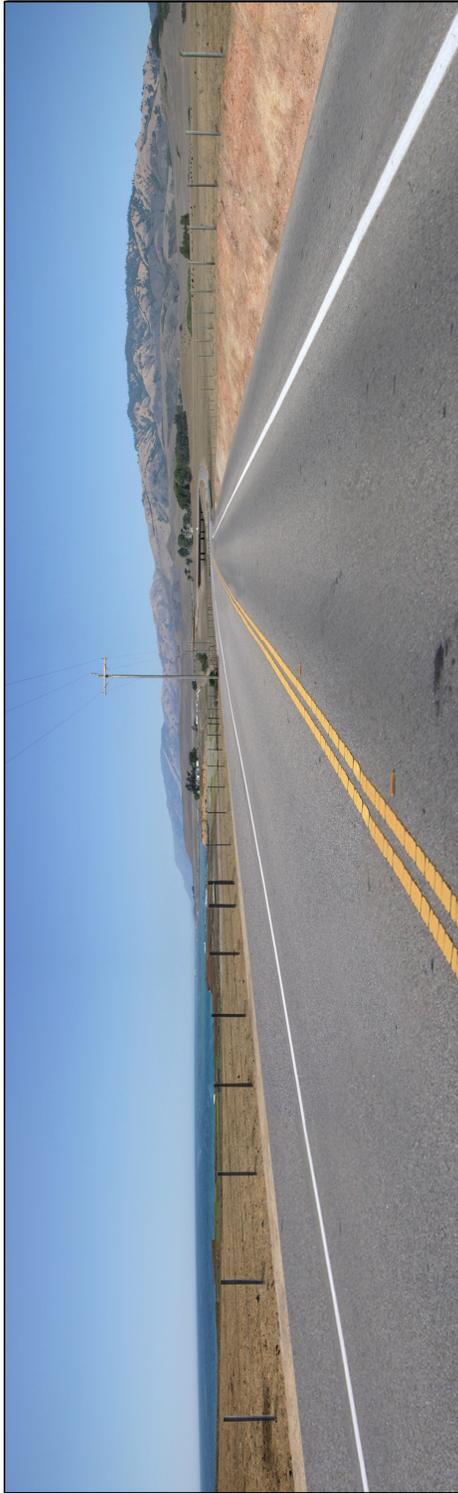


Observer Viewpoint (OV) 5 - Looking northbound along the existing alignment from approximately 100 feet south of the South Drainage.



Observer Viewpoint (OV) 6 - Looking southbound along the existing alignment from approximately 300 feet north of Arroyo del Oso.

REFER TO THE OBSERVER VIEWPOINT LOCATION MAP (FIGURE 1)
FOR VIEWPOINT LOCATIONS



Observer Viewpoint (OV) 1 - Looking northbound along the proposed alignment from approximately 1000 feet south of the proposed South Drainage Bridge.



Observer Viewpoint (OV) 2 - Looking southbound along the proposed alignment from approximately 50 feet north of the proposed Arroyo Del Corral bridge.

REFER TO THE OBSERVER VIEWPOINT LOCATION MAP (FIGURE 1)
FOR VIEWPOINT LOCATIONS

**PHOTO-SIMULATIONS
ALONG THE PROPOSED ALIGNMENT
OV-1 and OV-2**

Figure 3

Piedras Blancas Realignment
Highway 1 - San Luis Obispo County
Visual Impact Assessment





Observer Viewpoint (OV) 3 - Looking northbound along the proposed alignment from approximately 300 feet south of the proposed Arroyo del Oso Bridge.



Observer Viewpoint (OV) 4 - Looking southbound along the proposed alignment from approximately 0.5 mile north of the proposed Arroyo del Oso Bridge.

REFER TO THE OBSERVER VIEWPOINT LOCATION MAP (FIGURE 1)
FOR VIEWPOINT LOCATIONS

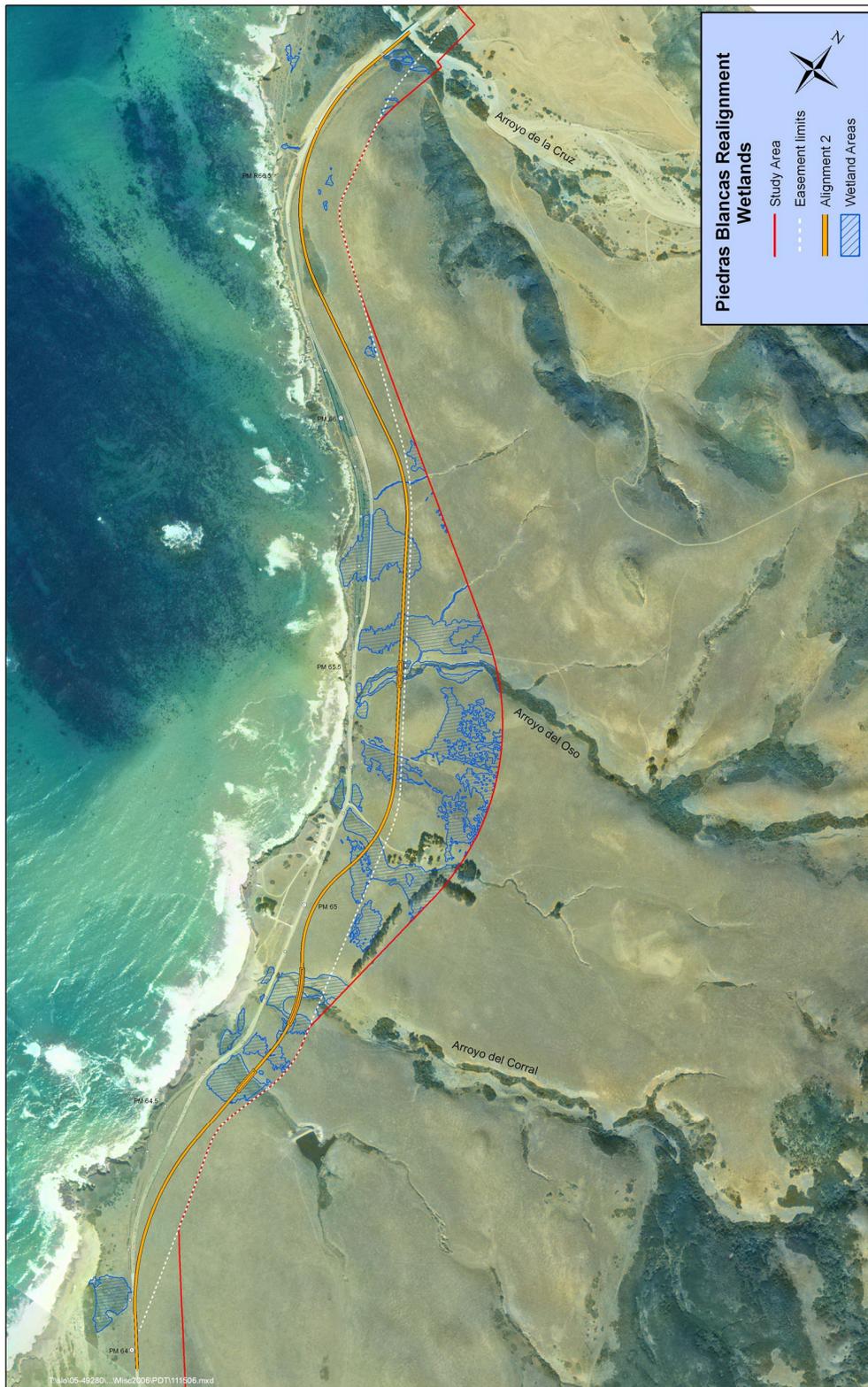
Piedras Blancas Realignment
Highway 1 - San Luis Obispo County
Visual Impact Assessment



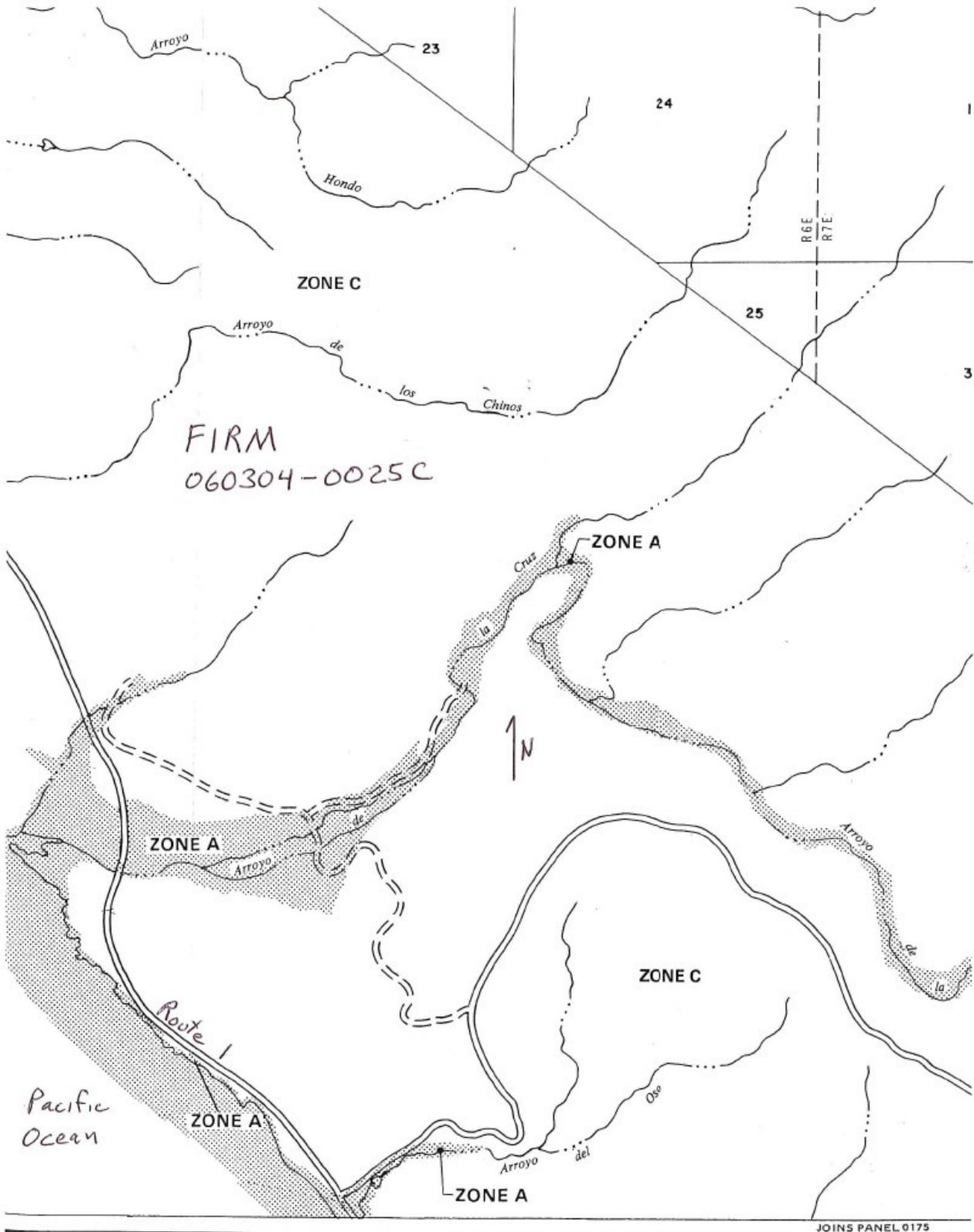
PHOTO-SIMULATIONS
ALONG THE PROPOSED ALIGNMENT
OV-3 and OV-4

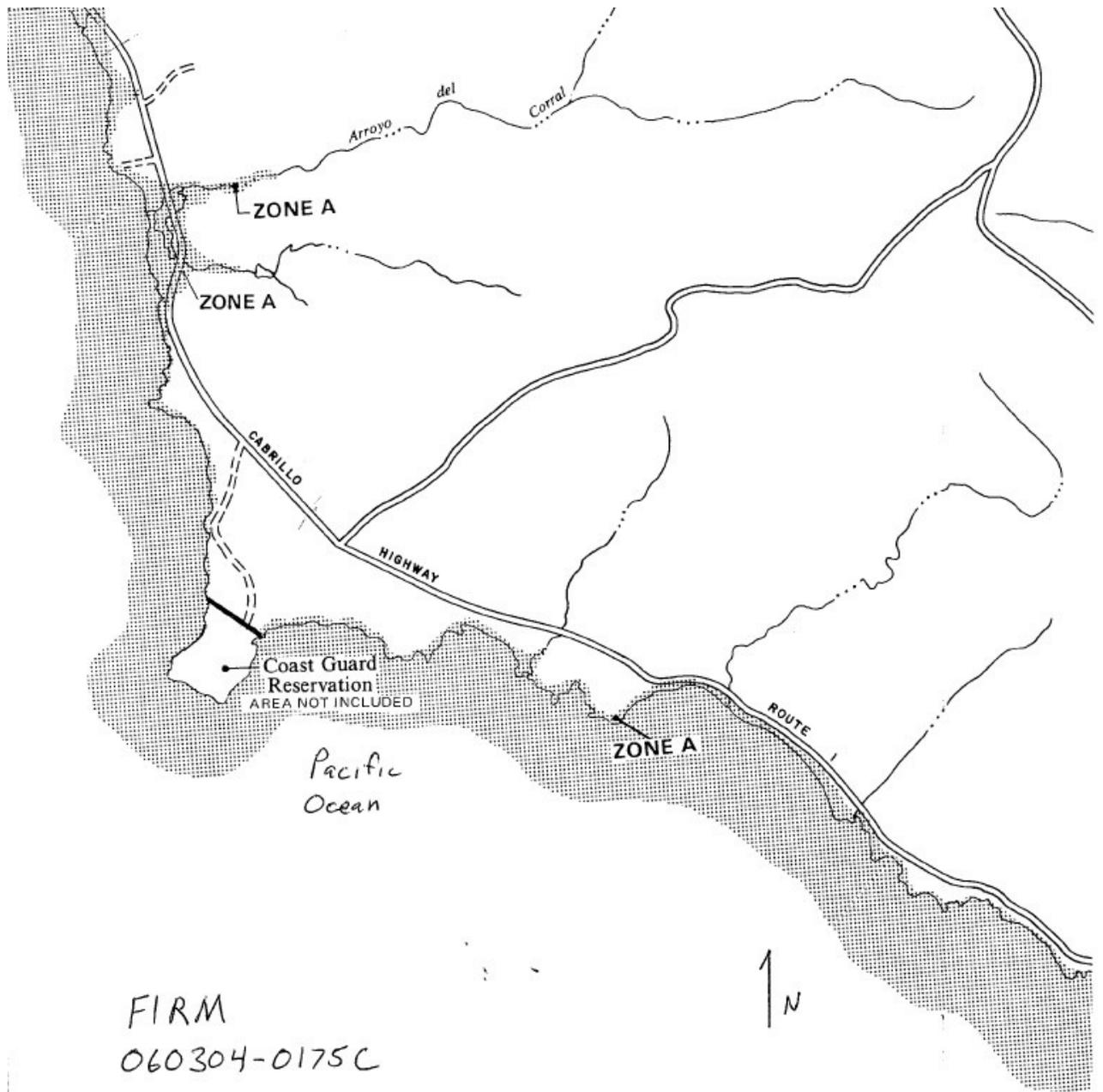
Figure 4

Appendix E Wetland Map



Appendix F Flood Insurance Rate Maps





Appendix G Beneficial Uses for Specific Water Bodies

Water Body Name	MUN	AGR	IND	GWR	REC1	REC2	WILD	COLL	WARMS	MIGR	SPWN	RARE	EST	FRSH	COMM
Arroyo de la Cruz	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Arroyo del Oso	X	X		X	X	X	X	X				X	X	X	X
Arroyo del Corral	X	X		X	X	X	X	X	X	X	X	X	X	X	X

Beneficial Use Definitions

Municipal and Domestic Supply (MUN) - Uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply. According to State Board Resolution No. 88-63, “Sources of Drinking Water Policy” all surface waters are considered suitable, or potentially suitable, for municipal or domestic water supply except where:

- TDS exceeds 3,000 mg/l (5,000 uS/cm electrical conductivity)
- Contamination exists that cannot reasonably be treated for domestic use
- The source is not sufficient to supply an average sustained yield of 200 gallons per day
- The water is in collection or treatment systems of municipal or industrial wastewaters, process waters, mining wastewaters, or storm water runoff
- The water is in systems for conveying or holding agricultural drainage waters

Agricultural Supply (AGR) - Uses of water for farming, horticulture, or ranching including, but not limited to, irrigation, stock watering, or support of vegetation for range grazing.

Industrial Service Supply (IND) - Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well repressurization.

Ground Water Recharge (GWR) - Uses of water for natural or artificial recharge of ground water for purposes of future extraction, maintenance of water quality, or halting of saltwater intrusion into freshwater aquifers. Ground water recharge includes recharge of surface water underflow.

Freshwater Replenishment (FRSH) - Uses of water for natural or artificial maintenance of surface water quantity or quality (e.g., salinity) which includes a water body that supplies water to a

different type of water body, such as, streams that supply reservoirs and lakes, or estuaries; or reservoirs and lakes that supply streams. This includes only immediate upstream water bodies and not their tributaries.

Water Contact Recreation (REC-1) - Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.

Non-Contact Water Recreation (REC-2) - Uses of water for recreational activities involving proximity to water, but not normally involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.

Commercial and Sport Fishing (COMM) - Uses of water for commercial or recreational collection of fish, shellfish, or other organisms including, but not limited to, uses involving organisms intended for human consumption or bait purposes.

Warm Fresh Water Habitat (WARM) - Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.

Cold Fresh Water Habitat (COLD) - Uses of water that support cold-water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish or wildlife, including invertebrates.

Estuarine Habitat (EST) - Uses of water that support estuarine ecosystems including, but not limited to, preservation or enhancement of estuarine habitats, vegetation, fish, shellfish, or wildlife (e.g., estuarine mammals, waterfowl, shorebirds). An estuary is generally described as a semi-enclosed body of water having a free connection with the open sea, at least part of the year and within which the seawater is diluted at least seasonally with fresh water drained from the land. Included are water bodies that would naturally fit the definition if not controlled by tide gates or other such devices.

Wildlife Habitat (WILD) - Uses of water that supports terrestrial ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.

Rare, Threatened, or Endangered Species (RARE) - Uses of water that support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened, or endangered.

Migration of Aquatic Organisms (MIGR) - Uses of water that support habitats necessary for migration or other temporary activities by aquatic organisms, such as anadromous fish.

Spawning, Reproduction, and/or Early Development (SPWN) - Uses of water that support high quality aquatic habitats suitable for reproduction and early development of fish.

Appendix H Farmland Conversion Impact Rating

U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

NRCS-CPA-106
(Rev. 1-91)

FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

PART I (To be completed by Federal Agency)		3. Date of Land Evaluation Request	5/14/08	4. Sheet 1 of <u>1</u>
1. Name of Project Highway 1 Realignment near Piedras Blanca		5. Federal Agency Involved FHWA (Caltrans as agent)		
2. Type of Project highway realignment		6. County and State Caltrans, SLO Co., Ca Coastal Commission		
PART II (To be completed by NRCS)		1. Date Request Received by NRCS	2. Person Completing Form	
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form).		5/19/08	TINA VANDER HOEK	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated	Average Farm Size	
5. Major Crop(s) WINE GRAPES, BAPLEY, BROCCOLI		47,479	704 AC	
6. Farmable Land in Government Jurisdiction		7. Amount of Farmland As Defined in FPPA		
Acres: 304,740 % 13.2		Acres: 358,025 % 15.		
8. Name Of Land Evaluation System Used CALIFORNIA STORIE INDEX		9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS	
NONE		6/9/08		

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly	31			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	14			
C. Total Acres In Corridor	45	0	0	0

PART IV (To be completed by NRCS) Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	10.35			
B. Total Acres Statewide And Local Important Farmland	26.55			
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted	.012			
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value	DATA NOT AVAILABLE			

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)	53			
--	----	--	--	--

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points				
1. Area in Nonurban Use	15	15			
2. Perimeter in Nonurban Use	10	10			
3. Percent Of Corridor Being Farmed	20	0			
4. Protection Provided By State And Local Government	20	0			
5. Size of Present Farm Unit Compared To Average	10	10			
6. Creation Of Nonfarmable Farmland	25	0			
7. Availability Of Farm Support Services	5	0			
8. On-Farm Investments	20	0			
9. Effects Of Conversion On Farm Support Services	25	0			
10. Compatibility With Existing Agricultural Use	10	0			
TOTAL CORRIDOR ASSESSMENT POINTS	160	35	0	0	0

PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)	100	53			
Total Corridor Assessment (From Part VI above or a local site assessment)	160	35	0	0	0
TOTAL POINTS (Total of above 2 lines)	260	88	0	0	0

1. Corridor Selected: A	2. Total Acres of Farmlands to be Converted by Project: 45	3. Date Of Selection: 11/28/07	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--------------------------------	---	---------------------------------------	---

5. Reason For Selection:
The selection was based on environmental impacts and project cost.

Signature of Person Completing this Part: J. Studellison DATE 6.5-08

NOTE: Complete a form for each segment with more than one Alternate Corridor

Appendix I Section 106 Compliance

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
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(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov



October 15, 2007

In Reply Refer To: FHWA070920A

Valerie A. Levulett
Technical Studies Branch Chief and
Heritage Resources Coordinator
Department of Transportation District 5
50 Higuera Street
San Luis Obispo, California 93401-5415

Re: Determination of National Register of Historic Places Eligibility for the Piedras Blancas Realignment Project, San Luis Obispo County, California: 05-SLO-1, PM 63.0/66.8 (KP 101.4/107.5), EA 05-492800.

Dear Ms. Levulett:

Thank you for seeking my consultation regarding the above noted undertaking in accordance with the *Programmatic Agreement (PA) Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California*. Pursuant to Stipulation VIII of the PA, the California Department of Transportation (Caltrans) has determined the Area of Potential Effects (APE) and has completed identification and evaluation of historic properties within the APE. You are requesting my concurrence, pursuant to Stipulation VIII.C.5 of the PA, on your determination of eligibility, for the National Register of Historic Places, of the historic properties identified within the APE.

In previous consultation regarding the temporary realignment of State Route 1 near Point Piedras Blancas (SHPO file FHWA020108A), I concurred in my letter of June 10, 2002, that three archeological sites, CA-SLO-258, CA-SLO-2156, and CA-SLO-2157, were not eligible for the National Register of Historic Places. At this time you are requesting that I review and comment on your determinations of eligibility for four additional archeological sites and two built-environment properties. In addition to your letter of September 19, 2007, you have submitted the following documents as evidence of your efforts to identify historic properties in the project APE:

- *Historic Property Survey Report for the Piedras Blancas Realignment Project, San Luis Obispo County, California 05-SLO-1, PM 63.0/66.8 (KP 101.4/107.5), EA 05-492800* (T.L. Joslin; Department of Transportation District 5: September 2007).

FHWA070920A 10/15/07

- *Archaeological Survey Report for the Piedras Blancas Realignment Project, San Luis Obispo County, California 05-SLO-1, PM 63.0/66.8 (KP 101.4/107.5), EA 05-492800* (T. L. Joslin; Department of Transportation District 5: September 2006).
- *Archaeological Investigations along San Simeon Reef – CA-SLO-265, -826, -1276, and -2435 – for the Piedras Blancas Realignment Project, San Luis Obispo County, California 05-SLO-1, PM 63.0/66.8 (KP 101.4/107.5), EA 05-492800* (W. Hildebrandt, P. Mikkelsen, and D. Jones; Far Western Anthropological Research Group, Inc.: August 2007).
- *Historical Resources Evaluation Report Piedras Blancas Realignment Project, San Luis Obispo County, California 05-SLO-1, PM 63.0/66.8 (KP 101.4/107.5), EA 05-492800* (P.J. Carr; Department of Transportation District 5: August 2007).

After reviewing your letter requesting consultation and the supporting documentation, I have the following comments:

- 1) I concur that **CA-SLO-265** (Twin Windmills Site) is eligible for the NRHP under criterion D and that component A, a low density lithic scatter along the northern and western portions of the site, is not a contributing element to the site's eligibility.
- 2) I further concur that **CA-SLO-826** (Arroyo Del Oso Site), **CA-SLO-1276** (Oso Creek Knoll Site), **CA-SLO-2435** (Arroyo Del Corral South Site), the former Evans Farmstead, and the Piedras Blancas Motel Complex are not eligible for the NRHP under any criteria.

I look forward to continuing this consultation following your determination of a finding of effect and appropriate treatment pursuant to the PA. If you require further information, please contact Natalie Lindquist, State Historian, at phone 916-654-0631 and email nlindquist@parks.ca.gov and William Soule, Associate State Archeologist, at phone 916-654-4614 or email wsoule@parks.ca.gov

Sincerely,

Suzanne K. Shattuck for

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET

SAN LUIS OBISPO, CA 93401-5415

TELEPHONE: (805) 549-3111

TDD (805) 549-3259

<http://www.dot.ca.gov/dist05>

March 24, 2008

Milford Wayne Donaldson, FAIA
 State Historic Preservation Officer
 Office of Historic Preservation
 P.O. Box 942896
 Sacramento, CA 94296-0001

Piedras Blancas Realignment
 05-SLO-1
 PM 63.0/66.8
 EA 05-492800

RE: FHWA070920A; Notification of Finding of No Adverse Effect with Standard Conditions and Transmittal of an Environmentally Sensitive Area (ESA) Plan for the Piedras Blancas Realignment Project, San Luis Obispo County, California

Dear Mr. Donaldson,

On September 19, 2007 the California Department of Transportation (Caltrans) initiated consultation with the State Historic Preservation Officer (SHPO) regarding the Piedras Blancas Realignment Project. This consultation was undertaken in accordance with the January 2004 *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (hereafter, the Programmatic Agreement). This submittal is intended to satisfy Caltrans' responsibility under stipulation X.B.2.b to notify SHPO of Caltrans' finding of "No Adverse Effect with Standard Conditions" for the undertaking.

The Piedras Blancas Realignment Project proposes to realign a segment of State Route 1, a two-lane rural road in northern San Luis Obispo County, California (See HPSR Figures 1 and 2). The project includes a 3.8-mile section of the route that will be realigned up to 1500 feet east (inland) of the existing alignment. Of the fourteen considered realignments, the project development team has recently selected one preferred alternative, Alignment 2.

Pursuant to the assumption of Federal Highway Administration Section 106 responsibilities by the California Department of Transportation under 23 U.S. Code 327, our office is providing this letter as notification of Caltrans' finding of "No Adverse Effect with Standard Conditions" for the undertaking under stipulation X.B.2.b. The conditions under which Caltrans has made this finding are outlined in the attached ESA Action Plan (Joslin 2008). This letter and the attached documentation are concurrently being retained in Caltrans District 5 files (pursuant to

Stipulation XVI) and distributed to the Cultural and Community Studies Office and all consulting Native Americans (pursuant to Stipulation X.B.2.a.iii). These notifications satisfy Caltrans' responsibility under stipulations X.B.2, and the undertaking shall not be subject to further review under the Programmatic Agreement.

A Historic Property Survey Report (HPSR) for the Piedras Blancas Realignment Project, San Luis Obispo County, California was prepared by Joslin (2007) and reviewed by the State Historic Preservation Officer (SHPO). The HPSR requested SHPO concurrence on the eligibility determination of four prehistoric archeological sites and two built-environment properties for inclusion in the National Register of Historic Places (NRHP). After reviewing the HPSR, on October 15, 2007 SHPO concurred on the following:

- that CA-SLO-265 (Twin Windmills Site) is eligible for the NRHP under criterion D and that component A, a low density lithic scatter along the northern and western portions of the site, is not a contributing element to the site's eligibility, and
- that CA-SLO-826 (Arroyo Del Oso Site), CA-SLO-1276 (Oso Creek Knoll Site), CA-SLO-2435 (Arroyo Del Corral South Site), the former Evans Farmstead, and the Piedras Blancas Motel Complex are not eligible for the NRHP under any criteria.

In applying the *Criteria of Adverse Effect*, as required by Stipulation X of the Section 106 PA, Caltrans finds that the undertaking will not adversely affect CA-SLO-265 (Twin Windmills Site). During construction activities, the eligible portion of CA-SLO-265 (Twin Windmills Site), which is located outside of the Area of Direct Impact (ADI), will be protected as an Environmentally Sensitive Area (ESA). The ESA Action Plan has been developed in accordance with the Programmatic Agreement Stipulation X.B.2.a.ii, iii, and Attachment 5 (Environmentally Sensitive Areas).

Thank you for your assistance with the Piedras Blancas Realignment Project. If you need any additional information, please feel free to contact Caltrans archaeologist Terry L. Joslin (phone: (805) 549-3778; Fax (805) 549-3233; e-mail: Terry_Joslin@dot.ca.gov).

Sincerely,



Valerie A. Levulett
Technical Studies Branch Chief and Heritage Resource Coordinator
District 5, San Luis Obispo

Attachment: Piedras Blancas Realignment Project Environmentally Sensitive Area Action Plan

Cc: Greg King, Caltrans, CCSO
Members of the Native American Community

Appendix J Habitat Assessment for Species Considered in this Study

This table lists the special-status species known to occur in the vicinity based on field observations and a California Natural Diversity Database search of the Piedras Blancas and surrounding 7.5-minute U.S. Geologic Survey quads. This table also includes species proposed for Section 7 consultation, as listed in section 1.4 *Permits and Approvals Needed*.

Common Name	Scientific Name	Status	General Habitat Description	Habitat Present/Absent	Rationale
Special-Status Plants					
adobe sanicle	<i>Sanicula maritima</i>	CNPS 1B.1, SR	seeps and heavy clay soils in grasslands and serpentine areas	P	grasslands, seeps, heavy clay; known to occur in seeps in this vicinity
Arroyo de la Cruz manzanita	<i>Arctostaphylos cruzensis</i>	1B.2	maritime chaparral, coastal bluff scrub, coastal prairie	P	suitable plant communities present; known from nearby grasslands
Arroyo de la Cruz mariposa lily	<i>Calochortus clavatus</i> var. <i>recurvifolius</i>	CNPS 1B.2	maritime chaparral, coastal bluff scrub, coastal prairie	P	suitable plant communities present; known from nearby grasslands
Brewer's spineflower	<i>Chorizanthe breweri</i>	CNPS 1B.3	chaparral and grasslands on serpentinic soils	A	no serpentinic soils
bristlecone fir	<i>Abies bracteata</i>	1B.3	higher elevation woodlands in Santa Lucia Mountains	A	no woodlands present
Cambria Morning Glory	<i>Calystegia subacaulis</i> ssp. <i>episcopalis</i>	CNPS 1B.2	grasslands west of Coast Range in San Luis Obispo and Santa Barbara Counties	P	known to occur in BSA
Central Maritime Chaparral	<i>Central Maritime Chaparral</i>	rare community	ceanothus and manzanita-dominated communities on stabilized sand dunes	A	no maritime chaparral found
compact cobwebby thistle	<i>Cirsium occidentale</i> var. <i>compactum</i>	CNPS 1B.2	coastal bluff scrub, dune scrub, and grasslands on immediate coast	P	suitable plant communities on immediate coast; known to occur here
Cone Peak bedstraw	<i>Galium californicum</i> ssp. <i>luciense</i>	CNPS 1B.3	woodlands and chaparral in Santa Lucia Mountains	A	no woodlands or chaparral
Cook's triteleia	<i>Triteleia ixioides</i> ssp. <i>cookii</i>	CNPS 1B.3	closed-cone coniferous forest, woodland/serpentine seeps	A	no woodland or serpentine seeps
Davidson's bush mallow	<i>Malacothamnus davidsonii</i>	CNPS 1B.2	chaparral, woodland, coastal scrub, riparian woodland	P	coastal scrub present
Dudley's lousewort	<i>Pedicularis dudleyi</i>	CNPS 1B.2, SR	maritime chaparral, woodland, north coast coniferous forest, coastal prairie	P	coastal prairie; known to occur in nearby grasslands

Appendix J • Habitat Assessment for Species Considered in this Study

Common Name	Scientific Name	Status	General Habitat Description	Habitat Present/Absent	Rationale
dwarf calycadenia	<i>Calycadenia villosa</i>	CNPS 1B.1	chaparral, woodland, dry, rocky soils (interior)	A	inland species, not known from coastal habitats
dwarf goldenstar	<i>Bloomeria humilis</i>	CNPS 1B.2, SR	coastal prairie, coastal bluff scrub	P	known from nearby grasslands and bluffs
Gairdner's yampah	<i>Perideridia gairderi</i> ssp. <i>gairdneri</i>	CNPS 4.2	coastal prairie, vernal pools, chaparral, broadleaf upland forest (mesic)	P	species found in study area
Hardham's bedstraw	<i>Galium hardhamiae</i>	CNPS 1B.3	closed-cone coniferous forest, chaparral/serpentine	A	no forest, chaparral, or serpentine
Harlequin lotus	<i>Lotus formosissimus</i>	CNPS 4.2	broadleafed upland forest, coastal bluff scrub, closed-cone coniferous forest, cismontane woodland, coastal prairie, coastal scrub, meadows and seeps, marshes and swamps, north coast coniferous forest, valley and foothill grassland/wetlands, roadsides	P	species observed
Hearst's ceanothus	<i>Ceanothus hearstiorum</i>	CNPS 1B.2, SR	maritime chaparral, coastal prairie, coastal scrub	P	suitable communities; known from nearby
Hearst's manzanita	<i>Arctostaphylos hookeri</i> ssp. <i>hearstiorum</i>	SE, CNPS 1B.2	maritime chaparral, coastal prairie, coastal scrub	P	suitable communities; known from nearby
Hickman's checkerbloom	<i>Sidalcea hickmanii</i> ssp. <i>hickmanii</i>	CNPS 1B.3	Sargent cypress forest and chaparral on serpentine	A	no serpentine or Sargent cypress forest
Hickman's onion	<i>Allium hickmanii</i>	1B.2	Monterey pine forest, maritime chaparral, coastal prairie, coastal scrub	P	known to occur in local grasslands
hooked popcorn-flower	<i>Plagiobothrys uncinatus</i>	CNPS 1B.2	chaparral, woodland, valley and foothill grassland	A	a more inland species, not known in coastal habitats
late-flowered mariposa lily	<i>Calochortus weedii</i> var. <i>vestus</i>	CNPS 1B.2	chaparral, woodland, often serpentine	A	no suitable plant communities or serpentine
leafy tarplant	<i>Deinandra increscens</i> ssp. <i>foliosa</i>	CNPS 1B.2	valley and foothill grassland	P	grassland
maritime ceanothus	<i>Ceanothus maritimus</i>	CNPS 1B.2, SR	coastal bluff scrub, maritime chaparral, coastal prairie	P	suitable communities; known from nearby
marsh microseris	<i>Microseris paludosa</i>	CNPS 1B.2	closed-cone coniferous forest, grassland, coastal scrub, woodland	P	suitable communities; known from nearby
Monterey	<i>Arctostaphylos</i>	1B.2	maritime chaparral,	A	no suitable communities

Common Name	Scientific Name	Status	General Habitat Description	Habitat Present/Absent	Rationale
manzanita	<i>os montereyensis</i>		woodland, coastal scrub		
Monterey pine	<i>Pinus radiata</i>	CNPS 1B.1	Monterey pine forest	A	no forest
Monterey spineflower	<i>Chorizanthe pungens</i> var. <i>pungens</i>	FT, CNPS 1B.2	maritime chaparral, dunes	P	dunes present
most beautiful jewel-flower	<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	CNPS 1B.2	chaparral, woodland, serpentine grassland	A	no suitable communities
Norris's beard-moss	<i>Didymodon norrisii</i>	CNPS 2.2	Cismontane woodland, lower montane coniferous forest	A	no suitable communities
Nuttall's milk-vetch	<i>Astragalus nuttallii</i> var. <i>nuttallii</i>	CNPS 4.2	coastal bluff scrub, coastal dunes, coastal prairie	P	species observed
Obispo Indian paintbrush	<i>Castilleja densiflora</i> ssp. <i>obispoensis</i>	CNPS 1B.2	grasslands west of coast range	P	grasslands
pale-yellow layia	<i>Layia heterotricha</i>	CNPS 1B.1	cismontane woodland, pinyon/juniper woodland, alkaline or clay valley and foothill grassland	A	no suitable communities – inland species
Palmer's monardella	<i>Monardella palmeri</i>	CNPS 1B.2	chaparral, cismontane woodland on serpentinite	A	no suitable communities
perennial goldfields	<i>Lasthenia macrantha</i> ssp. <i>macrantha</i>	CNPS 1B.2	coastal bluff scrub, coastal dunes, coastal scrub	P	scrub and dunes present
purple amole	<i>Chlorogalum purpureum</i> var. <i>purpureum</i>	FT, CNPS 1B.1	hard-packed, gravelly soil on ancient marine terraces	A	restricted to area around Fort Hunter Liggett, Monterey County
rayless ragwort	<i>Senecio aphanactis</i>	CNPS 2.2	chaparral, cismontane woodland, coastal scrub (alkaline)	A	no suitable communities
San Luis Obispo sedge	<i>Carex obispoensis</i>	CNPS 1B.2	chaparral (serpentine), Sargent cypress woodland, coastal prairie	P	known from local grasslands
San Simeon baccharis	<i>Baccharis plummerae</i> ssp. <i>glabrata</i>	CNPS 1B.2	coastal scrub	P	coastal scrub present
Santa Lucia bush mallow	<i>Malacothamnus palmeri</i> var. <i>palmeri</i>	CNPS 1B.2	chaparral (rocky)	A	no chaparral
Santa Lucia mint	<i>Pogogyne clareana</i>	SE, CNPS	chaparral, woodland	A	no chaparral or woodland

Common Name	Scientific Name	Status	General Habitat Description	Habitat Present/Absent	Rationale
		1B.2			
Santa Margarita manzanita	<i>Arctostaphylos pilosula</i>	CNPS 1B.2	chaparral, Sargent cypress woodland, woodland (shale)	A	no suitable communities
Small-flowered calycadenia	<i>Calycadenia micrantha</i>	CNPS 1B.2	Chaparral, meadows and seeps, valley and foothill grassland, rocky, talus, serpentinite, sparsely vegetated areas	P	Seeps and grasslands present
Small-leaved lomatium	<i>Lomatium parvifolium</i>	CNPS 4.2	closed-cone coniferous forest, coastal scrub, chaparral/serpentinite	A	no suitable communities – coastal mountain ranges
Special-Status Wildlife					
black swift	<i>Cypseloides niger</i>	CSC	deep, moist crevices and caves in cliffs above surf or behind or adjacent to waterfalls; water required to keep nest moist	A	coastal bluffs too low and without crevices or waterfalls; species never recorded by Piedras Blancas research station
burrowing owl	<i>Athene cunicularia</i>	CSC	grasslands	P	species observed
California red-legged frog	<i>Rana aurora draytonii</i>	FT, CSC	permanent and temporary waters and nearby uplands	P	many permanent and temporary aquatic habitats; known to occur here
foothill yellow-legged frog	<i>Rana boylei</i>	CSC	rocky, perennial streams in coast range and Sierra foothills	P	known from nearby streams
monarch butterfly	<i>Danaus plexippus</i>	CNDD B S3	Overwinters in eucalyptus, oaks, and cypress along the coast.	P	Species observed
northern elephant seal	<i>Mirounga angustirostris</i>	DFG fully protected, MMP A	eastern Pacific from Alaska to Mexico, breeds on sandy beaches	P	abundant on local beaches
prairie falcon (nesting)	<i>Falco mexicanus</i>	SC	cliffs in grasslands	A	no potential nesting cliffs, inland species, not recorded nesting along coast
snowy plover	<i>Charadrius alexandrinus nivosus</i>	FT	beaches	P, CH	documented on beaches by State Parks personnel
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>	FE	patches of seacliff buckwheat or coast buckwheat in wind-protected dunes and coastal scrub	A	few host plants, none in sheltered areas (site extremely windy), out of species known range
southwestern pond turtle	<i>Actinemys marmorata pallida</i>	CSC	streams and ponds	P	potential aquatic habitats present, known from Arroyo del Corral
steelhead - south/centr	<i>Oncorhynchus mykiss</i>	FT, CSC	streams and rivers	P, CH	perennial streams present

Common Name	Scientific Name	Status	General Habitat Description	Habitat Present/Absent	Rationale
al California coast ESU					
tidewater goby	<i>Eucyclogobius newberryi</i>	FE, CSC	coastal brackishwater lagoons and estuaries	P, PCH	known to occur in study area
tricolored blackbird	<i>Agelaius tricolor</i>	SC	ponds, emergent wetlands, willow thickets	P	emergent wetlands and thickets along creeks
tufted puffin	<i>Fratercula cirrhata</i>	CSC	nests in cliffs or grassy slopes on islands	A	no islands; known here only from large rocks off Piedras Blancas
two-striped garter snake	<i>Thamnophis hammondi</i>	CSC	perennial creeks with small fish and amphibians for prey	P	perennial streams present
vernal pool branchiopods	various	FT, FE	vernal pools and other temporary rain pools	P	some temporary pools found

Absent [A] means no further work needed. Present [P] means general habitat is present and species may be present. Status: Federal Endangered (FE); Federal Threatened (FT); Federal Proposed (FP, FPE, FPT); Federal Candidate (FC), State Endangered (SE); State Threatened (ST); Fully Protected (FP); State Rare (SR); California Special Concern species (CSC); California Native Plant Society (CNPS), Critical Habitat (CH), Proposed Critical Habitat (PCH). California Native Plant Society Listings: **1B.1** Rare, threatened, or endangered in California and elsewhere, seriously endangered in California; **1B.2** Rare, threatened, or endangered in California and elsewhere, fairly endangered in California; **1B.3**; Rare, threatened, or endangered in California and elsewhere, not very endangered in California; **2.2** Rare, threatened, or endangered in California, but more common elsewhere, fairly endangered in California. **4.2** Limited distribution (watch list), fairly endangered in California. **MMPA** Marine Mammal Protection Act. **CNDDDB S3** Restricted range, rare.

Appendix K Minimization and/or Mitigation Summary

The following summarizes the avoidance and/or minimization measures discussed in Chapter 2:

- Relocations: where private property is required for the new roadway alignment, reimburse property owners at fair market value.
- Cultural resources: implement the Environmentally Sensitive Area Action Plan.
- Floodplain: modify bridge design to the extent practicable to minimize impacts.
- Water quality: minimize the construction footprint to the extent practicable; locate staging areas in upland locations; drain storm water on bridges to areas away from creeks; maintain sheet flow of storm water runoff; install permeable pavement where feasible; design culverts to minimize impacts on hydrology.
- Geology: incorporate engineering design to address saturated soils; limit cut and fill slopes to a 2:1 ratio.
- Noise: incorporate Standard Specifications, section 14-8, *Noise Control*, into the project contract; limit construction to daytime hours; notify residents in advance of noise-inducing construction activities.
- Natural communities: locate staging areas in previously disturbed areas where possible.
- Animal species: follow the California Department of Fish and Game “Staff Report on Burrowing Owl Mitigation” and the California Burrowing Owl Consortium guidelines; perform pre-construction surveys for burrowing owl, southwestern pond turtle, and Northern elephant seal; place exclusionary fencing for elephant seals at the Arroyo del Corral outlet before construction activities; perform on-site monitoring of seals during construction and prepare a final report; before February 15 of the construction year, apply netting or other means to prevent swallows from accessing the Arroyo del Corral culvert; include in the project contract specifications relating to migratory birds.
- Threatened and endangered species: for California red-legged frog, schedule work activities for times of the year when impacts to the California red-legged frog would be minimal; conduct pre-construction surveys and possibly move frogs from the construction area; perform on-site monitoring during construction; reduce or relocate the bridge footprints; replant with native riparian, wetland, and upland vegetation suitable for the area. For steelhead, construct bridges at the arroyos; remove temporary creek crossings prior to the rainy season or use a suitable all-season crossing; incorporate a construction window of June 1 through October 31; remove

existing culverts; restore approximately 0.05 acre of lagoon habitat; relocate steelhead from all aquatic habitat affected. For tidewater goby, schedule work activities for times of the year least likely to cause direct impacts and remove gobies from areas to be de-watered; relocate gobies prior to stream diversion for bridge construction; remove existing culverts. For western snowy plover, culvert removal at Arroyo del Corral will take place between September 1 and October 31.

- Invasive species: exclude species listed as noxious weeds from landscaping and erosion control plans and include native seed; ensure fill material is certified clean; clean equipment prior to arriving to and exiting the construction site; remove noxious weeds prior to construction.
- Air quality: include Caltrans Standard Specifications in the contract regarding air pollution control.
- Hazardous waste or materials: include specifications in the contract regarding disposal of thermoplastic paint and treated wood waste.

The following summarizes the mitigation measures discussed in Chapters 2 and 3 for significant impacts under the California Environmental Quality Act:

- Visual quality: employ contour grading; remove landform remnants; remove or relocate overhead utilities; restore abandoned roadway and private driveways; save and re-apply topsoil; incorporate open-style bridge rail; acid-etch guardrail and end treatments; use wooden post and wire fencing; design earthen berms to appear as naturally-occurring landforms.
- Water Quality: use a permeable road sub-base to preserve hydrologic function of groundwater; remove the old highway pavement and culverts; restore and recreate wetlands; remove invasive plants.
- Natural communities: restore coastal prairie to the greatest extent possible, including native plants that currently exist within the area.
- Wetlands: use permeable roadway sections rather than drainage ditches; locate storage/stockpile areas where they would not create additional impacts; reduce permanent and temporary impacts from the new road and bridges and from construction activities; prohibit encroachment into areas beyond the minimum required for construction; restore and create wetlands and monitor them for success.
- Plant species: for affected plant species, mitigate through measures proposed for wetlands and coastal prairie. For compact cobwebby thistle, salvage viable seed; collect affected plants and deposit them at the Hoover Herbarium at California Polytechnic University in San Luis Obispo.

- Threatened and endangered species: for California red-legged frog, create one California red-legged frog breeding pool.

Appendix L Comments and Responses

This appendix contains the comments received during the public circulation and comment period from September 29, 2008 to November 12, 2008, as well as the acknowledgement letter from the State Clearinghouse. Comments on the environmental document were received during this time from the following agencies and individuals:

- Native American Heritage Commission
- Piedras Blancas Lightstation, U.S. Bureau of Land Management
- Corps of Engineers, U.S. Department of the Army
- California Coastal Conservancy
- California Department of Parks and Recreation
- Department of Planning and Building, San Luis Obispo County
- Jim Rogers
- Mary Giacoletti
- Thomas C. Mees
- Adamski, Moroski, Madden & Green, LLP

Additional letters were received after the close of the public comment period from:

- National Marine Fisheries Service, National Oceanic and Atmospheric Administration
- California Transportation Commission
- California Coastal Commission

Comments from individuals follow agency comments. A Caltrans response follows each substantive comment presented.

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008031059
Project Title Piedras Blancas Realignment
Lead Agency Caltrans #5

Type EIR Draft EIR
Description The project proposes to realign a 2.8-mile segment of Highway 1, from about 1400 feet north of the Piedras Blancas Lighthouse to the Arroyo de la Cruz bridge, in order to protect the highway from coastal erosion for the next 100 years. The project would also involve removal of the existing bluff rock protection within the project limits.

Lead Agency Contact

Name Paula Huddleston
Agency California Department of Transportation, District 5
Phone (805) 549-3063 **Fax**
email
Address 50 Higuera Street
City San Luis Obispo **State** CA **Zip** 93401-5415

Project Location

County San Luis Obispo
City San Luis Obispo
Region
Lat / Long
Cross Streets State Route 1 near San Simeon

Parcel No.	Township	Range	Section	Base
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Proximity to:

Highways SR-1
Airports
Railways
Waterways Pacific Ocean, Arroyo de los Chinos, Arroyo de la Cruz
Schools
Land Use

Project Issues Aesthetic/Visual; Wetland/Riparian; Biological Resources; Archaeologic-Historic; Coastal Zone; Flood Plain/Flooding; Noise; Soil Erosion/Compaction/Grading; Vegetation; Water Quality; Water Supply; Wildlife; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Air Resources Board, Transportation Projects; Integrated Waste Management Board; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; State Lands Commission

Date Received 09/29/2008 **Start of Review** 09/29/2008 **End of Review** 11/12/2008

Response to Terry Roberts, Office of Planning and Research.

Thank you for your letter.

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



October 3, 2008

Paula Huddleston
 California Department of Transportation
 50 Higuera
 San Luis Obispo, CA 93401

RE: SCH#2008031059 Piedras Blancas Realignment; San Luis Obispo County.

Dear Ms. Huddleston:

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 archaeological 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

CC: State Clearinghouse

Native American Contacts
San Luis Obispo County
October 3, 2008

Judith Bomar Grindstaff 63161 Argyle Road King City , CA 93930 (831) 385-3759-home	Salinan	Salinan Nation Cultural Preservation Association Robert Duckworth, Environmental Coordinator Drawer 2447 Greenfield , CA 93927 dirobduck@thegrid.net (831) 385-1882 (831) 674-5019
Salinan Tribe of Monterey, San Luis Obispo and San Benito Counties John W. Burch, Traditional Chairperson 8315 Morro Rd, #202 Atascadero , CA 93422 salinantribe@aol.com 805-460-9202 805 235-2730 Cell 805-460-9204	Salinan	Salinan Nation Cultural Preservation Association Jose Freeman, President 15200 County Road, 96B Woodland , CA 95695 josefree@ccio1.com (530) 662-5316
Xolon Salinan Tribe Donna Haro 110 Jefferson Street Bay Point , CA 94565 (925) 709-6714 (925) 458-0341 FAX	Salinan	Salinan Nation Cultural Preservation Association Gregg Castro, Administrator 5225 Roeder Road San Jose , CA 95111 glcastro@pacbell.net (408) 864-4115
Salinan Nation Cultural Preservation Association Doug Alger, Cultural Resources Coordinator PO Box 56 Lockwood , CA 93932 fabbq2000@earthlink.net (831) 262-9829 - cell (831) 385-3450	Salinan	Salinan-Chumash Nation Xielolixii 3901 Q Street, Suite 31B Bakersfield , CA 93301 xielolixii@yahoo.com 661-864-1295 408-966-8807 - cell

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# 2008031059 Piedras Blancas Realignment; San Luis Obispo County.

Response to Katy Sanchez, Native American Heritage Commission.

The Environmental Impact Report/Finding of No Significant Impact was prepared according to the recommendations provided.

Piedras Blancas Realignment
Open Forum Public Hearing
Tuesday, October 28, 2008

COMMENT CARD

NAME: JIM BOUCHER / BLM PIEDRAS BLANCAS LIGHTSTATION

ADDRESS: PO BOX 129 CITY: SAN SIMON ZIP: _____

REPRESENTING: BUREAU OF LAND MANAGEMENT

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or fold and mail to: I BELIEVE I AM ALREADY ON THE MAILING LIST

CALTRANS DISTRICT 5
Attn: Mike Sandecki
50 Higuera Street
San Luis Obispo, CA 93401

I would like the following comments filed in the record (please print):

THE BLM IS CURRENTLY USING THE PARKING LOT AT THE FORMER PIEDRAS BLANCAS MOTEL AS A STAGING AREA FOR TOURS OF THE LIGHTSTATION. CURRENTLY THIS IS BEING DONE THREE DAYS A WEEK. IN THE FUTURE, IT IS ANTICIPATED THAT THERE WILL BE DAILY TOURS OF THE LIGHTSTATION AND THEY WILL STAGE AT THE MOTEL SITE. PLEASE PROVIDE A WELL DEVELOPED ACCESS ROAD FROM HWY 1 TO THE MOTEL AND PERHAPS TURN LANES OFF HWY 1. OUR EXPECTATION IS TO HAVE 100+ PEOPLE A DAY TOUR THE LIGHTSTATION

Please respond by November 11, 2008

How Did You Hear About This Meeting? newspaper radio someone told me about it other: JJ Bouch BLM PARK MGR MAILING



Response to Jim Boucher, Bureau of Land Management.

Thank you for providing comments on the Piedras Blancas Realignment project and attending the public

The project includes a northbound left-turn lane and an access road from the new alignment to the Piedras Blancas motel parking lot.



DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT, CORPS OF ENGINEER
VENTURA FIELD OFFICE
2151 ALESSANDRO DRIVE, SUITE 110
VENTURA, CALIFORNIA 93001

October 28, 2008

REPLY TO
ATTENTION OF:

Regulatory Division

Mr. Michael Sandecki, Acting Branch Chief
Central Coast Environmental Analysis
California Department of Transportation
District 5
50 Higuera Street
San Luis Obispo, CA 93401

Dear Mr. Sandecki:

This letter is in response to your Draft Environmental Impact Report/Environmental Assessment (EIR/EA) for the Piedras Blancas Realignment on Highway 1 near the Piedras Blancas Lighthouse, San Luis Obispo County, California (SCH 2008031059, dated September 2008). I have reviewed the document and have the following comments. The final EIR/EA should include a Section 404(b)(1) analysis and public interest evaluation for the proposed action and alternatives described in the EIR/EA. In addition, the plan for mitigating impacts to aquatic resources must be completed and implemented in accordance with the Corps/EPA Final Mitigation Rule (April 2008).

If you have any questions, please contact Theresa Stevens of my staff at 805-585-2146 or via e-mail at Theresa.Stevens@usace.army.mil. Please refer to this letter and SPL-2007-00992 in your reply.

Sincerely,

A handwritten signature in black ink that reads "Aaron O. Allen". The signature is written in a cursive style with a large loop at the end.

Aaron O. Allen, Ph.D.
Chief, North Coast Branch
Regulatory Division

Response to Aaron Allen, Army Corps of Engineers.

Thank you for providing comments on the environmental document for this Highway 1 realignment project in San Luis Obispo County.

The final EIR/FONSI contains the following added language in section 2.3.2 *Wetlands and Other Waters* under the subheading “Least Environmentally Damaging Practicable Alternative”. This section summarizes the process that led to the selection of Alternative 2.

There is no “wetlands avoidance alternative” for the proposed project that would meet the purpose and need of the project. The existing highway alignment, and any proposed realignment, runs more or less perpendicular to the natural drainages, thereby requiring a crossing. Bridges generally have a smaller ground footprint than culverts, and therefore impact smaller wetland areas. Initial studies for the draft Environmental Impact Report/Environmental Assessment revealed that the three alignments most carefully examined would all impact approximately 3.5 acres of wetlands and approximately 22 acres of coastal prairie, as shown in table 1-1. (These numbers were based on the best available data at the time. Since then, Alignment 2 has been further refined and the design modified, resulting in updated quantities for wetland and coastal prairie impacts, shown in this section and section 2.3.1 *Natural Communities*.) To reduce impacts further, the proposed bridges have been designed to span the wetland areas to the extent feasible and to use fewer piers.

Because the difference in impacts to wetlands and coastal prairie between the three best alignments is negligible, the Selected Alternative was based on other factors. As shown in Table 1-1, Alignment 2 was selected because it is the only one to have no adverse effects on a cultural resource and because it would have the fewest impacts to the number of sensitive plant species. The selection process is described in more detail in Chapter 1.

The process is further explained in section 1.3.3 *Alternatives Considered but Eliminated from Further Discussion*.

Details on mitigation for aquatic resources are discussed in section 2.3 *Biological Environment* and included in Appendix K *Minimization and/or Mitigation Summary*.

11/12/08

To: Michael Sandecki, Caltrans

Fr: Timothy Duff, State Coastal Conservancy

Re: Comments on the Piedras Blancas Highway One Realignment DEIR/EA
SCH# 2008031059/5-slo-1-PM 64.0/R67.2

Chapter 1

Section 1.3.1 Build Alternative: *Future Coastal Trail*

In addition to Coastal Act policy, Public Resources Code Section 314089(a) states,

“...[Coastal] conservancy shall, in consultation with the Department of Parks and Recreation, the California Coastal Commission, and the California Department of Transportation, coordinate the development of the California Coastal Trail.”

PRC Section 314089 (b) states,

“To the extent feasible, and consistent with their individual mandates, each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas shall cooperate with the conservancy with respect to planning and making lands available for completion of the trail, including constructing trail links, placing signs and managing the trail.”

1 With respect to the areas of the old alignment to be removed and graded entirely or partially for future recreational use, please provide a map depicting where these specific segments are located and detail the proposed type of treatment on each segment.

2 When all of the culverts are removed on the old alignment, we recommend as our preferred option that pedestrian boardwalks and bridges be installed to ensure that a continuous off-highway trail facility is established. If this option is not feasible at some or all of the culvert locations, then the proposed new bridge type depicted in Figure 1-3 should be modified to incorporate a separate pedestrian accessway with barriers between the vehicular traffic and the accessway at these bridge locations.

Section 1.3.5 Alternatives:

3 Table 1-1 should be revised to include public access as an “Affected Resource” and an evaluation of the impact of these alternatives on this resource.

Chapter 2

4

Contrary to the determination that Alternative 2 would have no adverse impact on pedestrian and bicycle facilities, existing recreational facilities would be significantly impacted. See State Parks and Coastal Commission comment letters for details on these impacts. To mitigate these impacts, we recommend that pedestrian boardwalks and bridges be installed along the old alignment to ensure that a continuous off-highway trail facility is established.

5

Table 2-1 should be revised to incorporate an assessment of the adverse impact to recreation under Section 30221 of the Coastal Act.

Section 2.1.1.4 Parks and Recreation:

6

Contrary to the statement that, “The State Parks property....has not been developed as a public use area”, this area in fact has been, and continues to be, developed for public use and recreation by State Parks. The subject project area represents a significant existing and proposed future improved segment of the California Coastal Trail.

Response to Timothy Duff, California Coastal Conservancy.

Thank you for providing comments on the environmental document for this Highway 1 realignment project in San Luis Obispo County. Your comments are addressed below.

Response to comment #1: Treatment of the abandoned roadway is described in sections 1.3.1 *Build Alternative*, 2.3.1 *Natural Communities* and 2.3.2 *Wetlands and Other Waters*.

Caltrans was provided a draft coastal trail alignment map in March 2008 by State Parks. Their proposed alignment is dependent, at minimum, on field verification. Since this trail alignment is preliminary and subject to change, and because it is part of a separate project by another agency, a map showing the tentative trail placement was not included in the EIR/EA for the highway realignment. However, the Restoration Areas map notes the tentative locations where highway base material will be left behind for State Parks' use along the to-be-abandoned corridor.

Response to comment #2: Separate pedestrian boardwalks and bridges are not proposed as part of the highway realignment project. Pedestrians will be accommodated on the new bridges via the 8-foot shoulders.

Response to comment #3: Public access is not included in Table 1-1 as the access would remain the same for all three alternatives. However, public access is included in Table 2-1 in section 2.1.1.3 *Coastal Zone* of the document. Table 2.1 identifies consistency with coastal policy.

Response to comment #4: Caltrans acknowledges that there will be a visual change for pedestrians and bicyclists who choose to use the realigned highway, but respectfully disagrees that this will be a significant, adverse impact. Therefore, no mitigation is required. Coastal access will remain and the abandoned section of highway will be available for State Parks' use.

Response to comment #5: The post-construction experience for non-motorized travelers will be similar, though not identical, to the existing. Caltrans considers the change of experience for non-motorized travelers between the existing and proposed highway alignments to fall more within the realm of visual quality, as the recreational opportunity for travel along the highway will still be incorporated into the new project.

Response to comment #6: The text in this section has been rewritten to incorporate the comments of the Coastal Conservancy and State Parks, and to better reflect the existing conditions, as follows:

The project abuts coastal property owned by the California Department of Parks and Recreation (State Parks), including the former Piedras Blancas motel and surrounding land. The motel buildings are vacant and unimproved; State Parks provides the public with portable toilets. An informal recreational trail leads along the bluffs and provides

access to nearby beaches. The parking lot is accessible to visitors, including tour buses, to the coastal bluffs and the lighthouse. The California Coastal Conservancy and State Parks are planning to align the California Coastal Trail through this area.

The realignment project would move the highway up to 220 feet farther away from the former motel building, however once the highway was moved, the land between the motel and the new alignment would be added to the park. The project would have no long-term adverse effect on the park property, though various construction activities would have short-term impacts. These activities include connecting the access road from the new highway alignment to the motel parking lot, minor landform grading after removing culverts at Arroyo del Corral and the unnamed drainage just south of Arroyo del Corral (north of the former motel), accessing the shore rock in order to remove it, and establishing the mitigation area near Arroyo de la Cruz. These short-term impacts could take the form of dust and noise disturbance, reduction in visual quality, and possibly a restriction of public access while the activity is underway.

The State Park properties are subject to Section 4(f) of the 1966 Department of Transportation Act, however the impacts from the realignment project do not constitute a “use” because ownership transfer of the land to State Parks was planned concurrently and jointly with the highway realignment project. This is discussed more fully in Appendix B *Resources Evaluated Relative to the Requirements of Section 4(f)*.

Since the motel closed and the property was transferred to State Parks, the only modification has been the addition of portable toilets. There have been no other improvements. Furthermore, the California Coastal Trail has not yet been developed through this location. Caltrans respectfully disagrees that the area surrounding the old Piedras Blancas motel has been developed for public use.



State of California • The Resources Agency

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION

Ruth Coleman, Director

San Luis Obispo Coast District
 750 Hearst Castle Road
 San Simeon, CA 93452
 (805) 927-2065 telephone
 (805) 927-2031 fax
nfranco@hearstcastle.com

November 12, 2008

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

Re: California Department of Transportation
 Piedras Blancas Realignment
 Draft Environmental Impact Report. SCH # 2008031059

Dear Sir/Madam,

Thank you for providing California State Parks, San Luis Obispo Coast District (State Parks) with the opportunity to comment on the draft Environmental Impact Report (EIR) for the Piedras Blancas project. State Parks comments are itemized in the points below:

1 **Impact to pedestrians, hikers, cyclists**

State Parks respectfully disagrees with the statement on page 13 (second bullet point) that the proposed project would have no adverse impacts to pedestrians and bicyclists. The eastward realignment will impact the recreational experience of pedestrians, hikers, and cyclists by re-routing them farther inland and away from the shoreline, thereby diminishing their coastal views and shoreline experience. Attempting to accommodate bicyclists and pedestrians solely on the highway shoulders will not provide park users with the same degree of coastal access or the same quality of shoreline experience that the existing alignment provides. Limiting north-south passage of pedestrians and bicyclists to the shoulders of the realignment will not ameliorate this negative impact to their recreational experience.

2 **Compliance with Section 4(f) (23 CFR 774)**

State Parks respectfully disagrees with the statement on page 21 §2.1.1.4 that the property within the project area has not been developed as a public use area. In fact, the Piedras Blancas Motel site is currently used as a staging area for visitors to the lighthouse. The motel area contains toilets for public use, and hikers use the parking lot as a staging area for hikes along the coastal bluffs and to access nearby beaches. The use of adjacent park lands is ongoing, permanent, and not temporary.

Title 49 of the United States Code, Section 303, commonly referred to as Section 4(f) as amended allows development of park lands, if there is no prudent and feasible alternative or if the Secretary makes a determination of de minimus impact under subsection (d)(1)(B). Under subsection (d)(3), the Secretary may make a formal finding of de minimus impact only after a public hearing and concurrence from state park officials

The elements of §303(c) appear to be met insofar as the land in question is publicly owned land of a public park. It appears that the project was not properly evaluated for application of Section 4(f) and as such, should be re-evaluated.

3

▪ **Future Coastal Trail: pedestrian & cyclist bridges: impacts & mitigation**

State Parks appreciates the mention and consideration of the future coastal trail in the project area and rehabilitation of those portions of the abandoned roadbed as a coastal trail. However, it is noted that the draft EIR does not contain a draft coastal trail alignment map for the Piedras Blancas project area. A coastal trail map is necessary to consider the impacts to recreation related to the coastal trail, location of pedestrian crossings, and in order to assess the impact to natural and cultural resources in the area. As the draft EIR states, significant site and sensitive habitat disturbance will occur as a result of the removal of culverts. While this will have a long term benefit to the wetland areas, that benefit may be lost if there are no accommodations made for pedestrian and bicycle crossings of those restored wetlands. Location of pedestrian bridges should be disclosed and designed to limit impacts to those same resources, as well as to mitigate the effects of relocating pedestrian and bicyclist traffic farther inland.

When the notice of project was released, State Parks did provide a draft coastal trail alignment map to Caltrans. State Parks would be agreeable to providing an additional copy or entering into discussions with Caltrans and other interested agencies and individuals to finalize this alignment. In any event, a draft coastal trail alignment map should be included in the final EIR to allow for appropriate assessment of impact to natural and cultural resources, to assess mitigation, and to allow for necessary public comment. State Parks staff request that the final EIR contain a comparative analysis of the environmental impacts associated with the proposed bridges shown in Figure 1-4 with 16 feet of shoulder surfacing (8 feet per side), versus a "low build" 8 foot paved shoulder (4 feet per side) with low impact wooden pedestrian bridge crossings over the drainages.

4

▪ **Width of Highway Shoulders along Proposed Realignment**

State Parks staff believe that the 16 feet of surfaced shoulder (8 feet per side) is excessive, unnecessary, exacerbates negative impacts to natural and cultural resources, and is inconsistent with the existing character of this rural, coastal highway. The existing shoulder along the existing alignment averages 4 feet in width. It is not clear why doubling the existing shoulder width is necessary, desirable, or even prudent. The roadway and bridge cross sections shown on page 7 in Figures 1-3 and 1-4 should be revised to allow maximum shoulder widths of 4 feet, consistent with the existing alignment.

5

▪ **Mitigation at Arroyo De La Cruz flood plain**

State Parks has offered off site mitigation for wetland restoration off site in the Arroyo De La Cruz flood plain in order to achieve a minimum mitigation ratio of 3:1. To the extent that the width of the highway shoulder along the realignment are reduced, and portions of the original alignment are removed completely in sensitive habitat and wetland restoration areas, additional acreage is freed up for mitigation. State Parks staff would like to review the calculation of impact acreage and mitigation acreage and review the plan for offsite mitigation at Arroyo De La Cruz..

6

▪ **Impact to California Red Legged Frog**

State Parks supports extension of the northern abutment of the Arroyo del Oso bridge so as to avoid the California red-legged frog breeding pool. Similarly State Parks supports a bridge design that spans the floodplains of Arroyo del Corral, unnamed drainage to the south, and Arroyo del Oso, so as to minimize impacts to the California red-legged frog and maximize habitat connectivity. State Parks supports a design and construction that minimizes the need for relocation and creation of artificial habitat.

7

▪ **Impact to Motel Site**

State Parks appreciates the provision of a driveway from the new alignment to the motel site. For the record, we wish to note that the act of removing shoreline protection will have significant impact to the motel site, with a minimum bluff retreat of approximately 2 feet per year. The status of the buildings at the motel site will be tenuous at best with the increased rate of bluff retreat following removal of the shoreline rip rap. State Park policy is to allow for the natural processes of coastal erosion and not armor sites in the coastal areas. In summary, the impacts to the motel site will be significant following removal of the shoreline protection.

8

In addition to including a coastal trail alignment map in the EIR, State Parks requests that the project and final EIR explicitly include provisions for separated, low impact, wooden pedestrian and bicyclist bridges over the drainages. Concurrent placement of light weight pedestrian and bicyclist bridges will add little cost to the project and carry little or no additional environmental impact above and beyond what is already contemplated by culvert and road bed removal. State Parks staff look forward to working with staff from Cal. Trans, the Coastal Commission, the Coastal Conservancy, and SLOCOG to ensure a successful project that is completed in a timely manner. Thank you again for providing us with the opportunity to comment on the Piedras Blancas Realignment draft EIR.

Sincerely,

Nick Franco by Doris Becker

Nicholas Franco
District Superintendent

cc: Clarissa Sampaga, DPR Natural Resources Division
Michael Sandecki, Caltrans District 5
Paul Martinez, Caltrans District 5
Tim Duff, Coastal Conservancy
Lee Otter, California Coastal Commission
SLOCOG

Response to Nicholas Franco, Department of Parks and Recreation.

Thank you for providing comments on the environmental document for this Highway 1 realignment project in San Luis Obispo County. Your comments are addressed below.

Response to comment #1: As discussed in the document under section 2.1.4 *Visual/Aesthetics*, the experience of travelers is expected to change, but not be diminished by the new alignment. While travel along the new alignment will be farther from the shore, it will allow for more expansive views.

Response to comment #2: In regards to your citation of Title 49 of the United States Code, Section 303, please note that in August 2005, Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), made the first substantive revision to Section 4(f) since the 1966 US Department of Transportation Act. Section 6009 amended existing Section 4(f) legislation at both Title 49 U.S.C Section 303 and Title 23 U.S.C. Section 138. On March 12, 2008 FHWA issued a Final Rule on Section 4(f), which clarifies the 4(f) approval process and simplifies its regulatory requirements. In addition, the Final Rule moves the Section 4(f) regulation to 23 CFR 774.

Caltrans acknowledges that the parking area by the former Piedras Blancas motel is used by visitors, and has included provisions in the project plans to maintain access to the area for this reason. However, there do not appear to be visitor-serving facilities constructed to serve the public needs. Since the motel closed and the property was transferred to State Parks, the only modification has been the addition of portable toilets. There have been no other improvements.

Caltrans has determined that there is no regulatory use of a 4(f) resource because of the arrangements by which State Parks acquired the land. Appendix B of the EIR/FONSI has been amended to better explain this determination.

Response to comment #3: Development of the coastal trail is not part of the proposed project. Pedestrian and bicycle stream crossings are provided on the new alignment. The lead agency for the coastal trail project, at such time that it is developed, will be required to perform the necessary environmental review. Caltrans has not been provided a final plan for the coastal trail, and therefore cannot include information on impacts that might result from that future project. Impacts to resources have been anticipated, however, and addressed under discussions related to cumulative impacts. Meanwhile, Caltrans will continue to coordinate with State Parks and other agencies in their efforts to develop the coastal trail.

The project has been designed with the standard 8-foot shoulders and pedestrian accommodation on the bridges. Four-foot roadway shoulders are not standard for this type of highway and therefore are not being considered.

Response to comment #4: The minimum standard paved shoulder width for this type of facility for new construction or major reconstruction is 8 feet. It is the mandatory design standard in the Caltrans Highway Design Manual. Mandatory design standards are those considered most essential to achieve overall design objectives. This is also one of the 13 controlling criteria of primary importance for highway safety as determined by the Federal Highway Administration and found in 23 CFR 625. Traffic volumes are forecasted to be over 3,000 vehicles daily in the construction year. The design and posted speeds are 55 miles per hour. For safety reasons and the consideration of the shared use of motorist and bicyclist, an 8-foot paved shoulder is the appropriate width.

Design standards used for any project should equal or exceed the minimum given in the Highway Design Manual to the extent feasible. The engineer's application of accepted design practices provides confidence that the public safety would be best served.

The American Association of State Highway and Transportation Officials' (AASHTO) "Policy on Geometric Design of Highways and Streets, 2004", which is considered the national standard, states that well designed and properly maintained shoulders on rural highways provide the following advantages:

- Space is provided away from the traveled way for vehicles to stop because of mechanical difficulties, flat tires, or other emergencies.
- Space is provided for evasive maneuvers to avoid potential crashes or reduce their severity.
- The sense of openness created by shoulders of adequate width contributes to driving ease and reduced stress.
- Lateral clearance is provided for signs and guardrails.
- Storm water can be discharged farther from the traveled way, and seepage adjacent to the traveled way can be minimized to reduce pavement breakup.
- Structural support is given to the pavement.
- Space is provided for pedestrian and bicycle use.

We have designed an alignment that avoids and minimizes environmental impacts to the extent practicable, and have mitigated impacts where possible. No cultural resources will be impacted.

Eight-foot shoulders currently exist to the south and north, and within the project limits. Between one to three miles south of the proposed alignment, 8-foot shoulders exist (1.4 miles north to 3.1

miles north of Arroyo Laguna Creek Bridge.) Eight-foot shoulders also exist from 0.4 mile south to 0.4 mile north of Arroyo de la Cruz Creek Bridge.

Response to comment #5: This off-site mitigation area is still being designed. Final calculations and a map will be in the Mitigation and Monitoring Plan. Current estimates indicate that we will need to create approximately four acres of wetlands at the site.

Response to comment #6: Caltrans is continuing to modify the bridge designs to try to reduce impacts as much as possible.

Response to comment #7: Caltrans agrees that erosion impacts to the motel site could be considerable, to the extent that the motel building could be compromised at a future date. Buildings, per se, are not a protected resource; buildings that are protected under state and/or federal law must fit certain criteria, such as being an historic or scenic resource, or being a residence. The vacant motel building does not meet any of these criteria, and therefore is not a protected resource. The potential loss of the motel building to erosion is not a result of the project. Erosion at this location is part of a natural, on-going process that has been temporarily stalled by Caltrans until such time that the highway can be relocated.

Response to comment #8: Wooden pedestrian and bicyclist bridges are outside the scope of the project, as they do not address the project purpose and need and are not required for mitigation. Non-motorized travel is provided on the highway shoulders. Caltrans will continue to work with relevant agencies within the limits of our mandate to develop a quality project that addresses our partners' interests.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

November 12, 2008

Michael Sandecki, Acting Branch Chief
Central Coast Environmental Analysis
California Department of Transportation
50 Higuera
San Luis Obispo, CA 93401

RE: Draft EIR/EA Piedras Blancas Realignment (SCH#2008031059)

Dear Mr. Sandecki,

We have reviewed the Draft EIR/EA for the above mentioned project and submit the following comments. The County of San Luis Obispo maintains land use and coastal permit authority for the majority of the project, with the exception of the portions of the project below the Mean High Tide Line. As such, the County is a Responsible Agency for purposes of the preparation of the EIR for the project.

In general, while the Draft EIR appears to address the issues appropriate to the project, there are several areas where there is insufficient information to adequately characterize the impact or mitigation measures. In addition, several issue areas involve a threshold of significance that is either ill defined or may not be appropriate for the project and the project location. In order for the County to use this document in permitting the required Coastal Development Permit, all coastal policies should be addressed.

Specific comments are as follows:

1 Pg. 6 – Build Alternative: The existing rock rip-rap that has been placed as an emergency activity will require either a Coastal Development Permit (CDP) from the County of SLO, California Coastal Commission (CCC) or both based upon the actual location of the existing rock rip-rap. CCC retains permitting authority on lands below the mean high tide line and lines where public trust may exist. Removal of the existing rock rip-rap associated with this project should address Coastal Policy #9 (Restoration and Enhancement of Shoreline Access Areas) and Section 23.040420j. Consistent with Policy #12 – 3 (Comprehensive Public Access Planning), public access should not be lost to the beach north of Old Piedras Blancas Motel.

2 Pg. 8 – Right-of-Way: New bridges, service boxes and other structures should be designed to be consistent with the Visual Policies of the LCP (#1, 2, 4 and 5). Bridges should include details and colors that help to blend the structure with the natural / rural setting. Other structures (i.e. services boxes, etc.) should be located to minimize visibility, using slope created pockets or native vegetation as applicable.

3 Pg. 13 – Air Quality – The document states that since the project area is in attainment for National Ambient Air Quality Standards, it is exempt from regional conformity. We are unaware of any

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provision in CEQA that provides for a project to be exempt from analysis of regional air quality factors.

4

Pg. 15 – Avoidance, Minimization, and/or Mitigation Measures: The proposed driveway to maintain access to the existing Old Piedras Blancas Motel should be designed consistent with Visual Policy #5 (Landform Alternations).

5

Pg. 16 – Environmental Consequences: The first paragraph of this section states that there may be inconsistencies with the North Coast Area Plan and Local Coastal Plan (LCP). It will be critical for the Department of Planning and Building to make all relevant findings of consistency with the applicable standards and policies. As such, please review all coastal policies for consistency (in addition to specific policies and ordinance sections that are referenced in this letter). In addition to the applicable coastal policies, Section 23.07.172d.(1) and 23.07.174d.(1) require that a project applicant demonstrate that alternative locations and routes are infeasible or more environmentally damaging.

6

Pg. 17 - Avoidance, Minimization, and/or Mitigation Measures: County Staff believes that measures will be required to meet applicable coastal policies and ordinance requirements (i.e. prevention of sediment and erosion into sensitive coastal habitats such as wetlands and coastal streams and restoration of previously disturbed areas to a natural state).

7

Pg. 18 – Coastal Zone – The document inaccurately describes the jurisdictions of the California Coastal Commission and the County of San Luis Obispo. The California Coastal Commission retains coastal permitting authority over lands located below mean high tide line (MHTL), however the remainder of the project is within the coastal permit authority of the County of San Luis Obispo, this includes the areas where the project crosses “blue line” streams. These streams are designated as Environmentally Sensitive Habitat Areas (ESHA) in the County Local Coastal Plan (LCP). Due to this reason, as well as others, the entire project, while subject to primary coastal permit authority by the County of San Luis Obispo, is within appealable jurisdiction to the California Coastal Commission.

8

Pg. 19 – Table 2-2 (Energy and Industrial Development): Visual and Scenic Resources Policy #8 states utilities should be placed underground where above ground would detract from ocean views and in all other cases placed to minimize their visibility from the road. Depending upon available location for utility routing underground may be required for all or portions of the project length. Pg. 28 of the Draft EIR/ES states that some utility lines may be located on the west side of the Highway after the realignment. This would be considered a significant visual impact and would not be consistent with Visual Policy #8.

9

Pg. 22 – Agriculture – For CEQA analysis, the definitions of prime farmland provided in the County LCP and Coastal Zone Land Use Ordinance (Title 23), and the San Luis Obispo County Agricultural Commissioner should have been consulted. Insufficient information is provided (such as soils maps, classifications and importance criteria) to support the determination that the impact is insignificant. This is even alluded to in the discussion where it is noted that the project may not comply with the County’s LCP. Additional agricultural information should be provided including consultation with the San Luis Obispo County Agricultural Commissioner, and the determination of significance under CEQA should be reevaluated including consideration of the threshold for significant impact.

10

Pg. 22 – Affected Environment (Farmlands and Timberlands): Consult with the Agriculture Commissioner. The document should provide a discussion associated with Agriculture Policies #4 (Siting of Structures). Policy #12 (Access in Agricultural Areas) should also be addressed in the document. The project has the potential to affect surrounding agricultural activities (i.e. fragmenting of grazing areas).

11 Pg. 23 – Relocation – It should be noted that while the document identifies one residence that may need to be relocated, any direct or secondary impacts of the relocation were not provided in this EIR. The residence was constructed under a coastal development permit approved and administered by the County of San Luis Obispo, and any relocation will require a coastal development permit. If relocation of the residence is proposed as part of the coastal development permit application submitted by Caltrans for the project, the EIR is inadequate to provide evaluation of that proposed action. The EIR should be revised to include an evaluation of this part of the project, or a subsequent document will need to be prepared in the event it is part of the proposed project, or a separate coastal permit action.

12 Pg. 23 – Relocation: If relocation of structure 7 in Figure 2-1 is part of the project, then policies such as the North Coast Area Plan standard 6 (Site Selection) should be addressed (i.e. where ownership is on both sides of Highway 1, building sites shall be located on the east side). Color and materials, landscape screening, ect. should be addressed as part of the relocation.

13 Pg. 25-30 – Visual / Aesthetics: In addition to previous comments regarding aesthetics (Pg. 8 – Right-of-Way and Pg. 19 – Table 2-2), views from the highway should be minimized by use of guardrails (were required) that provide the least visual intrusion (i.e. narrow support structures). Cut and fill slopes associated with grading activities should be consistent with Visual Policy #5 (Landform Alterations) to blend with the natural terrain. Cut and fill slopes should be vegetated with native vegetation consistent with the area and terrain in which the project is located (i.e. riparian adjacent to creeks and grasses within the coastal prairie). Proposed berms should be designed to reduce sound to sensitive receptors and visibility of the existing structures.

14 Pg. 26-27 – Aesthetics – The four single family residences (Figure 2-1, locations 3, 5, 6 and 7) were evaluated as to visual impacts from Highway 1 at the time the coastal development permits were evaluated. Movement of the Highway to a location much closer to these structures changes the visual setting that existed at the time the developments were proposed. The EIR should address this change is setting with the end result being moving the viewing public much closer to the structures increasing their visual impact from the Highway. Additional mitigation should be explored to reduce this increase in visibility from the Highway.

15 Pg. 31 – Cultural Resources: Archaeology Policy #5 requires protection of cultural sites. Have measures such as relocating the proposed alignment or capping the portion of the site to be affected by the project been considered?

16 Pg. 32 – Cultural Resources – It is unclear if Caltrans considered the cultural resources that will be affected by the project solely under National Register criteria, or whether they were considered using the criteria for significance in the California Register as required by the State CEQA Guidelines. In addition, it is unclear if all impacts to SLO-265 will be avoided, or if portions of the site will be impacted. This section also identifies that monitoring will be required, but it is unclear if this is considered mitigation for potential impacts. The conclusion, the summary on Pg. 78 and the CEQA checklist all indicate NO impact and no mitigation necessary. The requirement for monitoring (and possibly other activities within the Programmatic Agreement) would appear to be mitigation measures that conflict with the finding of no impact. Under the provisions of the County LCP, impacts to Cultural Resources will need to be addressed by the County during the coastal development permit process and specific findings will need to be made. It should also be noted that CZLUO 23.05.140 requires that the County be notified in the event of any significant discovery during construction including the discovery of human remains. This should be incorporated into the notification requirements outlined on Pg. 33.

17 Pg. 36-38 – Water Quality and Storm Water Runoff: LID techniques to reduce impacts from sedimentation and filter deleterious runoff from the highway (i.e. filter strips) and other techniques are

appropriate for this site due to the natural environment in which the project is proposed. LID measures would help reduce the impacts identified in this section. Coastal Watershed Policy #'s 8, 9, 10, 11, and 13 should be addressed. Pg. 38 identifies permeable pavers for "parking areas." The location of parking areas should be described and shown as part of the project.

18

Pg. 45 – Noise – It is noted that the resulting noise level at Receptor 6 (a single family residence) would be 61 dBA. This exceeds the County Noise Element threshold for a sensitive receptor of 60 dBA and would be considered a potentially significant impact as the existing noise level is below the threshold at that location. This should be identified as a potentially significant impact and mitigation should be proposed that would effectively reduce the noise to 60 dBA outside and a level of 45 dBA inside the residence.

19

Pg. 47-55 – Natural Communities: Coastal Policies associated with Environmentally Sensitive Habitats (ESHA) need to be addressed as part of this document so County Staff can rely upon this document for the required Coastal Development Permit. Overriding concerns associated with these policies include the requirement that development that does not significantly disrupt the resource or biological continuance of the habitat (ESHA Policies # 1, 2, 7, 16, 20, 21, 29 and 30). Habitat restoration is also a key component of the ESHA policies (Policy #3). Policy #12 and 22 require Department of Fish and Game review adjacent to wetlands coastal streams respectively. This review / consultation should be completed prior to completion of the Final EIR / ES to ensure all appropriate mitigation ratios are applied to the project.

20

Pg. 57 – Plants – While the EIR identifies that some rare plant species may be impacted and proposes mitigation, there is no quantification as the size or number of individuals that may be impacted. This impact should be better quantified in order to determine if the proposed mitigation is adequate.

21

Pg. 69 – California Red-legged Frog – The EIR identifies a mitigation measure to replace a breeding pool that may be significantly with a newly constructed pool at Arroyo de la Cruz. No parameters are established as to how large or what specific habitat requirements are needed. In addition, no oversight is identified, such as who will determine the requirements for this measure. This measure should be expanded to provide more specific information as to what will be required. As the impact will occur within an ESHA, this specific action will be subject to coastal permit conditions by the County of San Luis Obispo.

22

Pg. 72 – Invasive Plants – It is noted that there is the potential for invasive plants to become established during restoration of the project site. While it is noted that care should be taken to avoid this impact, there is not follow-up or monitoring provision to determine if these measures are sufficient. This mitigation measure should be expanded to include the development of performance criteria, multi year monitoring, and follow up actions (e.g. weed control) if necessary.

23

Pg. 74 – Air Quality – No information is provided to determine the level of impact resulting from the construction of the project. The APCD CEQA Handbook should be referenced to identify the appropriate threshold, emissions should be quantified (based on the project equipment requirements and disturbance area) and mitigation should be identified based on the established thresholds. Consultation with the County APCD should also be performed.

24

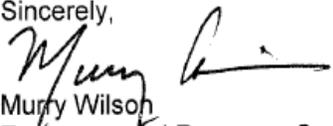
Pg. 78 – Section 3.2.1 – Several issue areas are identified as less than significant that do not seem to be supported by the project description of documentation. This includes impacts to Agricultural Resources, Noise, Biological Resources (invasive species) and Cultural Resources as noted above. In addition, impacts to Water Quality and from construction activities also appear to require mitigation measures (such as sedimentation and erosion control) or activities in order to reduce impacts to a level of insignificance.

Murry Wilson
Department of Planning & Building
County of San Luis Obispo
976 Osos St., Room 300
San Luis Obispo, CA 93408

And

Ellen Carroll
Environmental Coordinator
Department of Planning & Building
County of San Luis Obispo
976 Osos St., Room 300
San Luis Obispo, CA 93408
elcarroll@co.slo.us

Sincerely,



Murry Wilson
Environmental Resource Specialist

Response to Murry Wilson, Department of Planning and Building.

Thank you for providing comments on the environmental document for this Highway 1 realignment project in San Luis Obispo County. Your comments are addressed below.

Response to comment #1: Caltrans possesses Coastal Development Permits for the placement of the rock rip-rap from both the County of San Luis Obispo (D000321P) and the California Coastal Commission (3-07-030). Discussion of consistency with coastal policies can be found in Table 2-2. No coastal access will be lost.

Response to comment #2: Section 2.1.4 *Visual/Aesthetics* of the environmental document identifies measures requiring special bridge railing to minimize disruption of coastal views, and coloring of metal components to reduce reflectivity. Additional measures have been included requiring the coloring and/or texturing of highly visible bridge components and service boxes. A measure has been added requiring the siting of utility and service boxes to the least-visible locations practicable.

Response to comment #3: Air quality conformity is a Federal Highways Administration provision that requires the project to include air quality mitigation/minimization measures in federal non-attainment areas for any National Ambient Air Quality Standard exceedance based on acceptable levels as established by the Environmental Protection Agency. To achieve conformity, regional transportation planning organizations perform emission analysis and establish budgets for all criteria pollutants. In San Luis Obispo County, the applicable regional transportation planning organization is the San Luis Obispo Council of Governments.

The proposed project has been included in the San Luis Obispo Council of Governments Regional Transportation Plan, which is a 20-year planning document that accounts for regional emissions from local transportation projects. Projects listed in the Regional Transportation Plan have had an emissions budget analysis performed and included in the applicable State Implementation Plan. The State Implementation Plan is the local jurisdiction roadmap on how they will achieve attainment of the National Ambient Air Quality Standards.

For San Luis Obispo County, the applicable planning document is the San Luis Obispo County Air Pollution Control District Clean Air Plan. Since the South Coast Air Basin (comprised of San Luis Obispo, Santa Barbara, and Ventura counties) is in attainment for all national ambient air quality standards, it is consistent with the Regional Transportation Plan, and therefore does not require further analysis under CEQA because project related operational emissions have already been accounted for. Furthermore, emissions with the project would be the same as emission levels without the project because no capacity is being added to the highway, so there is no impact under CEQA.

Response to comment #4: Measure #6 in section 2.1.4 *Visual/Aesthetics*, “Avoidance, Minimization, and/or Mitigation Measures” has been modified to include applying reserved topsoil to other disturbed areas, which would include the new driveway.

Response to comment #5: Coastal policies were reviewed for consistency; the information can be found in Table 2-2 of the document. Please refer to additional language in section 2.3.2 *Wetlands and Other Waters* for the determination of the Least Environmentally Damaging Practicable Alternative and section 1.3.6 *Alternatives Considered but Eliminated from Further Discussion*.

Response to comment #6: The project includes measures to restore disturbed areas post-construction. The Caltrans Standard Specifications include standard construction procedures to prevent sedimentation and erosion during construction.

Response to comment #7: Coastal Zone jurisdiction has been clarified with the County; the document has been modified accordingly.

Response to comment #8: The statement to which you refer presents the result if visual quality were not addressed and the poles remained in their current location. Caltrans anticipates that all power poles along the project limits will be moved to the east side of the highway. Please refer to section 1.3.1 *Build Alternative* under “Right-of-Way” for a complete discussion of utility relocation.

Response to comment #9: The California Department of Conservation and the Natural Resources Conservation Service (NRCS) classify agricultural lands into four categories: prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance. On the NRCS-CPA-106 form, prime and unique farmland are grouped together, and farmland of statewide importance and local importance are grouped together, giving totals of 10.35 acres and 26.55 acres, respectively. These totals were calculated by the NRCS based on their soil maps and the project mapping and are the official numbers. However, since nearly all the soil in the project area is classified as either prime farmland or farmland of statewide importance, Caltrans considered the entire realignment, which equals approximately 45 acres, as falling onto one of these two soil types. Considering the small percentage of county farmland affected by the project, the difference between NRCS’ numbers and Caltrans’ approximation is not considered substantial for the purpose of qualifying impacts.

Response to comment #10: Agricultural Policy #4 refers to “A single-family residence and any accessory agricultural buildings necessary to agricultural use”, which is not germane to this project. Agricultural Policy #12 states, “...the county shall require at the time a Coastal Development permit is processed, the establishment of vertical and/or lateral access to the beach for which no established vertical or lateral access exists.” Beach access currently exists and will remain after the project is

constructed. The project does not fragment grazing land. (Refer to section 2.1.1.1 *Environmental Consequences and Avoidance, Minimization, and/or Mitigation Measures.*)

Response to comment #11: At this time, relocation of the structure is not anticipated. Any future relocation would require additional environmental evaluation and documentation as stated in the comment.

Response to comment #12: Relocation of the structure is not anticipated.

Response to comment #13: The project proposes the use of metal post guardrail, which is thinner and provides a more open appearance than wood posts. Section 2.1.4 *Visual/Aesthetics* contains a requirement for the use of an open-style rail on bridge structures to minimize disruption of views. Contour grading is required for all slopes to create natural-looking landforms. Remnant landforms west of the proposed alignment will be removed to maximize views to ocean. Project plans include re-vegetating disturbed areas with appropriate native plant communities.

Response to comment #14: Section 2.1.4 *Visual/Aesthetics* identifies the increased visibility of the residences as seen from the realigned highway. If it is determined that the houses can remain, the existing visual screening berms would be relocated between the highway and the residences. These berms would be designed and built to appear as natural landforms. An additional measure has been added that requires native shrub planting if necessary to reduce visibility of the residences from Highway 1.

Response to comment #15: Multiple alignments were considered, but rejected by the project development team due to their potential to affect archaeological sites. The current, chosen alignment does not have an effect on any of the sites within the area of potential effect .

Response to comment #16: All cultural resources evaluations were prepared in accordance with the January 1, 2004, Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California. The resources were also evaluated in accordance with Section 15064.5(a)(2)-(3) of the California Environmental Quality Act (CEQA) Guidelines using the criteria outlined in Section 5024.1 of the California Public Resources Code. The following paragraph was added to the final document to detail the extent of study performed.

Archaeological field survey investigations were conducted on January 5-7 and 26-27, 2005; February 9-10, 2005; November 16-17, 2005; and June 22, 2006. A total of 697 acres east and west of Highway 1 were surveyed. The width of the survey area on

the west side of Highway 1 varied due to the irregular coastline. East of Highway 1, the width of the survey area followed a 500-foot easement, except for the central survey area around Arroyo del Oso and Arroyo del Corral. In this area, the project coverage expanded to 1640 feet from the highway in order to survey alternatives that would potentially avoid cultural and biological resources.

As discussed in section 2.1.5 *Cultural Resources*, CA-SLO-265, also known as the Twin Windmills Site, is eligible for the National Register of Historic Places under Criterion D for its potential to yield information important to prehistory. However, the very low density undated flake stone scatter (<20 flakes per unit) that is situated along the northern and western margins of the site, where the alignment will traverse the site, is considered to be a non-contributing element of the site. Protection measures, outlined in an Environmentally Sensitive Area Action Plan, will ensure no impacts to the eligible portion of the site that is located outside of the Area of Direct Impact. Therefore, project construction will not adversely affect CA-SLO-265 (Twin Windmills Site).

Project cultural resources monitoring is not a CEQA mitigation measure. Native American and archeological monitoring are to both respect the Chumash and Salinan community's sensitivity to the project area and to ensure that the protective fencing remains in place.

Response to comment #17: The term “low impact development”, or LID, is a broad and evolving term. However, the project does incorporate measures that would be considered low impact development, including buffer strips, removal of pavement from the old highway, encouragement of sheet flow of storm water, etc. The proposed project will require preparation of a storm water pollution prevention plan that will detail numerous best management practices that could be considered low impact development measures.

The five Coastal Watershed Policies will be addressed in the highway design, landscape design and/or the Storm Water Pollution Prevention Plan.

Parking areas were noted as an example only; there will be no parking areas incorporated into the project. The notation has been removed.

Response to comment #18: The Federal Highways Administration (FHWA) does not use local jurisdiction CEQA thresholds to determine significant impacts on state highways. The applicable threshold under FHWA guidelines (per the Traffic Noise Analysis Protocol, August 2006) is 67 dBA for residential outdoor activity areas. When 67 dBA is approached or exceeded, then the project must consider noise abatement.

Response to comment #19: For discussion related to ESHA policies, please see Table 2-2 in the document. The Department of Fish and Game reviewed the draft Environmental Impact Report/Environmental Assessment and did not provide comments. Policy #12 requires the Department of Fish and Game to review the coastal development permit application, however Caltrans will not be submitting that application until after the environmental document has been finalized. Nonetheless, the project will incorporate any conditions that result from either the coastal development permit or the Section 1600 permit acquired from the Department of Fish and Game.

Response to comment #20: The sensitive plant species are scattered throughout the biological study area. Rather than identify each plant individually, Caltrans included the plants as part of the makeup of coastal prairie and addressed this plant community as a single resource. The Natural Environment Study, which was made available during the public comment period, contains more detailed information about the plants, along with maps showing their locations.

Response to comment #21: Information on approval jurisdiction for impacts to the frog pool and mitigation can be found in section 1.4 *Permits and Approvals Needed*. Since release of the Draft Environmental Impact Report/Environmental Assessment, Caltrans has obtained a Biological Opinion from the U.S. Fish and Wildlife Service, which contains specific requirements related to these impacts. The requirements have been added to section 2.3.5 *Threatened and Endangered Species* and in Appendix K *Minimization and Mitigation Summary*.

Response to comment #22: Weed control will be performed as part of the overall establishment and maintenance of the revegetated areas and the off-site mitigation area. Information on these plans can be found in sections 2.3.1 *Natural Communities*, 2.3.2 *Wetlands and Other Waters* and 2.3.3 *Plant Species*.

Response to comment #23: Construction emission (particulate matter) analyses were based on the maximum area that would potentially be disturbed by construction and then compared to the San Luis Obispo County Air Pollution Control District (Air District) grading threshold. The analyses showed that the project would disturb much less than the 2 acres per day grading threshold allowed by the Air District's CEQA Air Quality Handbook guidelines. Detailed information concerning the number, types, and year of construction equipment potentially used on the project are unknown at this time. Minimization measures to reduce impacts to air quality are included in section 2.4 *Construction Impacts*.

Response to comment #24: Section 3.2.1 *Less than Significant Effects of the Proposed Project* specifically identifies impacts that Caltrans has determined to be less than significant under CEQA. The section refers the reader to Chapter 2, where each issue is thoroughly discussed, including avoidance and minimization measures.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

In reply refer to:
SWR/2008/01422:MRM

DEC 8 2008

Michael Sandecki
Acting Branch Chief
Central Coast Environmental Analysis
California Department of Transportation
50 Higuera St.
San Luis Obispo, California 93401

Dear Ms. Huddleston:

NOAA's National Marine Fisheries Service (NMFS) reviewed the draft Environmental Impact Report (EIR) for the Piedras Blancas Route 1 realignment (project) near San Simeon, California. As requested in the draft EIR, NMFS provides the following information to assist the California Department of Transportation (CalTrans) in formulating the final EIR. Staffing constraints precluded NMFS from submitting this information prior to the comment period ending on November 24. There is a continuing need for CalTrans to collaborate with NMFS beyond the comment period because as revealed below the project is expected to have implications for threatened steelhead (*Oncorhynchus mykiss*) and require Section 7 consultation with NMFS. Accordingly, the information contained herein should be used to develop the final EIR and minimize adverse effects on steelhead.

The Project is of concern because threatened steelhead and critical habitat for this species are present in the action area. The final EIR should therefore clearly identify and describe the Project including interrelated and interdependent actions to the extent that NMFS may develop an understanding of the potential effects (offsite, onsite, direct, indirect, temporary, permanent) of the project on steelhead and critical habitat. The draft EIR has included some of this information though there is some additional information NMFS will need to fully analyze effects of this project on steelhead in the context of the Section 7 consultation. NMFS recommends that the following information be included in final EIR:

1

- Conduct and provide results from a survey to assess presence of steelhead in the project area. Another survey should be conducted no later than 2 weeks prior to implementing project activities to gain more recent information of steelhead presence at these locations just prior to undertaking the project.

2

- Provide greater detail on how culvert removal and bridge installation will be conducted (i.e. design drawings, dewatering plan, time line for implementation, etc.) and the impacts expected (i.e. loss of service to the species, handling and moving steelhead, etc) from these activities.

3

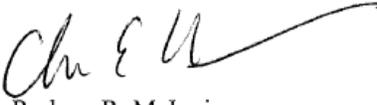
- The EIR should disclose that consultation with NMFS is necessary prior to



undertaking the project, in accordance with Section 7 of the Endangered Species Act.

NMFS appreciates the opportunity to provide information that would assist CalTrans develop the final EIR for the subject project. Matt McGoogan is NMFS' representative for this specific project. Please call him at (562) 980-4026 if you have any questions concerning this letter or if you require additional information.

Sincerely,

for 
Rodney R. McInnis
Regional Administrator

Response to Rodney R. McInnis, National Marine Fisheries Service.

Thank you for providing comments on the environmental document for this Highway 1 realignment project in San Luis Obispo County. Your comments are addressed below.

Response to comment #1: Two Caltrans biologists conducted a visual steelhead survey on March 18, 2009 at Arroyo del Corral and Arroyo del Oso. The lagoon was open and draining into the ocean at Arroyo del Corral. Tidewater gobies were observed here. At Arroyo del Oso, the culvert may act as a fish barrier. The lagoon was also open and draining into the ocean through the culvert. No steelhead were observed at either drainage. An additional survey will be performed no more than two weeks prior to construction activities.

Response to comment #2: A private contractor will remove the culverts and install the bridges. Caltrans monitors the contractor's activities throughout the construction period, but does not generally stipulate techniques to be used. In order to protect sensitive resources, there will be limitations, such as time of year for construction activities and areas of disturbance, placed on the contractor. The measures included in the project to protect steelhead and critical habitat are identified in section 2.3.5 *Threatened and Endangered Species* under "Avoidance, Minimization, and/or Mitigation Measures". Additional measures are included in the Biological Assessment as part of consultation on steelhead and critical habitat. While these measures are in place, there will be only temporary impacts to steelhead and the long-term impacts to the species will be beneficial.

Response to comment #3: Consultation requirements are noted in section 1.4 *Permits and Approvals Needed* and in Chapter 4, *Comments and Coordination*. Results of consultation, obtained from the Biological Opinion, have been included under "Avoidance, Minimization and/or Mitigation Measures" in section 2.3.5 *Threatened and Endangered Species*.

JOHN CHALKER, Chair
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December 15, 2008

Michael Sandecki, Acting Branch Chief
Central Coast Environmental Analysis
California Department of Transportation
50 Higuera
San Luis Obispo, CA 93401

RE: Draft Environmental Impact Report for the Piedras Blancas Realignment Project

Dear Mr. Sandecki,

At its December 2008 meeting, the California Transportation Commission, as a Responsible Agency defined in the California Environmental Quality Act, reviewed the Draft Environmental Impact Report (DEIR) for the Piedras Blancas Realignment in San Luis Obispo County.

Caltrans reported that the project is included in the 2008 State Highway Operation and Protection Program Long Lead Project list consistent with Commission Resolution G-13. The project cost is estimated to total \$43,270,000 and construction is estimated to begin in fiscal year 2012-13.

The Commission has no comments regarding the alternatives under consideration in the DEIR. However, the Commission recommends that Caltrans identify and secure the funding sources to fully fund the project once an alternative is selected.

If you have any questions, please contact me at (916) 653-2082.

Sincerely,


Susan Bransen
Associate Deputy Director

Response to Susan Bransen, California Transportation Commission.

Thank you for your letter.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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December 23, 2008

Michael Sandecki, Acting Branch Chief
Central Coast Environmental Analysis
California Department of Transportation (Caltrans)
50 Higuera St.
San Luis Obispo, CA 93401-5415

Subject: **Piedras Blancas Route 1 Realignment project--Draft Environmental Impact Report/Environmental Assessment (DEIR/EA) (SCH #2008031059)**

Dear Mr. Sandecki:

We very much appreciate that you have made sure that we have the opportunity to offer comments on the DEIR/EA document for the subject Piedras Blancas Realignment project, on State Highway Route 1 in San Luis Obispo County. Commission staff comments and recommendations are as follows:

Major recommendations:

We support the proposed *Build Alternative* for the highway realignment, and recognize that significant potential impacts have been avoided through careful alignment selection. However in order to achieve the minimization of “impacts to coastal resources to the greatest extent possible” as stated on page ii of the DEIR/EA, additional measures are required to avoid, minimize and mitigate impacts on coastal resources, including recreational/public access, scenic qualities and wetlands. In summary, these additional measures are:

- A. Provide for a continuous Coastal Trail accessway along the length of the project area, in reasonable proximity to the shoreline. To assure its existence in perpetuity, sufficient space must be provided for alignment adjustments as shoreline erosion advances. Some form of right-of-way (ROW) acquisition will be needed for continuity across private properties north of the former Piedras Blancas motel site. This segment needs to be seaward of the realigned highway, on an initial alignment that can be expected to survive for up to 20 years following removal of the existing rock armor. Planning and implementation may be accomplished through a partnership with State Parks, the Coastal Conservancy, Coastal Commission staff, and local government counterparts.
- B. Further detail a reclamation plan for the existing highway that will be abandoned, including removal of existing culverts and highway fill from each stream crossing, removal and disposal of pavement and roadway fill that is unneeded or will be threatened by shoreline erosion upon the removal of rip rap, and restoration of natural habitat and coastal terrace grasslands in the appropriate areas;

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- C. Reduce paved shoulder widths to four feet (up to six feet on bridges) in order to maintain the scenic character of this rural Highway 1 segment, and minimize the impacts of habitat loss and landform alteration along the scenic highway;
- D. Provide a supplemental evaluation of the greenhouse gases (GHGs) emissions that can be expected to emanate from the actual construction of the realigned highway and describe the measures that are being taken to avoid and reduce the emissions and associated impacts; and
- E. Initiate coordination with San Luis Obispo (SLO) County to prepare an amendment to their Local Coastal Program (LCP), which will need to be certified by the Commission prior to project approval by the County. The amendment should provide for the realigned highway within the agriculturally-zoned and environmentally sensitive habitat areas easterly of the existing alignment, subject to avoidance, minimization and mitigation measures that will assure an outcome that is most protective of coastal resources overall and consistent with the Coastal Act.

By letter dated April 16, 2008, we responded to the Notice of Preparation (NOP) for this project. This response letter included an outline of the jurisdictional context, with discussion of delegation of coastal development permit (CDP) authority to the County of San Luis Obispo.

This discussion also addressed the applicable Local Coastal Program (LCP) and Coastal Act standards of review; statutory authority for the California Coastal Trail (CCT); potential for appeal of the County's CDP decision; location of original jurisdiction areas within project limits; requirements to remove existing rock armor pursuant to the terms of previously-issued CDP 3-07-030; and acknowledgement that consolidated CDP processing, although available for split jurisdiction areas, may not be the preferable option for this project. Please refer to our NOP letter for details.

In that NOP response, we acknowledged the primary topics that you identified for environmental review, and cited the corresponding Coastal Act sections. These topics included: visual quality, wetlands (3+ acres), coastal prairie (approx. 23 acres), and at least 7 sensitive species that are dependent on these coastal habitats. The corresponding California Coastal Act PRC sections were identified as 30251 (as applied to highly scenic areas); 30231/30233 (water quality and wetlands); and 30240 (environmentally sensitive habitat areas.)

In addition to the subjects mentioned in the Notice of Preparation, we also recommended five additional areas of investigation. These included:

Agricultural impacts (Coastal Act sections 30241-30242)

Geologic stability (section 30253)

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Water quality and marine habitat (sections 30230-30231)

Archaeological resources (section 30244)

Impacts on public access along the coast (sections 30210-30212).

Concurrence with proposed Build Alternative (subject to additional measures). We generally concur with the selection of the proposed build alternative and recognize that a great deal of study and design effort has gone into selecting an alignment that will pose the least impact to coastal resources. Although we believe additional project elements will be needed, we also generally agree with the mitigation measures proposed for significant CEQA impacts, listed in section 3.3 of the DEIR/EA (pp. 84-85).

Overall, we believe that the DEIR/EA document generally provides sufficient environmental information to proceed—subject to the following recommendations with respect to insuring the continuity of the recreational access along the shoreline, restoration of wetland habitat areas, and minimization of the visual impacts of grading and paving for the realigned roadway. The document should also be supplemented as needed to insure conformance with currently applicable State guidance regarding the impacts of greenhouse gases (GHGs) specific to the construction of this project. This information will help insure conformance with the respective goals of both CEQA and the Coastal Act.

1

LCP amendment needed. The DEIR/EA states on page *iii* that a coastal permit will be needed because the “Build Alternative may or may not be consistent with local Coastal Plan policies....” This is incorrect.

2

As explained in our NOP letter response, coastal development permits (CDPs) are required from both the Coastal Commission and SLO County because this project constitutes development in the coastal zone that falls within both the Commission’s original jurisdiction and the County’s certified jurisdiction. Furthermore, page 16 of the DEIR/EA states that the SLO County Planning Department will make a determination about potential inconsistencies with the LCP’s North Coast Area Plan during the coastal permit process. Commission staff has determined that an amendment to the LCP is needed and this procedurally needs to occur before any coastal permit decisions for this project. Initiating early coordination with the County to effect such an amendment will be critical for Caltrans to meet its projected project delivery schedule.

Commission staff notes that the public access and stability benefits of the realignment project can hardly be overstated. However, the San Luis Obispo County LCP currently limits non-agricultural uses in the agriculturally-zoned ranch lands easterly of the current alignment of Highway 1. It also restricts disruption of environmentally sensitive habitat areas (ESHAs), both wetland and terrestrial. These provisions parallel the corresponding Coastal Act policies.

In order to approve the project, the County will need to amend its LCP so that highway construction at this specific location will be identified as a permissible use--assuming that the

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final overall project will represent a situation that is, on balance, most protective of all affected coastal resources.

Additional environmental topics reviewed. As noted, our April 16, 2008 NOP response recommended that five additional kinds of potential environmental impacts be evaluated. Our corresponding comments regarding these topics follows:

1) Agricultural impacts. Coastal Act Sections 30241 and 30242, and the corresponding San Luis Obispo County LCP policies, require that lands suitable for agricultural use be maintained, and conflicts with those uses be minimized. Both the existing highway, and the proposed realignment pass through expansive coastal terrace grasslands—the historic Hearst Ranch. The total area of the Hearst Ranch holding exceeds 70,000 acres, the majority of which is grazing land of varying quality. An estimated 17 or more acres in the bottomlands adjacent to Arroyo de la Cruz, at the northern extremity of the project (now in State Park ownership), were previously used for irrigated crops.

3

According to the DEIR/EA, the Build Alternative would convert (or exclude from production) about 45 acres of agricultural land. However, it is not clear whether or not this amount includes the formerly cultivated 17 acres at Arroyo de la Cruz. At least part of this acreage is proposed for restoration as coastal prairie, and part may be converted for wetland restoration. The DEIR/EA (p.54) indicates that 4-6 acres of the formerly farmed area appears to exhibit wetland hydrology. Does this floodplain bottomland constitute diked or drained former wetland? Such a situation would argue in favor of returning the former wetlands to their natural condition. Clarification is needed, to help the County correctly characterize and quantify the potential project impacts on wetlands and agricultural lands, as needed to determine conformance with LCP standards.

4

5

The discussion of agricultural lands on page 22 of the DEIR/EA is confusing. The narrative states: “The proposed project goes through the Hearst Ranch, which contains large areas of soil types designated as Prime Farmland and Farmland of Statewide Importance. Approximately 31 acres of these soil types would be directly affected by the project and an additional 14 acres would be taken out of production through right-of-way fencing.” And yet the chart of the same page lists only 10.35 acres of “Prime and Unique Farmland” as being converted by the proposed project. A better accounting and classification of agricultural lands to be impacted by the project will be needed to address agricultural land use policies. In addition, we note that a reduction of shoulder widths as recommended in these comments will also correspondingly reduce potential agricultural land impacts.

Salvage and relocation of the coastal prairie topsoils within the *new* highway alignment, listed as one of the proposed mitigation measures, may help to address both ESHA and agricultural land protection policies (p.84 of the DEIR/EA document). These soils will be available for restoration work within the new right of way, as well as for restoration of coastal prairie along the existing highway alignment and on State Park land at Arroyo de la Cruz. The DEIR/EA states that the total area of coastal prairie restoration will be in the range of 19-24 acres.

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2) Geologic stability. Coastal Act Section 30253 requires that new development be designed to assure stability and structural integrity, and to minimize risks in areas of high geologic and flood hazard. The most critical risk factor in the project area is the rapid rate of shoreline erosion. Current erosion threats to the integrity of the highway are the key impetus for this project.

Removal of the rock armor (rip-rap) along the existing highway alignment is required by CDP 3-07-030. At present, wave energy is refracted around the ends of the resistant armored section, and concentrated in a way that likely promotes more rapid erosion at the end points (“flanking attacks”). Removal of the rock armor will allow a new, *relatively* stable equilibrium to be established between the nearest points of resistance, following an initial episode of erosion that will clearly undermine segments of the existing highway alignment. Wave energy will then be more evenly distributed between the headland at the former motel and the resistant point north of Arroyo del Oso. While this action is not identified as a minimization measure in the DEIR/EA, it is nonetheless expected to locally reduce the rate of shoreline erosion by eliminating an existing concentrated erosional effect.

According to the DEIR/EA, the revised highway alignment will range from 80 to 475 feet east of the existing corridor. Through participation at Project Development Team meetings and technical staff consultations between our agencies, Commission staff is aware that the realignment is landward of the predicted 100-year shoreline, based on geotechnical studies from 2001 and 2006. Considerations relative to sea level rise were also factored into determining the area where the new roadway should be located to meet the goal of ensuring that the new highway will be out of harm’s way for at least 100 years. However, the geotechnical evaluations that went into this determination are insufficiently reflected in the document. More specific information regarding the geotechnical basis for predicting the 100-year shoreline should be explicitly stated in the final EIR/EA in order to validate the proposed project setback distances. Ultimately, the project design and approval should assure its stability without the need for shoreline protection.

6

3) Water quality and marine habitat. Protection of marine resources, and water quality, in both freshwater and marine habitats, is required by Coastal Act Sections 30230-30231 and corresponding sections of the San Luis Obispo County LCP. As noted in our NOP response letter, the adjacent marine environment is entirely within the Monterey Bay National Marine Sanctuary. This portion of the Sanctuary is known for its breeding colony of Northern elephant seals and its outstanding rocky intertidal habitats, and is habitat for the threatened California sea otter.

The DEIR/EA recognizes that the marine environment can be impacted by shoreline erosion and suspended sediment—and that removal of the existing rock armor and highway construction activities could potentially aggravate these impacts. A variety of measures to protect coastal water quality are listed. A particular water quality protection measure mentioned in the DEIR/EA (pp.37-38) is the removal of existing highway pavement that would otherwise erode into the sea and contaminate the adjacent marine environment.

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7

Similarly noteworthy is the fact that a broad (typically, 500 ft.) swath of vegetation will be provided between the new highway alignment and the sea, effectively functioning as a vegetated filter strip with respect to polluted runoff coming from the highway. We definitely support these measures, but suggest that their benefits in the context of the marine environment and National Marine Sanctuary be more clearly identified. Apart from these adjacent marine habitats, the DEIR/EA identifies measures that will be employed to protect the area's multiple on-shore environmentally sensitive habitats. These include aquatic habitats for California red-legged frog, steelhead and tidewater goby (pp.65-70).

Development of the project design included major strategic measures to protect coastal wetlands. One example is substituting bridges for fill at the stream crossings, and application of environmentally-driven alignment selection methods. New bridges will be used to span the three significant streams within project limits. These new bridges will replace four existing fill-on-culvert crossings, thereby facilitating fish passage and restoration of wetland habitat in these coastal lagoon areas. But, there is no feasible alignment for the new highway segment that entirely avoids *all* wetland impacts.

Accordingly, the Project Development Team devoted substantial effort to selecting an environmentally-based "critical path" for the new alignment. This measure resulted in identification of a Build Alternative that minimizes impacts on wetlands and other sensitive resources. The DEIR/EA (p.52) reports that the project will result in only (approximately) 3.5 acres of unavoidable fill in freshwater wetlands, incidental to realignment of the highway. The proposed fill will be necessary in areas such as seasonally-wet coastal terrace prairie where bridge structures are not a reasonable solution.

8

While the DEIR/EA does not report the total area of wetland habitat in the area, this information would be helpful for understanding the environmental context of the proposed wetland fill¹. At minimum, we recommend that total acreages of wetland and coastal prairie habitat within the project biological study area be reported. This data should be further broken down to identify acreages of delineated or mapped wetlands in the following categories: lagoon open water, stream surface, riparian, and wet coastal prairie.

One identified impact that merits attention is the encroachment on a red-legged frog breeding pool that could result from the construction of the northern abutment for the proposed Arroyo del Oso bridge (pp.64-65). We strongly recommend pursuit of the listed mitigation measure that calls for exploration of design alternatives that avoid this impact (e.g, by extension of the bridge abutment or containment of the abutment fill slope). Other appropriate avoidance and minimization measures, including the use of permeable roadway sections to cross the wet coastal prairie areas, are listed in the DEIR/EA (p.52). These efforts to maintain natural hydrologic

¹ Mapping available to Coastal Commission staff shows roughly 100 acres of wetlands within the immediate study area. More than 300 additional acres of such habitats are estimated in the project vicinity. Thus, the projected incidental 3.5 acres of wetland fill would be less than 1% of the total.

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drainage patterns are particularly commendable.

9 Listed mitigation measures (pp.54 & 84) include restoration of 2.5 acres of wetland within the old highway alignment (at a 1:1 ratio). An additional approx. 4-6 acres are proposed at the Arroyo de la Cruz restoration site (to achieve or exceed a 3:1 ratio for the portion of the impacts not offset on-site). As a precaution against failed or incomplete mitigation, we recommend that the proposed goal of a 3:1 mitigation ratio for off-site wetland restoration be increased to a 4:1 ratio. This would appear feasible, considering the mitigation site already has sufficient acreage.

The DEIR/EA already proposes the development of a Wetland Mitigation and Monitoring Plan that would finalize the mitigation design (p.55). However, it would not address restoration of terrestrial habitats, or other measures to reclaim the abandoned right of way for habitat and recreation purposes.

10 Therefore, as the project moves forward, we recommend the development of a detailed implementation plan for reclamation and restoration of the existing, to-be-abandoned highway segment. Such plan should be developed in partnership with the California Dept. of Fish & Game, and in consultation with State Parks, the Coastal Conservancy, Coastal Commission staff ecologist, and local government counterparts. Coordination with the U.S. Fish & Wildlife Service may be needed as well. The plan should address removal of existing culverts and highway fill from each stream crossing, removal and disposal of unneeded pavement, and restoration of wetland habitats and grasslands in the appropriate areas. In this way, the various reclamation and mitigation measures can be comprehensively understood and integrated.

4) Archaeological resources. Section 30244 of the California Coastal Act and corresponding sections of the LCP require reasonable mitigation measures to offset impacts on archaeological resources, as identified by the State Historic Preservation Office (SHPO). As recommended in our NOP response letter, the DEIR/EA identifies the archaeological avoidance and mitigation measures to be employed for this project. These measures include exclusionary fencing to keep construction disturbances out of sensitive areas, and steps to be taken in event cultural materials or human remains are discovered—including coordination with the Native American Heritage Commission.

11 The DEIR/EA does not evaluate the potential for any loss of cultural resource that might result from removal of shoreline rock armor north of the former motel site. Nor, does it consider the potential impacts that could result from construction of new Coastal Trail segments that may or may not potentially cross a midden site, as needed to maintain continuity of the CCT along the coast. Therefore, we recommend that the discussion regarding impacts on archaeological resources be expanded to consider these associated activities. Such an evaluation would help to guide design of public access facilities, including avoidance of any sensitive archaeological features, or where that is not feasible, preservation of sensitive sites through construction of protective boardwalks or by banking under sterile fill.

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5) Impacts on public access along the coast, a key recreational resource. The public access and recreation context of the project is summarized in our April 16, 2008 NOP response letter. It states:

Highway 1 along the northern San Luis Obispo County coast is a designated State Scenic Highway and National Scenic Byway. It provides a vital link for recreational travel to and from the Big Sur Coast, as well as the attractions around San Simeon and Hearst Castle. All public access trailheads north of San Simeon are dependent on access via Highway 1. This segment of the highway is part of the designated Pacific Coast Bike Route. These scenic and recreational qualities are cornerstones of the local and regional economy. But, the continuity of the highway—and public access along the coast—is threatened by shoreline erosion.

...As the project is currently described, Caltrans' proposed role in this instance will include: 1) maintaining the continuity of the highway itself, through realignment; 2) assuring vehicular connectivity between the realigned highway and the two primary State Park public access nodes, at the former Piedras Blancas Motel site and south of Arroyo de la Cruz; and, 3) making the more suitable (i.e., enduring) portions of the abandoned highway alignment available for re-use as a segment of the California Coastal Trail (CCT), consistent with the requirements of AB 1396.

The DEIR/EA includes a discussion of the regulatory setting, together with tables summarizing Coastal Act and LCP policies. To reiterate the statements in our NOP letter, the lead policy of Coastal Act Chapter 3, Public Resources Code section 30210, requires that maximum public access and recreational opportunities be provided. Coastal Act 30212 requires that new development projects provide for public access to the shoreline and along the coast. And, section 30221 calls for protecting suitable oceanfront land for recreational use.

Therefore, we believe that realignment of Highway 1, as proposed, is *essential* in terms of Coastal Act section 30210. Accordingly, at the bottom of p.18 of the DEIR/EA, we concur with the observation on p.18 of the DEIR/EA that the outcome of the No-Build Alternative would be contrary to the above-cited Coastal Act policies. However, we can *not* concur with the assessment in Table 2-1 (Coastal Act Policy 30221) that the proposed project "...would have no adverse impact on recreational uses of the coastal area."

Further, section 2.1.1.4 (p.21) of the DEIR/EA states: "The State Parks property...has not been developed as a public use area." As other reviewers have noted, this area in fact has been, and continues to be, developed for public use and recreation. The fact that State Parks has only recently assumed management responsibility does not alter the public use opportunity that exists here². Therefore, this statement should be corrected or clarified.

13

² The section of San Simeon Coast within project limits has in fact been subject to regular public use since at least the 1950's, under a combination of private and public ownerships. State tidelands, including the areas's beaches and rocky intertidal zone,

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Impacts on non-vehicular public recreation. First, proximity to the shoreline is a key recreational attribute for the public in this area. Recreational travelers along this portion of Highway 1 currently enjoy close proximity to the sea (during high seas, *very* close proximity!). Both bicyclists and hikers presently enjoy a continuous ride/walk along the bluff edge, within immediate sight and sound of the sea (albeit with occasional unsafe and unpleasant exposure to motor vehicles). Further, where private properties intervene, relocation of the highway to an inland alignment will cut off vertical and lateral access to the shoreline at those locations unless measures are taken to avoid this.

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The public's current access experience would be lost if bicyclists and pedestrians are alternatively accommodated on the shoulders of the new roadway alignment as stated on page 13 of the draft document. Moreover, the intermittent unsafe and unpleasant exposure to motor vehicles would be perpetuated by such an action. As such, Commission staff does not agree that there would be no adverse impacts to non-motorized transportation under this scenario.

15

Avoidance measures needed. Accommodating bicyclists and pedestrian on the portions of the abandoned roadway alignment that can be rehabilitated for such uses will avoid the impact of lost public access and recreational opportunities. However, additional strategies for avoiding such impacts, and for providing maximum public access to the sea, will need to be employed for those stretches of the old highway that will be lost when the highway is moved inland and the rock armor is removed as required under the terms of CDP 3-07-030.

An erosional "rebound effect" can be expected following removal of the rock armor. One predictable result will be the near-term loss of the existing highway right of way for a section of approximately 0.3 miles (roughly PM 65.2 to PM 65.5) north of the former Piedras Blancas Motel. (This is also one of the sections of roadway that will need to be removed and rehabilitated in some fashion to avoid asphalt and other materials from falling into the ocean after the riprap is removed.)

Unlike the other portions of the project area, a segment of the adjacent vacant lands in this section is privately owned. It can be expected that the portion of Highway 1 that currently traverses these private in-holdings will be one of the first areas to disappear from erosional forces as soon as the existing riprap is removed. As Caltrans currently holds this right of way for

have attracted visitors without interruption—earlier, as a favorite abalone hunting ground, and later as a surfing and beachcombing destination.

Informal beach access and blufftop trails developed between the highway and the shoreline under the Hearst Ranch's recorded "permissive" use policy. Where streams, high tides or other impediments block continuous access along the shoreline, visitors use the shoulders of the highway to circumvent the difficulty.

The Piedras Blancas Motel provided a variety of visitor-serving amenities for the public, including overnight accommodations, an RV campground, gas station and café. Restrooms, beach and blufftop access uses were allowed without charge. This property has now been added to the other State Park lands west of the highway, all of which are open to public access and are maintained for public recreational use (albeit the more developed commercial uses have been removed or are closed).

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public use, measures need to be taken to ensure that an equivalent long-term public-use right is retained inland of the current alignment (for trail purposes).

A second approximately 0.2 mile section of the highway is expected to be lost to where it crosses the two arms of Arroyo del Corral (PM 64.65 to PM 64.85). As for the segment northwards from the Piedras Blancas motel site, the existing Caltrans right-of-way provides the sole all-season non-motorized public access route along the coast.

Here, a substantial portion of the roadway will go missing when the wetland fill is removed from the stream channels and lagoon, and is used to restore the adjoining road cuts. Shoreline erosion can be expected to eventually claim portions of this area as well. Again, measures need to be taken to ensure the long-term continuity of public access (trail) along the coast.

16

Unsatisfactory Coastal Trail detours. In response to the loss of the section of the highway north of Piedras Blancas Motel, hikers and bikers might be detoured inland to the realigned highway, then along the highway shoulder across the portion that crosses the private properties, and then back to the retained old highway alignment along the shoreline again. However, the shoulder of the realigned highway will be well removed³ from the shoreline, at least for a span of decades.

This trail detour would also entail a greater area of impact to the coastal prairie and wetland habitats that would be crossed by such a route. Further, for a portion of the detour, hikers and recreational bicyclists would be in close proximity to motor traffic, substantially detracting from the overall recreational experience. A similar situation will arise if hikers and bikers are similarly rerouted from the abandoned highway to the new highway right-of-way at the Arroyo del Corral crossing.

Correspondingly, the removal of culverts and other structures currently providing water crossings of the four larger drainages in the project area will result in significant access and recreation impacts unless alternative crossings for the non-motorized public are constructed. If a similar strategy of detouring trail users inland to the highway for this purpose is followed, then additional habitat impacts from the longer trail segments and from expanded bridge structures with barrier-separated pedestrian walkways would be expected. (Note several recent cases, such as the Ten Mile River Bridge in Mendocino County, where the Coastal Commission has required Caltrans to provide barrier-separated pedestrian walkways on bridge structures for the CCT unless an alternative crossing of the watercourse is feasible.) An additional consideration in this regard is that such a bridge facility alternative for the CCT in this instance would likely incur substantially greater capital costs than the off-highway options available.

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The overall coastal trail goal for this section of the San Simeon Coast is to provide a conveniently-accessed, relatively level, firm-surfaced, highly scenic trail, well-separated from motor traffic and with good proximity to the shoreline. A number of extreme alignment detours to the new highway's right-of-way would be inconsistent with this goal, would not reflect

³ Initially, approximately 180 yards at this location.

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Coastal Trail design principles⁴, does *not* constitute a satisfactory CCT solution, would result in avoidable significant impacts to access and recreation, and would fail to provide maximum public access to and along the sea. Therefore, it does not represent a reasonable alternative for providing public access as required by the Coastal Act standard of review.

Alternatives for avoiding significant public access and recreation impacts. For that section of the highway north of former Piedras Blancas motel that will need to be completely removed because of shoreline erosion threats, the potential impacts to the access and recreational resources described above can be avoided. This can be achieved by providing universal access-standard trail linkages between the portion of the abandoned highway to be retained for the CCT to the north of Arroyo del Oso, and the Piedras Blancas motel site to the south. Similarly, a shoreline-oriented CCT linkage needs to be provided at Arroyo del Corral: between the former Piedras Blancas motel property on the north, to the portion of the abandoned highway to be retained for the CCT (south of the south arm of Arroyo del Corral).

For both locations, the alignment of the replacement trail segment should be as close to the sea as it can reasonably be, but sufficiently inland to not require relocation before the near-term equilibrium position of the shoreline is evident. This would need to be in the form of a universal access-standard trail/boardwalk facility, aligned to survive at least 20 years of shoreline erosion. Commission staff believes that it would be prudent to supplement the draft DEIR/EA with these alternatives prior to finalizing the document.

Relative to providing a CCT segment across the intervening privately owned lands north of the Piedras Blancas motel site, it will be necessary to first acquire sufficient land interests to replace the current rights to passage that the public enjoys and to maintain the blufftop recreational access route connection on a long term basis. State Coastal Conservancy staff reports that CCT segments constructed elsewhere are typically expected to have a functional life of approximately 20 years—beyond which, rehabilitation may be needed. An assumed functional life of approximately 20 years therefore is recommended as the basis for the initial alignment of this CCT segment—after which, realignment and reconstruction may be needed. It would appear that the most direct way to accomplish this task would be through acquisition of the pedestrian route right of way, in fee simple form, covering the entire private property area seaward of the realigned highway. The advantage of fee simple public ownership is that it would accommodate future realignments in response to continued shoreline erosion, as well as facilitate transfer to the State Park. Alternatively, but more complex, such trail right of way could be in the form of a floating easement⁵ that would retreat along with the shoreline.

Similar significant impacts to access and recreation from routing nonmotorized travelers to the new alignments' bridge structures can be avoided by providing alternative water crossings with

⁴ See "Principles for Designing the Coastal Trail" in the State Coastal Conservancy's 2003 report *Completing the Coastal Trail*.

⁵ For floating easement examples, suggest contact State Coastal Conservancy staff.

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moveable pedestrian and cyclist bridges that connect the links of the CCT and allow for retreat from shoreline erosion over the years.

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Implementing the Coastal Trail. As described in the DEIR/EA document, Caltrans has generally committed to a responsible abandonment of the existing highway alignment. All unusable or unneeded pavement and highway base rock will be removed. All highway fill will be removed from the four stream crossings, and wetland habitat restored. The existing highway segments that are likely to survive near-term shoreline erosion will be reclaimed for State Park-managed public access use. However, other measures are necessary to insure continuity of public recreational access, including acquisition of replacement right of way for the CCT as recommended above. See Appendix A for Commission's staff's detailed description of the segments of the existing highway that can be reclaimed for future CCT uses and those that will have to be removed and appropriately restored because of erosion or to accomplish wetland restoration.

Where the existing highway will need to be removed due to shoreline erosion exposure or wetland restoration, we recommend that Caltrans maintain continuity of coastal access to and along the shoreline through assuring construction of the necessary CCT "bypass" segments. Caltrans has several options to consider for accomplishing this, including direct planning and construction itself or through a partnership with other public agencies. Caltrans could fund and participate in the development of a detailed Coastal Trail implementation plan for this purpose. Appropriate collaborative partners for developing this plan include the Department of Parks & Recreation, and the State Coastal Conservancy, in consultation with San Luis Obispo County, SLOCOG and California Coastal Commission staff.

The actual completion of all of the CCT interlinked segments will need to be assured. The desired outcome is construction to "Universal Access" standards for State Park trails, i.e., suitable for pedestrians, bicycles and wheelchairs. Archaeological resources should be protected with sterile fill or boardwalk crossings. To maintain natural hydrologic connection, and to avoid or minimize any "footprint" within wetland features, wet prairies and stream crossings should be accommodated on cleared boardwalks or rustic bridges. These trail structures should be designed so that they can be moved, dismantled or relocated to the greatest extent feasible in response to shoreline erosion.

Other comments:

DEIR/EA pp.25-30 Visual/Aesthetic Resources

This section of the document considers both the impacts of constructing the new highway alignment, and the change in scenic views that will obtain from the revised vantage point of the new highway segment. In particular, we applaud the list of avoidance, minimization and mitigation measures provided on pp. 29-30. Especially notable are the measures to finish the cut slopes with contour grading, and replant with salvaged topsoil; removal and relocation of overhead utilities; partial restoration of the abandoned roadbed; restoration of the cut-off private driveways on the seaward side of the new alignment; use of open-style bridge rails; and wooden

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post range fencing to mark the right of way. However, we recommend a clarification and one important additional minimization measure, as follows:

Culvert removal. Section 2.1.4 of the DEIR/EA (p. 28) states: "Removal of the existing highway drainage culverts would reduce [this impact] as seen from the proposed alignment." Here, a distinction needs to be made between the four or so large stream-crossing culverts with concrete headwalls, and the greater number of smaller culverts that convey surface drainage beneath the highway. The existing smaller culverts can not be readily seen from the new highway alignment. To minimize disruption of surface hydrology and road base retained for the CCT, these smaller culverts should be reviewed on a case-by-case basis with State Parks. Such review will reveal which should be retained, shortened or removed.

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With respect to the large culverts, we concur that their removal would have a positive visual resource benefit. The principal visual resource impact minimization will result from removal of the vertical concrete headwalls and road fill, not the removal of the culverts themselves. Therefore, we suggest that the statement concerning the visual impact reduction benefit of culvert removal be clarified, so that it does not imply that *all* the existing culverts will be removed, regardless of future utility.

Protection of scenic character of rural Highway 1. Coastal Act section 30254 requires the character of Highway 1 in rural areas to remain a scenic two-lane road. The DEIR/EA, in Figure 1-3 (p.7), shows the proposed typical roadway width with two 12-ft. travel lanes and paved shoulders 8 ft. in width, in each direction. We strongly recommend that shoulder width be held to the necessary safe minimum, with the typical paved portion reduced to 4 ft. in width (6 ft. on bridges), each direction.

The recommended widths are consistent with Coastal Commission and local government approvals for similar segments of rural, 2-lane Highway 1 along the California coast. In the present context, the San Simeon Coast is known for its wide, unspoiled panoramas, with only minimal intrusion of developed features. In this highly scenic landscape, Highway 1 comprises the most prominent visual feature. While the highway must necessarily be a visible element of the landscape, it should to the extent feasible intrude as little as possible. Minimizing the width of highway paving should therefore be added to the list of avoidance, minimization and mitigation measures for the project (DEIR/EA pp.29-30).

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This revision will better maintain the scenic character of this rural Highway 1 segment, and minimize the impacts of landform alteration along the scenic highway. By minimizing the width of the paved surface, the realigned highway will be more subordinate to the overall scenic context—and more in keeping with the scenic resource values expected of this designated State Scenic Highway and National Scenic Byway.

Project-specific greenhouse gas (GHG) analysis. Commission staff appreciates the inclusion of the climate change discussion beginning on page 79 of the DEIR/EA. We generally understand

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the stated approach of dealing with the cumulative impacts of Caltrans' activities through various plans, programs and participation other State actions, such as the Climate Action Team, and will look forward to exploring this approach with you as you move ahead with other plans and projects in the future. For now, in this case, we agree that a two lane highway is being replaced with a two-lane highway and thus there should be no increase of GHG emissions from the operations of the new facility. (Although, as we noted in our NOP letter, "(b)y making possible a highly attractive bicycle and pedestrian travel opportunity, the project will encourage non-automotive travel choices," and might thus have the potential to elicit some operational emission reductions.)

However, we also believe that some analysis of the actual GHG emissions associated with the construction of this particular project should be made to determine their significance. For example, on page 37 of the DEIR/EA we learn that the project will add about five acres of impervious surface. (Although, a reduction in the width of pavement shoulder from 8' to 4' will help to diminish this overall coverage.) It is not clear what the existing amount of impervious surface is, but the total amount of new pavement that will be poured for this new facility should be stated. Then, the total carbon footprint of the entire highway, including the pavement, construction equipment emissions, etc. should be evaluated. As noted in the December 2006 "Climate Action Program at Caltrans" (on page 13), cement used in pavements and bridges can be a large producer of carbon dioxide emissions. We hope that Caltrans is pursuing available options for reducing the carbon footprint of the new roadway, including use of alternative materials, improved cement production techniques, and/or a reduction in the amount of cement used in the new facility

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The specific evaluation of this project's GHG emissions in the final EIR/EA should also include potential offsets that may occur from project activities, such as potentially inducing shifts to non-vehicular transportation or wetland creation and restoration that may sequester additional carbon. Finally, the evaluation should consider if the overall impacts of the unavoidable emissions rise to a level of significance that would require mitigation under currently applicable state law and regulatory guidance.

Conclusion. We look forward to continuing to work with Caltrans to meet the public need for effective and safe transportation, while protecting the public's interest in preserving coastal resources and providing public access. To this end, amendment of the LCP, collaborative planning to implement the CCT on an appropriate shoreline-oriented alignment, detailed habitat/wetland restoration plans, design modifications to protect the scenic character of Highway 1, and supplemental analysis concerning GHG impacts will be needed. These measures will help to insure that we can support approval of the project by the County, and will minimize the risks of any subsequent appeal to the Commission.

We are prepared to assist both Caltrans and the County in identifying appropriate ways to address applicable Coastal Act and LCP requirements. In particular, we recognize the need to

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collaborate on the language needed for the LCP amendment.

Also, it will be essential to continue the collaboration with State Parks, the State Coastal Conservancy and SLOCOG to retain continuity of public access along the coast, as part of the CCT. One of our highest priorities, in fact, is to integrate this project with on-going CCT interagency planning efforts, including re-use plans for the Piedras Blancas Motel, improvements to the Piedras Blancas lighthouse, and the trail planning that SLOCOG will be undertaking with recently-awarded grant funds. Accordingly, we encourage you to stay in touch with coastal analyst Jonathan Bishop, or the undersigned transportation liaisons at our Santa Cruz office, as you proceed forward.

Sincerely,



Lee Otter, Transportation & Public Access Liaison



Tami Grove, Statewide Transportation & Development Liaison

cc: California Dept. of Parks & Recreation
State Coastal Conservancy
County of San Luis Obispo
SLOCOG
California Coastal Comm. Central Coast Dist. office
U.S. Bureau of Land Management

Response to Lee Otter and Tami Grove, California Coastal Commission.

Thank you for providing comments on the environmental document for this Highway 1 realignment project in San Luis Obispo County. Your comments are addressed below.

Response to comment #1: The incorrect statement regarding the reason for needing a coastal development permit has been deleted from the document.

Response to comment #2: Caltrans has coordinated with the County of San Luis Obispo and discussed the possible need for an amendment to the LCP (local coastal plan) with County Planning staff; the County's position, with which Caltrans concurs, is that a highway – and highway construction – is not a “use” under the County's zoning and land use regulations, which comprise much of the local coastal plan. As a result, the County has stated that an amendment to the local coastal plan is not required.

Response to comment #3: The 45 acres converted does not include the area at Arroyo de la Cruz that is intended for biological mitigation. An 1872 U.S. Coast Survey map and a 1917 U.S. Geological Survey map indicate that this area was a wetland prior to the cultivation of row crops in the early to mid-1900s. Originally, the river mouth was located on the north side of the lagoon, which allowed the main arm of the river to wrap around the lagoon to the northeast. There once was a significant but isolated stand of willows on the western edge of the proposed mitigation site. Hearst removed them several years ago, but these willows were likely a riparian zone for the old river alignment, and were supported for many years thereafter by a shallow ground water table. (This is the approximate location proposed for the California red-legged frog mitigation pond.)

Response to comment #4: Establishing wetlands at this site would return it to a historically more natural state. State Parks will dictate whether to allow grazing on their property. Therefore, the land would not be considered as converted to non-agricultural use through the realignment project.

Response to comment #5: The California Department of Conservation and the Natural Resources Conservation Service classify agricultural lands into four categories: prime farmland, farmland of statewide importance, unique farmland, and farmland of local importance. On the NRCS-CPA-106 form, prime and unique farmlands are grouped together, and farmlands of statewide importance and local importance are grouped together, giving totals of 10.35 acres and 26.55 acres, respectively. These totals were calculated by the Natural Resources Conservation Service based on their soil maps and the project mapping and are the official numbers. However, since nearly all the soil in the project area is classified as either prime farmland or farmland of statewide importance, Caltrans considered the entire realignment, which equals approximately 45 acres, as falling onto one of these two soil types. Considering the small percentage of county farmland affected by the project, the

difference between Natural Resources Conservation Service's numbers and Caltrans' approximation is not considered substantial for the purpose of qualifying impacts.

Response to comment #6: The following paragraph that explains the process used to determine the 100-year erosion line has been added in section 2.2.3 *Geology/Soils/Seismic/Topography* under Affected Environment:

The project is intended to provide a highway corridor protected from coastal erosion for the next 100 years. This 100-year erosion line was determined by analyzing aerial photography of the project area shot periodically from 1957 through 2005. The photograph sets were scanned to create digital images, and then loaded to scale into drafting software. Lines were drawn over the images at the tops of the coastal bluffs, along the centerline of Highway 1, and over several geographic features that were identifiable throughout the years. The drafting software was used to measure minimum distances between the coastline and centerline at several of the geographic features in each set of photographs. These distances were entered into a spreadsheet and rates of shoreline recession were calculated.

Response to comment #7: Caltrans agrees that once the highway is realigned, the greater distance between the road and the coast will increase protection of ocean waters and the inter-tidal zone compared to the existing condition. Once vegetated, the land will retain storm water and improve storm water quality. However, as the coastline erodes, this area will narrow and the associated water quality benefit may decrease.

As of November 2008, the Caltrans Storm Water Quality Guidance Manuals were changed to require the consideration of permanent storm water treatment Best Management Practices in rural areas. Since the project will add over one acre of net impervious surface, we will consider permanent storm water treatment Best Management Practices in the form of bio-filtration strips or swales. We do not anticipate that these bio-filtration strips or swales will appear differently from the existing landform and flora; the main difference is that Caltrans is required to inspect and keep them vegetated in perpetuity.

Response to comment #8: A type-specific breakdown of wetland and riparian habitats is provided in tables 5 and 6 of the Revised (9-09) Natural Environment Study, in section 4.1 *Plant Communities Affected*. Tables 14 and 15 of the same document provide a breakdown of impacts and on-site mitigation for these communities. Of the 271 acres of coastal prairie habitat in the biological study area, approximately 62 acres are coastal prairie wetland. Other wetland types are also identified.

The project includes the mitigation measures listed, including a new frog pool.

Response to comment #9: Wetlands impacted by the project will be restored to the maximum extent practicable, which could be a 4:1 ratio, but at minimum will be 3:1. Issues such as the physical constraints on the site available for restoration and mitigation of wetlands versus upland coastal prairie within the limited area will have to be taken into consideration.

Response to comment #10: Caltrans consulted with the California Department of Parks and Recreation (State Parks) during preparation of the draft environmental document regarding restoration of the abandoned highway. Under ordinary circumstances, Caltrans would completely remove all components of the old roadbed and restore the area to a natural state. However, because State Parks is interested in possibly using portions of the abandoned roadway for a future coastal trail, they provided Caltrans with a preliminary map showing areas where they would like the road base to be left behind. Between the former Piedras Blancas Motel and the ranch house driveway to the south, the road base for the full road width would remain to facilitate vehicle access to a future visitor's center. At the northern and southern ends of the abandoned roadway, all but a 12-foot wide strip of base material of the existing road would be removed and the land graded to natural-appearing landforms. In the remaining center sections, the entire roadbed would be removed and the site graded to match original ground. Throughout the entire length of abandoned highway, the old asphalt concrete surface would be removed. This is described under section 1.3.1 *Build Alternative* of the EIR/EA. Other agencies have been consulted as necessary to fulfill requirements for permitting or notification.

Response to comment #11: Archaeological site CA-SLO-826 is located east of Highway 1, north of the former Piedras Blancas motel, near where shoreline rock armor will be removed. To consider the potential affects that shoreline erosion may have on CA-SLO-826, the entire site is included in the area of potential effect. Test excavations evaluated the site and found that the site is not eligible for listing in the National Register of Historic Places. Therefore, any potential erosion to CA-SLO-826 would be considered a "no effect".

Response to comment #12: Construction of the coastal trail is not included as part of the proposed project to realign the highway; therefore, the EIR/EA does not evaluate direct impacts related to construction of the coastal trail. The coastal trail does not currently exist in this area; there is no need "to maintain continuity of the [trail]". The lead agency for development of the coastal trail will be responsible for evaluating and documenting any impacts and resultant mitigation for that project. The highway realignment environmental document does, however, include discussion regarding potential cumulative impacts from future trail construction.

Portions of the existing roadbed will be left in place to facilitate possible future construction of the coastal trail by others. All sites within the area of potential effect along the roadbed were evaluated

and have been determined to be not eligible for listing in the National Register. As there will be no ground disturbance below the roadbed and the sites are not eligible for listing in the National Register, leaving segments of road in place would be considered a “no effect”.

Please refer to section 2.1.1.4 *Parks and Recreation* for information regarding affects on recreation.

Response to comment #13: Caltrans respectfully disagrees with the concept that the property at and around the former Piedras Blancas motel has been developed for public use. Caltrans acknowledges that the public uses the parking area for coastal access, however the addition of portable toilets is not a notable development. The motel and café, located on the unstable bluffs, are vacant and in disrepair, and no longer provide visitor-serving amenities for the public. Nonetheless, since the proposed project provides for access to this location from the new alignment, access and use will remain unaffected.

Response to comment #14: Caltrans disagrees that the existing use of the highway shoulders by bicyclists and pedestrians is unsafe and unpleasant. Regardless, the proposed project will improve safety by moving the highway away from the unstable cliffs, and providing wider shoulders. After construction, the overall experience of traveling Highway 1, though changed because it will be farther inland, is expected to be a positive experience. Caltrans anticipates the realignment will provide better views of the land and ocean from its new, elevated position. In addition, the wider facility will provide a greater sense of security, particularly for bicyclists and pedestrians.

Response to comment #15: Since the new alignment will provide equivalent facilities inland, no additional mitigation is needed.

Response to comment #16: Currently there is no Coastal Trail at this location. The comment speculates about possible trail detours and impacts related to a trail that has not yet been finalized or constructed. While Caltrans is committed to cooperating and working with the California Coastal Conservancy as it develops the coastal trail, CEQA does not require that an environmental document discuss speculative impacts or alternatives.

Response to comment #17: Caltrans’ mission is to improve mobility across California. To that end, and in accordance with the Complete Streets directive, Caltrans must maintain a safe and reliable roadway for multi-modal travel. Caltrans is maintaining its mission and the project purpose by providing a new alignment that will safely accommodate motorized vehicles, bicycles, pedestrians, and all other ground transportation modes.

Response to comment #18: Caltrans has determined that there will not be a significant impact on public access or recreation. Please see response to *Avoidance measures needed* above.

Response to comment #19: Caltrans is required to notify the State Coastal Conservancy on a quarterly basis of excess property located in the coastal zone; however, Caltrans is not responsible for implementing the Coastal Trail. The State Coastal Conservancy is responsible for coordinating development of the California Coastal Trail. Caltrans is committed to cooperating with the State Coastal Conservancy, to the extent feasible and consistent with its mandates, with respect to planning and making lands available for completion of the trail.

Response to comment #20: At this time, Caltrans does not have an agreement with State Parks for maintenance of the culverts if they were to remain, therefore all culverts will be removed.

Response to comment #21: The minimum standard paved shoulder width for this type of facility for new construction or major reconstruction is 8 feet. It is the mandatory design standard in the Caltrans Highway Design Manual. Mandatory design standards are those considered most essential to achieve overall design objectives. This is also one of the 13 controlling criteria of primary importance for highway safety as determined by the Federal Highway Administration and found in 23 CFR 625. Traffic volumes are forecasted to be over 3,000 vehicles daily in the construction year. The design and posted speeds are 55 miles per hour. For safety reasons and the consideration of the shared use of motorist and bicyclist, an 8-foot paved shoulder is the appropriate width.

Response to comment #22: The project plans have been further refined since release of the draft environmental document; the projection for net impervious surface is now 2.1 acres. The existing highway within the project limits covers 11.5 acres; the new highway will cover 13.6 acres. This net increase is less than 0.003 percent of the total area of the Hearst Ranch, and is not considered significant.

Response to comment #23: Caltrans does not routinely calculate the carbon footprint of individual projects, but rather analyzes methods to reduce impacts through implementation of statewide policies and practices. Caltrans' effort is focused on reducing, managing, and eliminating trips – the primary cause of congestion, greenhouse gasses, and air pollution – through operational improvements, smart land use, Intelligent Transportation System application, demand management, and market-based strategies.

Response to comment #24: Caltrans has considered alternative paving materials such as open-graded asphalt, which allows water to percolate through, and concrete. Due to a variety of issues, including soil strength, shrink-swell potential and environmental stresses, we determined that the best surface for this facility would be asphalt concrete. However, new techniques or materials that are available at the time of construction and have been approved for use on the state facility, such as adding more fly ash to our cement mixes, could be used.

**Piedras Blancas Realignment
Open Forum Public Hearing
Tuesday, October 28, 2008**

COMMENT CARD

NAME: Jim Rogers

ADDRESS: 5301 Hillcrest CITY: Cambria ZIP: 93428

REPRESENTING: Cyclists

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or fold and

mail to: CALTRANS DISTRICT 5
Attn: Mike Sandecki
50 Higuera Street
San Luis Obispo, CA 93401

I would like the following comments filed in the record (please print):

CALTRANS did a great job providing for cyclists
during construction of the new Hwy 1 bridge in
Cambria (2008), but a poor job during
construction of the Harmony turn lane. I would
hope that during the 2 year construction cycle,
the project does not impact the safety
of cyclists in the construction zone.

Please respond by November 11, 2008

How Did You Hear About This Meeting? newspaper radio someone told me about it other: _____



Response to Jim Rogers.

Thank you for providing comments on this Highway 1 realignment project in San Luis Obispo County.

The existing road will remain open until the new alignment has been opened to traffic, therefore there should be no adverse impacts to bicyclists during construction. If, however, you do experience an unsafe situation once construction has begun, please contact the Caltrans Public Information Office at (805) 549-3318. You may also contact Caltrans' bicycle coordinator, Adam Fukushima, for any bike-related issues at (805) 549-3131.

Piedras Blancas Realignment
Open Forum Public Hearing
Tuesday, October 28, 2008

COMMENT CARD

NAME: MARY Giacchetti
ADDRESS: 9349 Jappa CITY: San Simon ZIP: 93452
REPRESENTING: Self / ENVIRONMENT

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or fold and
mail to: CALTRANS DISTRICT 5
Attn: Mike Sandecki
50 Higuera Street
San Luis Obispo, CA 93401

I would like the following comments filed in the record (please print):
I am concerned about any impact
on California Wetlands - since we
have already lost 95%.
I also believe that we should
not spend LAVISH SUMS ON
HIGHWAYS - ENCOURAGING FURTHER &
continued use of vehicles for personal
use. Public Transportation is a more
valid reason for such spending. OR a
light rail project. I would say →

as a chinese philosopher said. " Besides the noble art of getting things done, there is the noble art of leaving things undone."

Please respond by November 11, 2008

How Did You Hear About This Meeting? newspaper radio someone told me about it other: _____



Response to Mary Giaroletti.

Thank you for providing comments on this Highway 1 realignment project in San Luis Obispo County.

Caltrans shares your concern about the loss of wetlands, and has designed the project to avoid and minimize impacts, such as by building bridges rather than installing culverts. Caltrans also supports the use of public transportation. The new alignment will provide a more secure route of travel by any chosen mode.

THOMAS C. MEES
2220 Exposition Dr.
SAN LUIS OBISPO, CA
93401

CALTRANS DISTRICT 5
Attn: Mike Sandecki
50 Higuera Street
San Luis Obispo, CA 93401

November 6, 2008

Re: Proposed Piedras Blancas Realignment of Hiway One

I would like the following Comments to be submitted into the record regarding proposed Re-Alignment.

As a 30-plus year resident & citizen of SLO county, father of 4 children, and 20 year practitioner in real estate matters in San Luis Obispo county, I feel the current plan to realign Highway One (up to 400-500 feet from its current position) is too short-sighted and in-appropriate in consideration of the short-term costs and obvious future needs & costs for our future generations for the following reasons:

1

1. The current plan is based on erosion factors noted from the past 20-50 years, yet does not consider the increased climate changes that are occurring in the arctic areas, which will lead to higher water tides and impacts; just How much & How High is hard to tell now, but we know it is occurring; thus these current estimates are likely understated; thus a 100-year mark will be reached MUCH sooner, making current plan invalid.

2

2. Even using the current erosion assumptions, the road approximately 200 yards north of the Via Piedras Blancas Ave properties is currently awash with sea water, and in approx 10-20 years Cal Trans will be addressing this problem again (certainly won't wait until the 100 year mark is swamped; concern will set in much sooner; SIMILAR TO NOW); so it just makes more sense to go above into the Hearst ranch area now.

3

3. Whereas there is an agreement with Hearst Ranch and/or County (?) now for a 500 foot easement, that MAY be lost if not used ... it is IRRELEVANT, as the State may ... and will ... use eminent domain to provide a future for the Historic Road.

4

4. The current plan calls for the road to impact Wetlands, so if its moved to upper wetlands, the precedent has already been established to have a road located thusly; its just WHERE is it going to be: lower or upper wetlands?

5

5. The property of raw ranch land (acquiring from thousands of vacant ranch land) would be less expensive for the state to acquire, and be less invasive (less impact on established private properties) than the current plan would.

6

6. And whereas Cal Trans noted that any further-out movement of the road would be a problem with Coastal Access; its going to be no different or even more difficult in 50 years anyway, so might as well prepare a logical plan now, at less expense; and give future planning more definitive planning board to work with.

7

7. Same in regard to rebuttal about more EIR issues to deal with if develop in further-back areas ... they will be dealing with them sooner anyway, than is currently planned.

In conclusion, the current plan is myopic and most likely based on understated assumptions about erosion patterns, with or without factoring in apparent global warming trends that make last 50 year

8

trends obsolete. There just not enough consideration towards the needs of future generations here, and how it will impact the whole state and budget. It makes more sense to go around current private properties than simply plugging a short-term problem; not because of the loss to the private parties, but because of where the road really NEEDS to be; and the State has power of Eminent Domain to do it ... and will do it, eventually. So why not do the right thing now?

Sincerely,



Thomas C. Mees

Response to Thomas C. Mees.

Thank you for providing comments on the environmental document for this Highway 1 realignment project in San Luis Obispo County. Your comments are addressed below.

Response to comment #1: How climate change is affecting ocean levels is a new science and there are no definitive methods for predicting future levels with any great degree of certainty. However, the increasing rate of erosion that has occurred in recent years, possibly due to climate change and melting arctic ice, was considered when developing the anticipated 100-year erosion line in this area. The 100-year line was originally closer to the cliffs, but the most recent set of aerial photographs, taken in 2005, indicated that the line had to be moved farther east.

Response to comment #2: The new alignment is being designed to lay outside of the 100-year erosion line throughout the project limits. The coastline is not eroding at the same rate in every location, therefore the 100-year line is closer to the coast in some locations than it is in others.

Response to comment #3: Because of the large land transfer to the public that will result from the Hearst agreements, it is within the public's best interest for Caltrans to abide by the agreements if at all possible.

Response to comment #4: As explained in section 2.3.2 *Wetlands and Other Waters*, wetlands are classified by the presence of hydrophytic (water-loving) vegetation, wetland hydrology, and hydric soils (soils subject to saturation/inundation.) Impacts to wetlands are described in detail under "Environmental Consequences".

Response to comment #5: There is no alignment that would not impact private property. Caltrans studied an alignment (Alignment B) that traversed only Hearst property, but determined that this alignment had environmental impacts greater than the build alignment and required the purchase of large amounts of right-of-way. For these reasons, it was dropped from further consideration.

Response to comment #6: Caltrans has not acknowledged that moving the highway would be a problem for coastal access. The project does not create any barriers to coastal access.

Response to comment #7: Based on the data available, the new alignment has been designed to require nothing more than standard maintenance for the next 100 years

Response to comment #8: CEQA and NEPA analyses do not require study of a proposed project's potential impacts to the whole state or the budget. Caltrans performed the environmental analysis, including establishment of the 100-year erosion line, with the best available techniques and data to date. There is no evidence provided herein to challenge Caltrans' conclusions.

POST OFFICE BOX 3835
SAN LUIS OBISPO, CA 93403-3835

**ADAMSKI MOROSKI
MADDEN & GREEN LLP**

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November 12, 2008

Michael Sandecki, Acting Branch Chief
Central Coast Environmental Analysis
California Department of Transportation
50 Higuera Street
San Luis Obispo, California 93401

VIA EMAIL AND HAND DELIVERY

Re: Draft Environmental Impact Report/Environmental Assessment
Piedras Blancas Realignment
SCH #2008031059

Dear Mr. Sandecki:

1

This letter is written on behalf of Dr. Javad Sani and Dr. Parvin Nahvi ("the Sanis") who are the owners of three residences located along Highway 1 north of the Piedras Blancas Lighthouse. These residences were recently completed after a decade spent processing entitlements and an investment of several million dollars in development and construction. Now, after all of that time and effort, the proposed realignment has been designed in a manner that will inflict serious and substantial injury on the Sani Properties which, in turn, will end a dream which the Sanis have worked long and hard to bring to fruition. It is the Sanis' hope that a careful consideration of the inequities imposed by the project as designed, will motivate Cal Trans to consider a modification of the proposed realignment.

We understand that our purpose is to comment on the Draft Environmental Impact Report/Environmental Assessment ("EIR"). Initially, however, a brief summary of the history of the project may assist in evaluating the environmental impacts of the proposed project including the significant economic wastefulness of the proposed design and, on a more human level, the inequitable toll the proposed design will exact on the Sanis.

The Sanis acquired the three properties in 1989. Their plan was to process a lot line adjustment and obtain a permit to construct a residence on each of the three parcels. Their dream was to sell two of the residences and live in the third. Their enthusiasm soon ran into reality as they began to realize the time, frustration and expense that would be necessary to process what they assumed would be relatively simple applications. The cost forced the Sanis to reconsider their plan but, ultimately, they reached the decision to commit the necessary resources to the project.

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It took almost eight years for the Sanis to wind their way through the complex coastal development process. Because the properties are located in such close proximity to scenic Highway 1, the County and the Coastal Commission imposed a detailed set of conditions on the property including an intricate landscaping plan that virtually called out the identity and location of every plant.¹ Another condition required that the non-buildable portion of the lots be placed under a permanent conservation easement which was recorded on February 18, 2005.

In or about 2000, while the project was moving through the entitlement process, the Sanis became aware that there was a possibility that Highway 1 would be realigned. Naturally, they were extremely concerned as to how the realignment would impact their plans and discussions with Cal Trans ensued. During those discussions, Cal Trans representatives were very candid with the Sanis that the exact location of the realignment was unknown and estimated that the road would encroach on their property between three hundred and four hundred feet. The representatives also acknowledged the possibility that the realignment project was not certain and that the time table to make a decision and begin construction was dependent on other factors. The representatives were aware of the effort that had gone into the planning process and invited the Sanis to continue. The Sanis considered their options, including the possibility that the realignment process could take years. They reached the decision to continue. In fact, given the uncertainty of the State's plans, the Sanis really had no other option except to continue pursuing their land use approvals.

In 2006 the Sanis finally obtained the necessary permits for the lot line adjustment and the construction of the residences. Prior to starting construction, the Sanis discussed the potential realignment with Cal Trans representatives and were told that, while the alignment was not then set, the thought at the time was that the road would be moved 350 feet onto the Sani Properties. This information was confirmed through published reports. When the Sanis asked the Cal Trans representatives what they should do, particularly in light of the limited life of the permits, they were told that they should build.²

Cal Trans representatives recognized that the realignment would almost certainly, in some fashion, result in significant injury to the Sani Properties and, prior to construction, analyzed the possibility of a public acquisition before construction. It is our understanding that this proposal was well received but was ultimately rejected due to the unavailability of funds. Unfortunately, this lack of funding will result in both significant injury to the Sanis and a huge waste of public money. It would seem that red tape replaced common sense.

¹ The County acted as the lead agency in the processing of the permit. Their decision was appealed by the Coastal Commission to itself. Due to concessions made by the Sanis, the appeal was informally resolved.

²The coastal development permits would expire two years after issuance. After nearly a decade of following the painstaking process, the Sanis understandably could not allow this to happen. Also, prior to construction, the Sanis also considered relocation of the building envelopes to lessen the impact of the highway relocation. They were told that the proposed modification would require a new permit which, in turn, meant revisiting the entire entitlement process.

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Construction on the three residences has just recently been completed. They are each beautiful homes and a great deal of care went into the construction design and finish. The homes are each for sale with an asking price of between three and four million dollars. The Sanis intend to sell two of the homes and live in the third. Unfortunately, it is impossible to market and sell these homes as long as the proposed realignment project remains uncertain. Simply put, no one is going to be interested in spending the money necessary to buy any of these homes unless they know with some degree of certainty the exact future location of Highway 1. Moreover, the Sanis have been told that a decision on the project, including the location and funding availability will not be made for over a year. It is extremely unfair for the Sanis to suffer while the State goes through the decision making process. At a minimum, by the time a decision is made, the Sanis will have been effectively prevented from marketing their property for close to two years. In the meantime, they are deprived of the use of money they would realize from sales and forced to continue to bear the financial burden of carrying the properties. They are certainly considering measures to reduce their economic losses by possibly making the homes available as short-term rentals. However, it is a difficult decision as to whether the costs and risks inherent in becoming a short term landlord are actually a benefit in the long term.

Worse than the injuries due to project delays is the devastating impact to the Sani Properties if the project is approved as proposed. The realignment preferred by the EIR would move Highway 1 another 475 feet onto the Sani Properties. Unlike the 350 foot movement discussed before construction, the proposed move virtually destroys much of the project in several respects. First, and most obvious, the proposed realignment runs directly through one of the homes and will require complete demolition. In short, all of the planning, entitlement, design and construction will simply be lost. This certainly seems like an incredible waste of resources particularly in these difficult economic times. Second, the road will be relocated so close to a second home that it will likely have to be demolished also. If somehow the home can be saved, its proximity to the road will reduce the value of the property to a small fraction of its current level. Third, the remaining home will itself suffer a diminution in value due to the fact that it will now have a well-traveled road virtually in its front yard.

On a less obvious level, we believe that the amount and location of the property taken could make it impossible for the owners of the remaining home or homes to satisfy the conditions of the Sani coastal development permit. We have not fully performed this analysis but it seems apparent that, at a minimum, the permit conditions relating to landscaping, drainage and screening cannot be satisfied if the proposed project is constructed. Certainly, it is possible to obtain a modification to the development permit but, after undertaking eight years of effort, the Sanis do not relish the prospect of again subjecting themselves to the delays, uncertainties, costs and exactions that seem to define the coastal development permit process.

We fully understand that, in theory, the Sanis should ultimately receive just compensation for the property taken. (It is less certain that the Sanis will be successful in avoiding the unfair burden placed on them by the delay and uncertainty of the proposed project.) Nevertheless, in our experience, the Sanis will be unlikely to be made whole from the process and will almost certainly not be compensated for the mental anguish they have experienced and will experience by the ongoing financial impacts and resulting insecurity about their future that are necessarily

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engendered by the process of evaluating this project. Therefore, we urge you to consider a highway realignment that will protect the Sanis' legitimate investment in their dream of realizing the fruits of their investment and labor which would find them living their retirement years in their beautiful and peaceful coastal home.

Much of the previous discussion in this letter may be viewed as not necessarily pertinent to the consideration of the EIR. We would disagree and suggest that much of the inequity, both threatened and experienced, by the Sanis is a direct result of the failure of the project environmental review process as detailed below:

1. Project Description.

2 The EIR project description is deficient in that it so narrowly defines the project as to preclude any meaningful environmental analysis of a reasonable range of feasible alternatives. The project is described as a realignment of the Highway in order to provide a 100-year erosion buffer. This limiting description, which sets the 100-year buffer zone as a project prerequisite, means that any project not providing the 100-year buffer will necessarily not meet the project goals. In other words, the required scope of meaningful environmental analysis is doomed from the start by a limiting definition.

3 We question whether the 100-year buffer should really be taken as an absolute mandate. The reference to 100 years comes from the San Luis Obispo North Coast Area Plan. However, the reference is not necessarily a requirement of the North Coast Area Plan but, instead, a stated preference for development. This is apparent from the express language of the Plan set forth in the EIR: "development *should* be located so that it can withstand 100 years of bluff erosion." It is well recognized use of the "should" instead of "shall" or "must" denotes a policy that is a goal but not necessarily a requirement. In the context of the North Coast Area Plan, this distinction is logical because the decision to locate development is subject to many variables including, as in this case, the impact such location may have on already existing development. Nothing in the Plan or any other provision of law *requires* that the 100-year buffer necessarily be implemented. Rather, the Plan and the law merely require that observation of the 100-year buffer be considered as a priority.

This distinction between mandate and guideline has significant substantive ramifications in environmental analysis. For example, one the factors that must be considered in this context is the extent of the proposed development. On the one hand, if the proposed project is a residence, hotel or other significant structure where the effects of erosion over time can be devastating as witnessed along the California Coast, it may well be appropriate to *require* that the structure maintain at least a 100-year buffer. However, in the case of a smaller or less intrusive development, the observance of the buffer becomes much less critical because the impacts of erosion will not be as significant or raise as many issues in the future. The question then becomes where a two-lane road falls on the continuum of impacts. We would suggest that it is much less than would arise from a major structure. Moreover, we would suggest that this determination is within the province of the decision makers and should not be summarily decided by those preparing the EIR.

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In setting out a project description that elevates the 100-foot buffer from guideline to mandate, the EIR effectively precludes any meaningful evaluation of comparing the environmental impacts of the proposed project with any of the less intrusive options that might have preserved existing structures or, as noted below, might have significantly reduced the overall cost of the project. Thus, the mischaracterization of the "requirements" of the North Coast Area Plan virtually dooms the EIR as an effective and legally adequate EIR.

2. Alternatives Analysis.

4

At the heart of any meaningful environmental analysis is the necessity of comparing a reasonable range of feasible project alternatives. The obvious concept is to ensure that the impacts of the proposed project are compared to other actions that could be taken. Without such an analysis it is impossible to effectively measure the relative merits and impacts of the project at hand.

5

The EIR considers only three alternatives. One is the always required "no project" alternative. The second is the proposed project which religiously follows the 100-year buffer. The third is the alternative of relocating the project 1200 feet inland to avoid impacts on the Sani Properties. A glaring omission from the range of alternatives is the relocating of the highway to an area where the buffer is something less than 100 years. These less intrusive alternatives are given a brief reference as having been considered, however, along with this consideration is an immediate and out of hand dismissal because the alternatives did not provide the *required* erosion buffer. As we note above, dismissal of these less intrusive alternatives deprives both the public and the decision makers of the opportunity to compare real alternatives.

The failure to consider the less intrusive alternatives is more than a mere complaint by the Sanis in trying to save their properties. In a very real sense, the failure to consider these less intrusive, and less costly, alternatives strikes at the heart of the actual environmental impacts of the proposed project. As noted above, the three residences on the Sani Properties are valued at somewhere between three and four million dollars. The proposed project will actually destroy one home, most likely require the demolition of a second and significantly reduce the value of the third. Thus the cost of the proposed project would appear to be at least seven million dollars greater than the cost of a project that avoids the devastating impacts on the Sani Properties. In other words, fourteen percent of the projected project cost of Fifty Million Dollars is attributable to the impact on the avoidable impact on the Sani Properties. Nowhere in the EIR is the extremely high cost of observing the 100-year buffer recognized.

We understand that economic impacts, in themselves, are not properly considered as part of environmental review. However, when those financial impacts carry their own environmental impacts, they should be considered. In this case, those derivative impacts are very real. First, we were advised at a recent meeting held by Cal Trans that the funding for this project is not secured and will not even be determined until sometime in late 2009. Given the current California budget crisis, we would certainly anticipate that the cost of a project competing for limited funds, will doubtless have a significant bearing on the decision of allocation. In real terms, it would seem that reducing the cost of the proposed project by ten percent would significantly increase the possibility that the project is funded. Given the underlying environmental reasons for the

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proposed project, it would seem that project characteristics that impact cost and thus likely determine project funding, should be considered.

Moreover, even if the additional cost does not alter the project's economic viability, it still requires the unnecessary expenditure of at least Seven Million Dollars that could be used to fund other necessary projects. The EIR should at least discuss the fact that other projects will likely be left for another day if the preferred alternative, along with its unnecessary cost, is selected. This would seem a critical factor to the decision makers in analyzing a project impact. We have no doubt that the public would be very interested to know that an alternative was available that would save public funds for other needed work.³

3. Inadequate Impact Analysis.

6

One of the more disturbing aspects of the EIR, at least to the Sanis, is the fact that their interests are both understated and mischaracterized. It is astonishing that the EIR does not mention the presence of homes that will be significantly impacted by the project until page 23. We understand that the document must analyze all environmental impacts but, nevertheless would expect those reading the EIR to learn that it will displace at least two homes in the introductory section of the document. It is clear from the structure of the EIR that the interests of the Sanis and the other property owner are given short shrift in any analysis.

7

This lack of concern for the human cost of the project is carried out in the Community Impacts Section (2.1.3) of the EIR where the discussion of the impacts is limited to a misleading statement about the condition of the property, the gross understatement of the impacts and a passing nod to the interest of the property owners which seems intended to portray the impact of the project on property owners as minimal. We find this particularly disturbing because the very brief discussion of the impacts on homes seems to be more concerned with convincing the decision makers that they need not worry about impact on homes than it is in providing a meaningful discussion of the real impacts to the individuals.

The woeful inadequacy of the Community Impacts analysis is evident in the EIR's characterization of the property. According to the EIR, the homes on the Sani Properties are under construction, not complete and not occupied. Technically, this information was accurate because it does not provide an adequate picture of the project impacts. The actual facts, which could have easily been set forth, are that construction on the Sani Properties will be complete by the time the project is undertaken. In fact, construction has already been completed and the EIR should have at least acknowledged that completion in the fall of 2008 was anticipated and that residents are likely to be displaced.

The failure to adequately describe the state of construction on the Sani Properties is naturally carried over into the discussion of project impacts on residences. As noted above, the

³The proposed project will merely transfer public monies to the Sanis. Use of that money for another project will likely result in the money going toward construction which will mean more jobs and more material purchases.

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EIR makes the general statement that because the homes are not completed, they are not occupied and therefore no displacement will occur and no relocation necessary. For purposes of a pre-condemnation taking, we are willing to acknowledge that it may be virtually impossible for the Sanis to sell or lease the homes. However, the reason for this is the proposed project itself and the failure to address that issue, which is both emotional and financial to the Sanis, renders the EIR both inadequate and suspect. Had the EIR been concerned with the real impacts to the Sanis, they could have easily been addressed. Instead, the attempt to spread whitewash over those impacts is inexcusable. The Sanis have every right to expect fairness and accuracy in an EIR for a public project.

8

Finally, aside from the fundamental inaccuracies noted above, the EIR discussion on Community Impacts does not adequately recognize the project impacts. It does, *albeit* tacitly, acknowledge that one of the homes will be lost. (It would have been a more accurate picture to explain that this beautiful new home will simply be demolished.) It does not, however, acknowledge that the impacts on the second home will likely render it inhabitable and result in its demolition also. It also does not adequately address the significant and potentially devastating impacts on the third home. That home, which was previously far removed from the highway, will now have traffic virtually in the front yard. This will obviously reduce its value significantly. Further, and possibly more damaging, as discussed in the opening section of this letter, the Sani Properties are subject to both a coastal development permit and a conservation easement. Inasmuch as the three properties are basically treated as a unit, the proposed taking raises very real issues as to the post-project ability of the Sanis to meet the permit conditions and remain in compliance with the restrictions of the conservation easement. We believe those issues may very well preclude occupancy of the third property yet, they are completely ignored by the EIR analysis.

9

4. Eminent Domain.

10

The proposed project will require the State to exercise the power of eminent domain to acquire portions of the Sani Properties. Before commencing a legal action to acquire property, the State will be required to make the finding that the "***project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.***" Code of Civil Procedure Section 1240. This is not a mere procedural nicety but an express statutory requirement to ensure that the property rights of private citizens not sacrificed to the expediency of public whim. Although this section often seems to receive mere lip service, the State should take the required analysis very seriously.

This statutory requirement is an integral part of the proposed project because the exercise of eminent domain, in some fashion, will likely be necessary. Therefore, the EIR must provide a discussion sufficient for the decision makers to determine whether the required findings are supported by substantial evidence. Because, as noted above, the EIR is deficient in the areas of project description, alternatives analysis and impact analysis, it does not provide the decision makers with adequate information and analysis to make even the most minimal determination in this regard. On that basis alone, the EIR must be rejected as inadequate.

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5. Conclusion

The proposed project will destroy the Sanis' dream that has taken 19 years and millions of dollars to bring to realize. On the eve of realizing that dream, the Sanis are faced with having it taken from them. They recognize that their hopes may well be lost for the benefit of the greater public good and, as citizens, accept that burden. However, before their dream is lost, the State, legally and morally, must undertake a meaningful analysis of the real impacts of the project and, if supported by that analysis, make the difficult decision to implement the project. The EIR is supposed to served as the basis for the State meeting its legal and moral obligation. It does not. Instead, it lacks the accuracy and depth to serve as anything other than an ineffective apologist for the proposed project. On behalf of the Sanis and in the interest of the people of California, we ask that the EIR not be certified.

Very truly yours,

ADAMSKI MOROSKI MADDEN & GREEN LLP



THOMAS D. GREEN

TDG:kjc

G:\Sani\SanSimeon\Cor\Sandecki, Michael 111208.doc

cc: Dr. Javad Sani
Dr. Parvin Nahvi

Response to Thomas D. Green, Adamski, Moroski, Madden & Green LLP.

Thank you for providing comments on the environmental document for this Highway 1 realignment project in San Luis Obispo County.

Response to comment #1: Caltrans management is aware of the uncertainties the Sani's have faced due to the pending project, and understands a project's potential impacts on property owners. Caltrans takes this into consideration when designing and approving projects. The initial design phase of this realignment project has been especially lengthy due to the numerous complex issues that are inherent with development along the Central Coast. Accordingly, Caltrans is sympathetic to the efforts the Sani's have had to undertake in order to complete their houses.

Response to comment #2: The statement that any project not providing the 100-year buffer will not meet the project goals is correct. There were initially other proposed highway alignments that crossed the Sani properties farther to the west, but they were inside the 100-year erosion line and therefore were dropped from further consideration once that condition was added to the project purpose. However, that condition did not preclude meaningful environmental study of the remaining alignments.

Response to comment #3: CEQA requires that the project description set forth the project's objectives, which must include the underlying purpose of the project. As the EIR explains, the underlying purpose of this project is to protect the highway from bluff erosion for the next 100 years, in order to address accelerated rates of coastal erosion that threaten to undermine the highway and to prevent coastal bluff erosion from adversely affecting future operation of the highway.

Response to comment #4: Caltrans reviewed a wide range of alignment variations during preliminary studies. This process is detailed in sections 1.3 *Alternatives* and 1.3.6 *Alternatives Considered but Eliminated from Further Discussion*. Because the purpose of the project is to protect the highway from bluff erosion for the next 100 years, an alternative with a buffer of less than 100 years would not have satisfied the project objectives.

Response to comment #5: To ensure public safety, the San Luis Obispo County Coastal Plan Policies require new development to have a setback of 75 years from the bluff top (San Luis Obispo County Coastal Plan Policies, Ch.11, Policy 6). Development is defined in the San Luis Obispo County Coastal Zone Land Use Ordinance as: "On land, in or under water, the placement or erection of any solid material or structure... Structure includes, but is not limited to, any building, road, pipe... (CZLUO, Chapter 3, Section 23.03.040)" Since Highway 1 is a road, the 75-year setback was the basis for the realignment location. Geotechnical engineers determined the shoreline recession rate using an empirical method based on historical data. An additional 25 years was added to the setback time to account for the type of erosion study. The 100-year setback accounts for possible variations in the data. A 100-year setback is also recommended by the San Luis Obispo North Coast Area Plan.

Response to comment #6: While Caltrans understands the emotional and financial impacts a proposed project can have on individuals and their private property, the CEQA process focuses on environmental impacts, with certain exceptions not applicable here.

Response to comment #7: Regarding the impact on the Sanis' homes, the draft EIR/EA was written to address the existing situation at the time. The final EIR/EA has been updated to reflect the changes that have occurred since the draft, i.e., that construction on the three new houses is now complete. At the time of finalizing the EIR/EA, the houses remain empty. The document acknowledges the future possibility of the houses being occupied and explains the protocol for normal property acquisition (barring the need for eminent domain.)

Response to comment #8: If the project requires a portion of the property or any of its structures, a review could be taken of environmental impacts not previously considered. Caltrans follows specific laws regarding how to determine the need for additional right-of-way, when and how to perform appraisals, and how to acquire needed right-of-way. Many federal and state laws apply, including Titles 23 and 49 of the Code of Federal Regulations, Title VI of the 1964 Civil Rights Act and related statutes, the Uniform Relocation and Real Property Acquisitions Policy Act and State Eminent Domain Law. The Caltrans Right-of-Way Manual details the processes used in accordance with these laws. This manual can be accessed at <http://www.dot.ca.gov/hq/row/rowman/manual/>.

Response to comment #9: The Sanis will not be required to re-negotiate their coastal development permit with San Luis Obispo County regardless of the changes that occur to the property as a result of the project. Caltrans will be acquiring a separate permit for the proposed project that will take into consideration the existing circumstances and will include the necessary conditions. Therefore, Caltrans will be responsible for modifications to the Sani properties. (This situation has already been anticipated in relation to the earthen berm the Sanis are required to build and is discussed in section 2.2.4 *Noise and Vibration*.)

Response to comment #10: The particulars of right-of-way needs for the project are addressed thoroughly prior to project approval via standard procedures described above. Therefore, a detailed description of the process is not included in the EIR/EA.

Appendix M Summary of Relocation Benefits

California Department of Transportation Relocation Assistance Program

DECLARATION OF POLICY

“The purpose of this title is to establish a uniform policy for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.”

The Fifth Amendment to the U.S. Constitution states, “No Person shall...be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use without just compensation.” The Uniform Act sets forth in statute the due process that must be followed in Real Property acquisitions involving federal funds. Supplementing the Uniform Act is the government-wide single rule for all agencies to follow, set forth in 49 Code of Federal Regulations, Part 24. Displaced individuals, families, businesses, farms, and nonprofit organizations may be eligible for relocation advisory services and payments, as discussed below.

FAIR HOUSING

The Fair Housing Law (Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing. This Act, and as amended, makes discriminatory practices in the purchase and rental of most residential units illegal. Whenever possible, minority persons shall be given reasonable opportunities to relocate to any available housing regardless of neighborhood, as long as the replacement dwellings are decent, safe, and sanitary and are within their financial means. This policy, however, does not require Caltrans to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Any persons to be displaced will be assigned to a relocation advisor, who will work closely with each displacee in order to see that all payments and benefits are fully utilized, and that all regulations are observed, thereby avoiding the possibility of displacees jeopardizing or forfeiting any of their benefits or payments. At the time of the initiation of negotiations (usually the first written offer to purchase), owner-occupants are given a detailed explanation of the state’s relocation services. Tenant occupants of properties to be acquired are contacted soon after the initiation of negotiations, and also are given a detailed explanation of the Caltrans Relocation Assistance Program. To avoid loss of possible benefits, no individual, family, business, farm, or nonprofit organization should commit to purchase or rent a replacement property without first contacting a Caltrans relocation advisor.

RELOCATION ASSISTANCE ADVISORY SERVICES

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Caltrans will provide relocation advisory assistance to any person, business, farm or nonprofit organization displaced as a result of the acquisition of real property for public use, so long as they are legally present in the United States. Caltrans will assist eligible displacees in obtaining comparable replacement housing by providing current and continuing information on the availability and prices of both houses for sale and rental units that are “decent, safe and sanitary.” Nonresidential displacees will receive information on comparable properties for lease or purchase (For business, farm and nonprofit organization relocation services, see below).

Residential replacement dwellings will be in a location generally not less desirable than the displacement neighborhood at prices or rents within the financial ability of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, comparable replacement dwellings will be offered to displacees that are open to all persons regardless of race, color, religion, sex, national origin, and consistent with the requirements of Title VIII of the Civil Rights Act of 1968. This assistance will also include the supplying of information concerning Federal and State assisted housing programs, and any other known services being offered by public and private agencies in the area.

Persons who are eligible for relocation payments and who are legally occupying the property required for the project will not be asked to move without first being given at least 90 days written notice. Residential occupants eligible for relocation payment(s) will not be required to move unless at least one comparable “decent, safe and sanitary” replacement dwelling, available on the market, is offered to them by Caltrans.

RESIDENTIAL RELOCATION PAYMENTS

The Relocation Assistance Program will help eligible residential occupants by paying certain costs and expenses. These costs are limited to those necessary for or incidental to the purchase or rental of a replacement dwelling and actual reasonable moving expenses to a new location within 50 miles of the displacement property. Any actual moving costs in excess of the 50 miles are the responsibility of the displacee. The Residential Relocation Assistance Program can be summarized as follows:

Moving Costs

Any displaced person, who lawfully occupied the acquired property, regardless of the length of occupancy in the property acquired, will be eligible for reimbursement of moving costs. Displacees will receive either the actual reasonable costs involved in moving themselves and personal property up to a maximum of 50 miles, or a fixed payment based on a fixed moving cost schedule. Lawful occupants who move into the displacement property after the initiation of negotiations must wait until the

Department obtains control of the property in order to be eligible for relocation payments.

Purchase Differential

In addition to moving and related expense payments, fully eligible homeowners may be entitled to payments for increased costs of replacement housing.

Homeowners who have owned and occupied their property for 180 days or more prior to the date of the initiation of negotiations (usually the first written offer to purchase the property), may qualify to receive a price differential payment and may qualify to receive reimbursement for certain nonrecurring costs incidental to the purchase of the replacement property. An interest differential payment is also available if the interest rate for the loan on the replacement dwelling is higher than the loan rate on the displacement dwelling, subject to certain limitations on reimbursement based upon the replacement property interest rate. The maximum combination of these three supplemental payments that the owner-occupant can receive is \$22,500. If the total entitlement (without the moving payments) is in excess of \$22,500, the Last Resort Housing Program will be used (See the explanation of the Last Resort Housing Program below).

Rent Differential

Tenants and certain owner-occupants (based on length of ownership) who have occupied the property to be acquired by Caltrans prior to the date of the initiation of negotiations may qualify to receive a rent differential payment. This payment is made when Caltrans determines that the cost to rent a comparable “decent, safe and sanitary” replacement dwelling will be more than the present rent of the displacement dwelling. As an alternative, the tenant may qualify for a down

payment benefit designed to assist in the purchase of a replacement property and the payment of certain costs incidental to the purchase, subject to certain limitations noted under the Down Payment section below. The maximum amount payable to any eligible tenant and any owner-occupant of less than 180 days, in addition to moving expenses, is \$5,250. If the total entitlement for rent supplement exceeds \$5,250, the Last Resort Housing Program will be used.

In order to receive any relocation benefits, the displaced person must buy or rent and occupy a “decent, safe and sanitary” replacement dwelling within one year from the date the Department takes legal possession of the property, or from the date the displacee vacates the displacement property, whichever is later.

Down Payment

The down payment option has been designed to aid owner-occupants of less than 180 days and tenants in legal occupancy prior to Caltrans’ initiation of negotiations. The down payment and incidental expenses cannot exceed the maximum payment of \$5,250. The one-year eligibility period in which to purchase and occupy a “decent, safe and sanitary” replacement dwelling will apply.

Last Resort Housing

Federal regulations (49 CFR 24) contain the policy and procedure for implementing the Last Resort Housing Program on federal-aid projects. Last Resort Housing benefits are, except for the amounts of payments and the methods in making them, the same as those benefits for standard residential relocation as explained above. Last Resort Housing has been designed primarily to cover situations where a displacee cannot be relocated because of lack of available comparable replacement housing, or when the anticipated replacement housing payments exceed the \$22,500 and \$5,250 limits of the standard relocation procedure, because either the displacee lacks the financial ability or other valid circumstances.

After the initiation of negotiations, Caltrans will within a reasonable length of time, personally contact the displacees to gather important information, including the following:

- Number of people to be displaced;
- Specific arrangements needed to accommodate any family member(s) with special needs;
- Financial ability to relocate into comparable replacement dwelling which will adequately house all members of the family;
- Preferences in area of relocation;
- Location of employment or school.

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NONRESIDENTIAL RELOCATION ASSISTANCE

The Nonresidential Relocation Assistance Program provides assistance to businesses, farms and nonprofit organizations in locating suitable replacement property, and reimbursement for certain costs involved in relocation. The Relocation Advisory Assistance Program will provide current lists of properties offered for sale or rent, suitable for a particular business's specific relocation needs. The types of payments available to eligible businesses, farms and nonprofit organizations are: searching and moving expenses, and possibly reestablishment expenses; or a fixed in lieu payment instead of any moving, searching and reestablishment expenses. The payment types can be summarized as follows:

Moving Expenses

Moving expenses may include the following actual, reasonable costs:

- The moving of inventory, machinery, equipment and similar business-related property, including: dismantling, disconnecting, crating, packing, loading, insuring, transporting, unloading, unpacking, and reconnecting of personal property. Items acquired in the Right of Way contract may not be moved under the Relocation Assistance Program. If the displacee buys an Item Pertaining to the Realty back at salvage value, the cost to move that item is borne by the displacee.

- Loss of tangible personal property provides payment for actual, direct loss of personal property that the owner is permitted not to move.
- Expenses related to searching for a new business site, up to \$2,500, for reasonable expenses actually incurred.

Reestablishment Expenses

Reestablishment expenses related to the operation of the business at the new location, up to \$10,000 for reasonable expenses actually incurred.

Fixed In Lieu Payment

A fixed payment in lieu of moving, searching, and reestablishment payments may be available to businesses which meet certain eligibility requirements. This payment is an amount equal to half the average annual net earnings for the last two taxable years prior to the relocation and may not be less than \$1,000 nor more than \$20,000.

ADDITIONAL INFORMATION

Reimbursement for moving costs and replacement housing payments are not considered income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining the extent of eligibility of a displacee for assistance under the Social Security Act, or any other law, *except* for any Federal law providing local “Section 8” Housing Programs.

Any person, business, farm or nonprofit organization which has been refused a relocation payment by the Caltrans relocation advisor or believes that the payment(s) offered by the agency are inadequate, may appeal for a special hearing of the complaint. No legal assistance is required. Information about the appeal procedure is available from the relocation advisor.

California law allows for the payment for lost goodwill that arises from the displacement for a public project. A list of ineligible expenses can be obtained from Caltrans Right of Way. California’s law and the federal regulations covering relocation assistance provide that no payment shall be duplicated by other payments being made by the displacing agency.

RESIDENTIAL RELOCATION PAYMENTS PROGRAM

- http://www.dot.ca.gov/hq/row/pubs/residential_english.pdf
- http://www.dot.ca.gov/hq/row/pubs/residential_spanish.pdf

THE BUSINESS AND FARM RELOCATION ASSISTANCE PROGRAM

- http://www.dot.ca.gov/hq/row/pubs/business_farm.pdf
- http://www.dot.ca.gov/hq/row/pubs/business_sp.pdf

List of Technical Studies Bound Separately

Final Air Quality Report, May 16, 2008
Final Noise Study Report, July 2008
Floodplain Evaluation, October 30, 2007
Floodplain Evaluation Summary Report, August 15, 2008
Historical Property Survey Report, September 2007, including:

- Archaeological Survey Report
- Archaeological Evaluation Report
- Historic Resource Evaluation Report

Initial Site Assessment (for hazardous waste), May 28, 2008
Natural Environment Study, November 2007 (amended September 2008)
Paleontology Identification Report, May 2008
Preliminary Geotechnical Report, Jan. 19, 2001 and Supplemental Report, Oct. 20, 2006
Visual Impact Assessment, June 2008
Water Quality Assessment Report, May 2008

Other documents and information sources used in preparation of this report:

California Department of Conservation Farmland Mapping and Monitoring Program
California Invasive Plant Council website (<http://www.cal-ipc.org>)
California Seismic Hazards Map (1995)
Coastal Conservancy Staff Recommendation: Hearst Ranch Acquisition, September 15, 2004
Geologic Map of the San Simeon-Piedras Blancas Region (1976)
Highway 1 Temporary Detours – Rocks I and III, Mitigated Negative Declaration, March 2002, SCH #2002021045
National Resources Conservation Service Web Soil Survey
Public Resources Code Division 20 California Coastal Act (2008)
Regional Transportation Plan for San Luis Obispo County (2005)
Route 1 Realignment in Northern San Luis Obispo County, Negative Declaration and Finding of No Significant Impact, May 1994, SCH #92081058
San Luis Obispo County General Plan Coastal Plan Policies, Land Use Element, revised June 2004
San Luis Obispo County General Plan North Coast Area Plan, Land Use and Circulation Elements, revised November 2007

San Luis Obispo County Document # 2005013393 Offer to Dedicate, 2/18/2005

San Luis Obispo County Document # 2005013394 Conservation Easement,
2/18/2005

San Luis Obispo County Document # 2005013397 Conservation Easement,
2/18/2005

San Luis Obispo County Document # 2005013388 Conservation Easement,
2/18/2005