APPENDIX I
FHWA AIR QUALITY CONFORMITY DETERMINATION

(This appendix has been added since public review of the Draft EIR/EIS)

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CALIFORNIA DIVISION
650 Capitol Mall, Suite 4-100
Sacramento, CA. 95814
June 4, 2008

IN REPLY REFER TO
HDA-CA
File # 11-SD-76-7.3/13.1
EA # 080100
Document # P58415

Pedro Orso-Delgado, District Director
California Department of Transportation
District 11
4050 Taylor Street
San Diego, CA 92110

Attention: Kelly Finn, Environmental Analysis Branch Chief

Dear Ms. Finn:

On May 5, 2008, the California Department of Transportation (Caltrans) submitted to the Federal Highway Administration (FHWA) a request for the project level conformity determination for the State Route 76 Melrose to South Mission Road Highway Improvement Project pursuant to 23 U.S.C. 327(a)(2)(B)(ii)(1). The project is in an area that is designated Nonattainment or Maintenance for 8-hour Ozone and Carbon Monoxide (CO).

The project level conformity analysis submitted by Caltrans indicates that the project level transportation conformity requirements of 40 C.F.R. Part 93 have been met. The project is included in the San Diego Association of Government's (SANDAG) currently conforming *2030 Regional Transportation Plan: Pathways for the Future (RTP),* and the *2006 Regional Transportation Improvement Program (RTIP).* The current conformity determinations for the RTP and RTIP were approved by FHWA and the Federal Transit Administration (FTA) on December 10, 2007. The design concept and scope of the preferred alternative have not changed significantly from those assumed in the regional emissions analysis.

As required by 40 C.F.R. 93.116 and 93.123, the localized CO analyses are included in the documentation. The CO hotspot analysis was performed with the *Transportation Project-Level Carbon Monoxide Protocol.* The analyses demonstrate that the project will not create any new violation of the standards or increase the severity or number of existing violations.

Based on the information provided, FHWA finds that the Conformity Determination for the State Route 76 Melrose to South Mission Road Highway Improvement Project conforms to the State Implementation Plan (SIP) in accordance with 40 C.F.R. Part 93.

MOVING THE
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ECONOMY

If you have any questions pertaining to this conformity finding, please contact Aimee Kratovil, FHWA Air Quality Specialist, at (916) 498-5866.

Sincerely,

/s/ K. Sue Kiser

For
Gene K. Fong
Division Administrator

cc: (email)
Debra Soifer, Caltrans
Mike Brady, Caltrans
Steve Luxenberg, FHWA

AK/ac

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APPENDIX J
WETLAND MITIGATION PLAN

(This appendix has been added since public review of the Draft EIR/EIS)

WETLAND MITIGATION PLAN FOR THE STATE ROUTE 76 MELROSE TO MISSION HIGHWAY IMPROVEMENT PROJECT

11-SD-76

PM 7.3-13.1

EA 080100

October 2008

California Department of Transportation
District 11
Environmental Resource Studies/Environmental Stewardship Branch
4050 Taylor Street
San Diego, CA 92110

Prepared By: Rush Abrams Date: 10/15/08

Rush Abrams, Environmental Planner/Biologist
Environmental Resource Studies
San Diego/District 11
(619) 688-0186

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Background

This draft wetland mitigation plan is for a California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA) project that proposes to widen and realign State Route (SR) 76 from Melrose Drive to South Mission Road in northern San Diego County, California. The highway project, roughly 5.8 miles in length, would consist of four lanes with right-of-way and grading to accommodate six lanes when justified. The purpose of the project would be to reduce traffic congestion; provide for effective transportation of people, goods, and services; and improve the mobility of local, regional, and interregional traffic.

The 2007 Natural Environmental Study Report supported the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the SR-76 project, which was circulated to the public in 2007. The Natural Environmental Study report forms the biological resources appendix to the Final EIS/EIR for the SR-76 project which will be finalized in fall of 2008.

Because this project would have 5 or more acres of permanent impacts to waters of the United States and requires a National Environmental Policy Act (NEPA) Environmental Impact Statement, the NEPA/404 Memorandum of Understanding (MOU) integration process applies. In September 2005, Caltrans began coordination with the resource agencies, including the Army Corps of Engineers (ACOE), U.S. Fish and Wildlife Service (USFWS), Environmental Protection Agency, and FHWA [along with the California Department of Fish and Game (CDFG) and the Regional Water Quality Control Board (RWQCB)] to implement the NEPA/404 MOU integration process for the SR-76 Melrose to South Mission project. NEPA/404 meetings were held bi-monthly between September 2005 and December 2006. The proposed project's Purpose and Need, Selection Criteria, and Range of Alternatives were developed and refined during these meetings in order to minimize impacts to biological resources. Caltrans will continue to work closely with all of the resources agencies to maintain communication and coordination throughout the development of the proposed project.

To address impacts to wetlands within the Study Corridor, a jurisdictional delineation was prepared for the SR-76 Melrose to South Mission project in 2003. EDAW (EDAW 2006) conducted an updated jurisdictional delineation in 2005/2006. This delineation was conducted to identify and map areas within the boundaries of the project that are under the jurisdiction of the ACOE pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and under the jurisdiction of the CDFG pursuant to Section 1600 of the California Fish and Game Code. This information is necessary to evaluate jurisdictional impacts and permit requirements associated with the project. An updated delineation was conducted in 2007 by EDAW (EDAW 2008) that incorporated comments from the ACOE received July 17, 2007. The ACOE approved the jurisdictional delineation April 23, 2008.

This draft wetland mitigation report for the SR-76 Melrose to South Mission project will be included as an appendix to the Final EIS/EIR in addition to the Biological Assessment for the SR-76 project and will be provided to the resource agencies for the permitting process.

I. PROJECT DESCRIPTION

A. Project Description

The approximately 1500-acre SR-76 Biological Study Area is located in northern San Diego County, along the San Luis Rey River Valley between Melrose Drive in the city of Oceanside to South Mission Road in the community of Bonsall (Figure 1). The existing conventional highway would be expanded to four lanes, with right-of-way and grading to accommodate a possible future widening when justified. The Biological Study Area consists of the footprint of the Existing and Southern Alignment Alternatives, all areas lying between the two alignments, and a 500-foot limit from the outer edges of the proposed shoulder.

The project's purpose is to maintain or improve the existing and future traffic operations in the SR-76 corridor, between Melrose Drive and South Mission Road, in an effort to improve the safe and efficient local and regional movement of people and goods, while minimizing environmental and community impacts for the planning design year of 2030.

The project is needed in response to increased population growth in the region, increased corridor traffic demand, constraints of the existing circulation system, development of land within the project area, the congested nature of the existing highway, and the existing corridor's safety issues.

Three alternatives were considered for this project: the Existing Alignment Alternative, the Southern Alignment Alternative, and a No Build Alternative. This draft wetland mitigation plan addresses impacts to wetlands for the Existing Alignment Alternative, which has been identified as the preferred alternative, because it would have fewer impacts to wetland resources, the San Luis Rey River floodplain, and the community than the Southern Alignment Alternative, and it presents the most cost-effective solution to the project's purpose and need.

As the NEPA 404 MOU guidance indicates and as assigned under SAFETEA-LU (23 USC 327), Caltrans, as the co-lead agency, should identify and implement a practicable alternative that completely avoids aquatic resources, unless it has other significant adverse environmental consequences. A search for a wetland avoidance alternative was conducted through the NEPA 404 MOU integration process and the analysis showed that within the defined Wetland Avoidance Alternative analysis area, one did not exist (Caltrans 2008). As a result, there is only one alternative that completely avoids aquatic resources: the No Build Alternative. An examination of the No Build Alternative indicates that it is not practicable in meeting the purpose and need of the proposed SR-76 highway improvement project.

Refer to the Natural Resource Study for State Route 76 (EDAW 2007) and the State Route 76 Jurisdictional Delineation (EDAW 2008) for more detailed descriptions of existing biological conditions and jurisdictional delineation for all three proposed alternatives.

Mitigation for permanent impacts to ACOE and CDFG jurisdictional wetlands and other waters of the U.S. within the SR-76 Melrose to South Mission Highway Improvement Project is proposed offsite, within existing Caltrans-owned parcels. Caltrans proposes to create and restore wetland vegetation offsite, with two possible options: Option A will include the approximate 148.28-acre site known as the Morrison property, the 60-acre parcel known as the Singh property, and the 19.38-acre Zwierstra parcel. In addition, there are 4.94 acres of wetland creation bank credits at the Pilgrim Creek Mitigation Bank. The Morrison property is characterized by the San Luis Rey River, which runs through the property, and its associated riparian forest, riparian scrub, and freshwater marsh. There is potentially 148.28 acres of riparian scrub, riparian forest, and freshwater marsh restoration. The Singh property is bisected by the San Luis Rey River; it is currently used for growing row crops. Caltrans proposes to lower the topography to hydrologically functional elevations before planting the site with riparian vegetation. There is potentially 37.9 acres of wetland habitat creation, 5.5 acres of wetland restoration, and 13.5 acres of upland buffer restoration. The Singh property has not yet been acquired. The Zwierstra property is located along the north side of the SR-76 Melrose to South Mission project between Melrose and East Vista Way. Its northwestern corner abuts the southeastern corner of the Singh property. It is approximately 19.38 acres. Four acres are riparian forest; the remainder has been in use as a dairy farm and residence. Part of the property will be impacted by the SR-76 Melrose to South Mission Project. There is the potential for 3.4 acres of wetland creation, 3.3 acres of wetland restoration, as well as approximately 7 acres of upland restoration.

The Pilgrim Creek Mitigation Bank is located along Pilgrim Creek, a tributary to the San Luis Rey River within the Oceanside city boundary. The site is bordered to the west by Marine Corps Base Camp Pendleton, to the south by a golf course, and on the remaining sides by Douglas Drive and residential developments. The stretch of Pilgrim Creek on the site supports approximately 9.8 acres of willow-dominated riparian habitat along a narrow channel. Coastal sage scrub, including 34.6 acres of restored habitat, covers the slopes bordering the site to the west, and the center of the site supports riparian vegetation planted in 1996 within a 49.8-acre restoration area, as well as 1.5 acres of freshwater marsh. An additional small cell of planted riparian vegetation lies between Pilgrim Creek and Douglas Drive on the east side of the creek.

Caltrans created an additional approximate 20 acres of riparian habitat for wetland mitigation banking at the Pilgrim Creek Mitigation Site. On January 12, 2000, the Banking Instrument regarding the establishment, use, operation, and maintenance of the Pilgrim Creek Mitigation Bank, entered into by the ACOE, Caltrans, CDFG, and San Diego Association of Governments (SANDAG), became finalized. The Pilgrim Creek Mitigation Bank was constructed for two purposes--to mitigate for impacts for the construction of the State Route 76 Expressway, and to create wetland credits that could be used and sold as mitigation credits for future projects. This site has 4.9 acres of available mitigation credit. The entire created habitat was approved by the resource agencies in 2004.

Option B will include all properties discussed except the Singh parcel. Additional riparian restoration and enhancement would occur at the Morrison property, including

145.48 acres of riparian shrub/riparian forest restoration and enhancement, and 2.8 acres of freshwater marsh restoration.

B. Project Summary

The proposed Existing Alignment Alternative (*Preferred Alternative*) would widen and realign the two-lane SR-76 facility generally following the existing alignment. The existing conventional highway would be expanded to four lanes, with right-of-way and grading to accommodate a possible future widening when justified. The eastbound San Luis Rey River Bridge would be new construction. The existing Bonsall Creek Bridge and Ostrich Farm Creek Bridge would be demolished and new structures erected. A concrete barrier would be placed within the roadway median. Additionally, this alternative would construct shoulders to provide for emergency parking while not precluding pedestrians and bicyclists.

The Existing Alignment Alternative includes the following design features and elements:

- The length of widening along SR-76 would be approximately 5.8 miles. Roadway transitions from the existing system to the proposed SR-76 Melrose to South Mission would begin approximately 0.5 miles west of the SR-76/Melrose Drive intersection and extend approximately 0.6 miles east of the SR-76/South Mission Road intersection.

- From Melrose Drive to the San Luis Rey River Bridge, preliminary earthwork quantities are currently estimated at 600,000 cubic yards ($yd^{3)}$ of cut, with 230,000 yd^3 of fill. From the bridge to South Mission Road, preliminary earthwork quantities are estimated at 1,210,000 yd^3 of cut, with 798,000 yd^3 of fill. In an effort to minimize environmental impacts, 1:2 slopes or flatter would be used instead of the current 1:4 design standards.

- The existing San Luis Rey River Bridge, which is 1,328 feet long and 43.5 feet wide, would remain and would be used to accommodate westbound traffic. A new bridge would be constructed to accommodate eastbound traffic.

- The new eastbound bridge would be 1725 feet long and approximately 60 feet wide and would have two 12 foot through lanes, one 12 foot channelization lane, one 10 foot outside shoulder, and one 10 foot inside shoulder. Additionally, its columns, which would minimize impacts to wetlands/waters, would be circular and parallel to the river flow. Two columns will be needed at each support location.

- The existing Bonsall Creek Bridge is a double-cell, reinforced concrete box (RCB) culvert that is approximately 23-feet wide. The existing RCB structure would be demolished and a new bridge would be constructed. The new bridge would be approximately 236-feet long, 23-feet wide, and would maintain four 12-foot travel lanes, two 12-foot channelization lanes, one 12-foot westbound right turn lane, one

12-foot westbound left turn lane, two 10-foot outside shoulders, one 10-foot inside shoulder, one 4-foot inside shoulder, and a 2-foot median barrier.

- The existing Ostrich Farm Creek Bridge is a four-cell, RCB culvert that is approximately 46 feet wide. The existing RCB structure would be demolished and a new bridge would be constructed. It would be 46 feet long and 125 feet wide, would be constructed with four 12-foot through lanes, two 12-foot channelization lanes, two 12-foot eastbound left-turn lanes, two 10-foot outside shoulders, one 3.94-foot inside shoulder, one 10-foot inside shoulder, and a 2-foot median barrier.

- The existing at-grade signalized intersections at Melrose Drive, East Vista Way, North River Road, and South Mission Road would be reconstructed. New at-grade signalized intersections would be placed at Via Montellano and Thoroughbred Lane. Signal warrants for Via Montellano and Thoroughbred Lane have been prepared and are included in the SR-76 Middle Traffic Study.

- Channelization lanes would be constructed to improve traffic conditions at major intersections: Melrose Drive, East Vista Way, North River Road, Olive Hill Road, Thoroughbred Lane, and South Mission Road.

- Jeffries Ranch Road would be converted to a cul-de-sac due to the complex motorist movement necessary to access SR-76 and the proximity of Melrose Drive. Vehicle access to the highway would be provided via the connection from Old Ranch Road, Appaloosa Way, and Spur Avenue to Melrose Drive. The existing Freeway Agreement dated January 5, 1994, with the City of Oceanside provides for the permanent closure of this road.

- Holly Lane would be converted to a right-in/right-out due to the complex motorist movement necessary to access SR-76 and the close proximity of North River Road.

- The project design would be context sensitive, thus recognizing the rural character of the adjacent communities. This would be achieved by constructing naturally appearing graded slopes, where feasible, that reflect pregraded contours or simulate natural terrain. Where space allows, undulating contour grading would be employed to minimize the typical straight cut and fill appearance of manufactured slopes. This method would soften the visual impact of long or high slope banks and reduce visual scarring of the existing terrain. Blasting and cutting of granite rock would be sculpted, to the extent possible, to also achieve a rough, natural-appearing surface.

- Design measures would be applied to ensure that wildlife movement is not adversely affected and to minimize road mortality. Roadways would provide Wild Animal crossings that would permit movement between habitats. Wild Animal crossing design would provide suitable environmental conditions (soil, vegetation, lighting, and heights/width) to encourage use. Such crossings would include directional fencing and be located where natural landscape and habitat indicate probable directional wildlife movement.

- Various utility facilities are located in the project area including natural gas, telephone, television, water, and both overhead and underground electricity. Overhead and underground utilities within the project limits would require relocation. Typically, the utilities would be relocated within the proposed right-of-way placing them as far away from traffic lanes as possible. Overhead electrical facilities are generally less than 4 kv distribution lines on direct-bury wooden poles. No electrical facilities greater than 12 kilovolt (kv) have been identified within the project limits. Underground facilities would typically be relocated to new underground locations and overhead facilities to new overhead locations.

- New roadway drainage systems would be placed at appropriate locations to channel onsite drainage. Existing offsite drainage systems would be upgraded or replaced pending current condition. The project would be designed in conformance with the National Pollutant Discharge Elimination System (NPDES) permit requirements. Best Management Practices (BMPs) for Temporary Construction Site, Design Pollution Prevention, and Treatment will be incorporated to the Maximum Extent Practicable (MEP).

- Project construction is proposed in three phases. Phase one would be from Melrose Drive to East Vista Way. Phase two would be from Olive Hill Road to South Mission Road. Phase three would be from East Vista Way to Olive Hill Road. For ease of construction, however, the phases might not be constructed in this order. Roadway facilities would remain open during construction. Night work may be necessary to perform specific construction tasks, such as utility relocations, drainage improvements, and structural section development.

C. Responsible Parties

The project manager for the roadway project is Mark Phelan; he may be reached at:

Caltrans, District 11
4050 Taylor Street
Mail Station 90
San Diego, CA 92110
Telephone: (619) 688-6803, fax: (619) 688-3217

Rush Abrams is the project biologist for the SR-76 Middle project and Bruce April is the Chief Environmental Stewardship in charge of coordinating the permits and mitigation for the SR-76 Melrose to South Mission Highway Improvement Project.

Caltrans, District 11
Mail Station 242
4050 Taylor Street
San Diego, CA 92110

Telephone:	Bruce April	(619) 688-0107
	Rush Abrams	(619) 688-0186
Fax:		(619) 688-6998

D. Jurisdictional Areas to Be Impacted

Federal Jurisdictional Areas

Areas under ACOE jurisdiction occur along the length of the Biological Study Area (Figure 2). All areas with depressions, drainage channels, or wetland vegetation were evaluated for the presence of waters of the U.S, including jurisdictional wetlands. Each area was inspected according to the ACOE's wetland delineation guidelines. Wetland boundaries of the ACOE were determined using the three criteria (vegetation, hydrology, and soils) established for wetland delineations as described within the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987), and the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (ACOE 2006). Because the request for a jurisdictional determination was initiated after June 19, 2006, and prior to June 5, 2007, the determination was made following the pre-Rapanos method [Rapanos Et Ux., Et Al. v. United States, 2004 Fed App. 0239P (6th Circuit)].

Temporary and permanent impacts to jurisdictional areas, regulated by Section 404 of the Clean Water Act and administered by the ACOE total 6.14 acres and are described in Tables 1 and 2 below.

Table 1. ACOE Jurisdictional Impacts – Permanent

Jurisdictional Area	Acres
OHWM*	0.06
Unvegetated Waters	0.42
Wetlands	1.35
Total	**1.83**

*Ordinary high water mark areas include drainages that fall within riparian and wetland habitats but do not meet the criteria of the other wetlands.

Table 2. ACOE Jurisdictional Impacts - Temporary

Jurisdictional Area	Acres (ac)
OHWM*	0.04
Unvegetated Waters	0.45
Wetlands	3.82
Total	4.31

The SR-76 Melrose to South Mission Project would temporarily impact 4.31 acres and permanently impact 1.83 acres of waters of the U.S.

The temporary, short-term direct loss of resources will occur during construction activities, including the use of haul routes, borrow areas, and construction staging areas

that would be necessary to complete the project. Restoration of these areas will follow construction. Temporary impacts consist of 0.04 acres of ordinary high water mark (OHWM), 0.45 acres of unvegetated waters, and 3.82 acres of wetlands.

Permanent impacts will occur due to the widening and realignment of the existing two-lane SR-76 facility; modifications to the San Luis Rey River Bridge, Bonsall Creek Bridge, and Ostrich Farm Creek Bridge; road modifications; and relocation of various utilities. Permanent impacts would occur to 0.06 acres of OHWM, 0.42 acres of unvegetated waters, and 1.35 acres of wetlands. Mitigation for impacts will be submitted to and approved by the ACOE and CDFG prior to the start of construction.

State Jurisdictional Areas

The impacts to state jurisdictional areas, as regulated by Section 1600 of the California Fish and Game Code and administered by CDFG (Table 2), are larger than the ACOE impacts because of the less restrictive definitions of jurisdictional areas. CDFG jurisdictional boundaries were determined based on the presence of riparian vegetation or regular surface flow. The CDFG jurisdictional habitat includes all riparian shrub or tree canopy that may extend beyond the banks of a stream.

Temporary and permanent impacts to CDFG jurisdictional areas within the SR-76 Melrose to South Mission Project total 41.88 acres and are described in Tables 3 and 4 below.

Table 3. CDFG Jurisdictional Impacts – Permanent

Jurisdictional Area	Acres
OHWM	0.06
Unvegetated Waters	0.42
Wetlands	1.35
Riparian	21.42
Total	**23.25**

Table 4. CDFG Jurisdictional Impacts - Temporary

Jurisdictional Area	Acres
OHWM	0.04
Unvegetated Waters	0.45
Wetlands	3.82
Riparian	14.32
Total	**18.63**

Tables 3 and 4, like Tables 1 and 2, differentiate between temporary versus permanent impacts. The SR-76 Melrose to South Mission Highway Improvement Project will temporarily impact 18.63 ac of CDFG jurisdictional waters; impacts will occur to 0.04 acre of OHWM, 0.45 acre of unvegetated waters, 3.82 acres of wetlands, and 14.32 acres of riparian areas. Permanent impacts would occur to 0.06 acre of OHWM, 0.42 acre of

unvegetated waters, 1.35 acres of wetlands, and to 21.42 acres of riparian areas. Overall, the project would impact 0.1 acre of OHWM, 0.87 acre of unvegetated waters, 5.17 acres of wetlands, and 35.74 acres of riparian areas. Impacts to OHWM, unvegetated wetlands and wetlands are the same habitats as ACOE in Tables 1 and 2; only the riparian area has additional impacts.

Regional Water Quality Control Board Jurisdictional Areas

For most water or wetland features within the area RWQCB jurisdiction was mapped identically as noted above for both ACOE and CDFG jurisdictions because these features are all under RWQCB jurisdiction.

E. Functions and Values of the Jurisdictional Areas to Be Directly and Indirectly Impacted

Using Brinson et al. (1995) as a guideline, the riparian/wetland communities within the study area were qualitatively assessed for the value of their hydrologic, biogeochemical, and plant and animal habitat functions. In areas of native habitat where the riparian communities and hydrogeomorphic processes were relatively intact, these habitats have a high value for these addressed functions. These native habitats are characterized by high plant species diversity and good physiognomy (structure and characteristic), which is represented by vegetation communities composed of several strata. The relatively large expanse of habitat and its contiguity with high-quality habitat upstream and downstream of the study area would support a high diversity of plant and wildlife species of all different trophic levels (e.g., autotrophs, heterotrophs, and decomposers).

In addition to these biotic features, abiotic features, including ecosystem-level hydrologic and biochemical processes such as surface and subsurface water storage, moderation of groundwater flow, nutrient cycling, and elemental import/export processes, are also anticipated to be functioning at a relatively high value level that would contribute to the long-term persistence of this habitat and its quality of functions. However, issues such as loss of habitat, increased urban runoff (including pesticides), and exotic species invasion and proliferation would continue to degrade the value of these functions over the long term.

Giant reed forms large patches, displacing and excluding native vegetation, so the plant diversity and community structure of these areas are low. Patches of giant reed typically support fewer wildlife species than adjacent native riparian habitats, have reduced insect populations (Bossard et al. 2000) and riparian bird species in southern California (Kisner 2004), and generally provide little wildlife habitat (Bell 1997). Giant reed is suspected of altering hydrological regimes and reducing groundwater availability by transpiring large amounts of water from semiarid aquifers. It alters channel morphology by retaining sediments and constricting flows (Bossard et al. 2000). This species, because of its large

clonal root masses, stabilizes banks and terraces altering flow regimes (Bell 1997). Understandably, any of the San Luis Rey River riparian areas dominated by giant reed would have very low value for a majority of the functions carried out by native riparian communities. Giant reed poses a major threat to the integrity of the remaining native riparian habitats within the study area and will likely continue to diminish the value of the functions of these communities if not managed within a comprehensive riparian restoration plan. A project is underway for large-scale removal of giant reed in the whole watershed of the San Luis Rey. The project has recently reached the Bonsall Bridge area and immediately upstream of the Singh Mitigation Site.

II. MITIGATION GOALS

A. ACOE/CDFG Jurisdictional Habitat Types to Be Created

The amount of mitigation necessary for the affected habitats would vary by the type of habitat and the area impacted (Table 5). Advanced mitigation at Pilgrim Creek requires only a 1:1 ratio as the site has proven to be successful; there will be no temporary losses. The area of impact is multiplied by a replacement ratio, determined by the type of habitat affected. Typically, the longer the temporal impacts, the higher the ratio. For example, freshwater marsh can be restored in 2 to 3 years, in contrast to southern willow scrub, which can take upwards of 5 years. There are also several other factors that influence the replacement ratio, including habitat sensitivity, quality of the impacted habitat, and location of the impacts and mitigation relative to any significant preserve areas. With Option A, impacts to riparian and wetland habitats would be mitigated at a ratio of 3:1. With Option B, the majority of impacts to riparian and wetland habitats would be mitigated at a ratio of 5:1, with a smaller acreage mitigated at 3:1. For both options, giant reed/disturbed wetlands would be mitigated at a 1:1 ratio. These habitat types are of lesser biological value than the other riparian areas located onsite.

Table 5. Jurisdictional Impact Areas and Proposed Mitigation*

Jurisdiction	Permanent Impacts (acres)	Mitigation Ratio	Total Compensation (acres)
OHWM (ACOE, CDFG)	0.06	1:1 at Pilgrim	.06 at Pilgrim
Unvegetated Waters (USACE, CDFG)	0.42	1:1 at Pilgrim	0.42 at Pilgrim
Wetlands (USACE, CDFG)	1.35	1:1 at Pilgrim	1.35 at Pilgrim
Riparian (CDFG)	21.42	3:1 w/Option A; 5:1 w/Option B; 1:1 at Pilgrim	49.44 w/Option A; 75.6 w/Option B; 3.11 at Pilgrim (both options)

*Final mitigation ratios for ACOE jurisdictional areas will be determined during the Section 404 permit process.

Temporary Impacts

Once construction of the SR-76 Melrose to South Mission Project is complete, all areas temporarily disturbed during construction will be revegetated with native species as needed to compensate for temporary impacts. Temporary impacts will be mitigated onsite at a 1:1 ratio, with the exception of long-term temporary losses to southern cottonwood willow riparian forest. These temporary impacts will be mitigated offsite at 1.5:1. Temporary impacts to jurisdictional wetlands and waters will total 18.63 acres. All areas of temporary impacts will be revegetated with native species and should provide similar functions as the patch of habitat that will be impacted.

Permanent Impacts

Under Option A, permanent impacts to jurisdictional wetland habitats will be mitigated at several offsite locations known as the Morrison, Singh, and Zwierstra properties, and Pilgrim Creek Mitigation Bank. Option B will include all but the Singh property. The proposed mitigation sites have been identified in regional planning efforts as important to the conservation of sensitive species and to the build-out of the preserve within the North County Multiple Species Conservation Plan and the City of Oceanside Subarea Plan within the Multiple Habitat Conservation Program area. Table 6 outlines the available wetland acreage by location.

Table 6. Mitigation Sites

Vegetation Type	Morrison (ac)	Singh (ac)	Zwierstra (ac)	Pilgrim Cr (ac)
Freshwater Marsh	2.8 FWM restoration	37.9 creation-RS/RF; 5.5 restoration-FWM/RF	0	4.94 riparian credits
Riparian scrub// Riparian forest	145.48 RS/RF restoration/ enhancement		3.4 RS/RF creation/ restoration; 3.3 RF restoration	

RS = riparian shrub, RF = riparian forest, FWM = freshwater marsh; ac = acre(s)

Under Option A, Caltrans proposes to create and restore wetland vegetation offsite, on the approximate 148.28 acre site known as the Morrison property, the 60-acre Singh property, the 19.38-acre Zwierstra property and the Pilgrim Creek Mitigation Bank. Option B would not include the Singh property.

The San Luis Rey River crosses the southern portion of the Morrison property. The arroyo toad and the endangered least Bell's vireo have been documented onsite. The Morrison property and the adjacent Caltrans right-of-way property to the north total 148.28 acres (27.28 acres of the Caltrans property will not be used for future highway construction). The site has approximately 2.8 acres of freshwater marsh, 11 acres of open

water, 21.5 acres of riparian forest, 65.8 acres of riparian scrub, 3.6 acres of bare ground, and 5.2 acres of nonnative grassland. Due to the presence of riparian forest habitat, the endangered southwestern willow flycatcher potentially may use the site. At the time of this document, mitigation planning at the Morrison property is in the development stage. Enhancement and restoration may include removing exotics (arundo, tamarisk, and avena); maintaining and creating friable soils for toads; controlling illegal access; installing controlled access for hiking and equestrian opportunities; and establishing a San Diego ambrosia population.

The Singh property is located southeast of Sleeping Indian Road and North River Road and is bisected by the San Luis Rey River in the northeastern area of Oceanside. The property is currently used for growing row crops. Caltrans proposes to lower the topography to hydrologically functional elevations before planting the site (see Figure 7 for exhibit of the site and conceptual plan). There are potentially 37.9 acres of wetland habitat creation, 5.5 acres wetland habitat restoration, and 13.5 acres of upland buffer restoration. Caltrans has not yet acquired this property.

The Zwierstra property is located along the north side of the SR-76 Melrose to South Mission project between Melrose Drive and East Vista Way. Its northwestern corner abuts the Singh property's southeastern corner. Four acres of riparian forest occurs onsite; the remainder has been in use as a dairy farm and residence. There is the potential for 3.4 acres of wetland creation, 3.3 acres of wetland restoration, and approximately 7 acres of upland restoration.

The Pilgrim Creek Mitigation Bank is located along Pilgrim Creek, a tributary to the San Luis Rey River within the Oceanside city boundary. The site is bordered to the west by Marine Corps Base Camp Pendleton, to the south by a golf course, and on the remaining sides by Douglas Drive and residential developments. The stretch of Pilgrim Creek on the site supports approximately 9.8 acres of willow-dominated riparian habitat along a narrow channel. Coastal sage scrub, including 34.6 acres of restored habitat, covers the slopes bordering the site to the west, and the center of the site supports riparian vegetation planted in 1996, as well as 1.5 acres of freshwater marsh. An additional small cell of planted riparian vegetation lies between Pilgrim Creek and Douglas Drive on the east side of the creek. This site has 4.94 acres of available approved riparian mitigation credit.

B. Functions and Values of Habitat to Be Created

Temporary Impacts

Temporary impacts resulting from road and bridge construction will total 18.63 acres. Areas of temporary impacts to wetland and riparian areas will be revegetated and should provide similar functions as the habitat that will be impacted. A revegetation plan will be provided to and approved by the ACOE and CDFG prior to construction.

Permanent Impacts

Mitigation for permanent impacts to ACOE and CDFG jurisdictional wetlands will consist of a combination of creation, restoration, and enhancement of riparian habitat (Table 7). Creation opportunities for wetlands and waters exist where the elevation of upland areas can be lowered to the grade of the existing drainage, to create the appropriate hydrological conditions that can support additional riparian habitat. All impacts to ACOE and CDFG jurisdictional waters will be mitigated through creation of habitat. Creation will take place only in areas that are dominated by nonnative vegetation. Table 7 outlines the proposed compensation for impacts to ACOE and CDFG jurisdictional areas for the SR-76 Melrose to South Mission Highway Improvement Project. The creation of riparian habitat will provide additional habitat and wildlife habitat adjacent to a larger riparian area. The created habitat will also provide additional capacity for carrying flood flow. Restoration of jurisdictional wetlands is the reestablishment of riparian characteristics and functions in areas where they have ceased to exist, or exist in a substantially degraded state, the return to a preexisting condition (ACOE 2003). This restoration potential occurs in areas that have the appropriate hydrology and soil conditions to support wetland and riparian vegetation but are currently dominated by over 30 percent nonnative plant species. Restoration techniques applicable for these sites are nonnative species removal, planting, irrigation (with the exception of the Morrison property) and seeding with native species to reestablish native vegetation.

Under Option A, a total of 41.3 acres of ACOE jurisdictional wetlands and waters is available for creation at Pilgrim Creek, and the Singh and Zwierstra. Due to the presence of arroyo toads at the Morrison property, the goal is to create riparian habitat without grading the site. Therefore, ACOE jurisdictional wetlands will not be created at the Morrison property.

Under Option A, impacts to CDFG jurisdictional wetlands will be mitigated through the creation of jurisdictional habitat at Singh and Zwierstra properties; 37.9 acres at Singh, and 6.7 acres at Zwierstra, for a total of 82.4 acres.148.28 acres of riparian and freshwater marsh habitat is available for restoration at the Morrison property, 5.5 acres at Singh, and 4.0 acres at Zwierstra, for a total of 157.78 acres.

Under Option B, creation and restoration at Singh would not be included. A total of 11.94 acres of ACOE jurisdictional wetlands and waters are available for creation at Pilgrim Creek and Zwierstra. At the Morrison property 148.28 acres of riparian habitat are available for restoration, and 4.0 acres at Zwierstra, for a total of 152.28 acres.

Table 7. Jurisdictional Impact Areas and Proposed Mitigation, Option A

Habitat Type	Permanent Impacts (ac)	Mitigation Ratio	Total Compensation (ac)	Mitigation Location	Available Acres Remaining
Riparian and Wetlands					
Mulefat Scrub	1.11	3:1	3.33	1:1 creation at Singh= 37.9 - 1.11ac 2:1 restoration at Morrison =148.28 - 2.22ac	Singh = 36.79 creation RS/RF; 5.5 restoration- FWM/RS; Morrison = 146.06 RS/ RF; Zwierstra = 3.4 RS/RF creation, 3.3 RS/RF restoration; Pilgrim Cr = 4.94
Southern Willow Scrub	0.13	3:1	0.39	1:1 creation at Singh =36.79 - 0.13 ac 2:1 restoration at Morrison = 146.06 - 0.26 ac	Singh = 36.66 creation RS/RF; 5.5 restoration FWM/RS; Morrison =145.80 RS/ RF, Zwierstra = 3.4 RS/RF creation, 3.3 RS/RF restoration; Pilgrim Cr = 4.94
Disturbed Wetland	0.003	3:1	0.009	1:1 creation at Singh = 36.66 - 0.003 ac 2:1 restoration at Morrison = 145.8 - 0.006	Singh = 36.66 creation RS/RF; 5.5 FWM/RS restoration; Morrison= 145.79 RS/RF, Zwierstra = 3.4 RS/RF creation, 3.3 RS/RF restoration; Pilgrim Cr = 4.94
Southern Cottonwood Willow Riparian Forest (ACOE jurisdictional impacts)	4.94	1:1	4.94	1:1 creation at Pilgrim 4.94 – 4.94	Singh = 36.66 creation RS/RF; 5.5 FWM/RS restoration; Morrison= 145.79 RS/RF, Zwierstra = 3.4 RS/RF creation, 3.3 RS/RF restoration; Pilgrim Cr = 0
Southern Cottonwood Willow Riparian Forest	13.39	3:1	40.17	1:1 creation at Singh = 36.66 – 13.39; 2:1 restoration at Morrison = 145.79 – 26.78	Singh = 23.27 creation RS/RF; 5.5 FWM/RS restoration; Morrison= 119.01 RS/RF; Zwierstra = 3.4 RS/RF creation, 3.3 RS/RF restoration; Pilgrim Cr = 0.
Southern Coast Live Oak Riparian Forest	3.09	3:1	9.27	1:1 creation at Singh 23.27 – 3.09; 2:1 restoration at Morrison 119.01 - 3.36	Singh = 20.18 creation RS/RF; 5.5 FWM/RS restoration; Morrison = 115.65 RF/RS, Zwierstra = 3.4 RS/RF creation, 3.3 RS/RF restoration; Pilgrim Cr = 0.
Uplands					
Coastal Sage Scrub	24.36	2:1	48.72	Groves preservation 180 – 48.72	Groves = 131.28 CSS Zwierstra = 7.0 upland creation
Disturbed Coastal Sage Scrub	13.28	2:1	26.56	Groves preservation 131.28 – 26.56	Groves = 104.72 CSS Zwierstra = 7.0 upland creation
Coast Live Oak Woodland	0.72	3:1	2.16	Groves preservation 11.0 – 2.16	Groves = 8.84 CLOW Zwierstra = 7.0 upland creation
Nonnative Grassland	43.17 total = 30.72 toad habitat; 12.45 other	1:1 toad habitat; 0.5:1 other	36.95	Groves preservation 50.0 – 36.95	Groves = 13.06 NNG Zwierstra = 7.0 upland creation

Table 8. Jurisdictional Impact Areas and Proposed Mitigation, Option B

Habitat Type	Permanent Impacts (Acres)	Mitigation Ratio	Total Compensation	Mitigation Location	Available acres remaining after mitigation
Riparian and Wetlands					
Mulefat Scrub	1.11	5:1	5.55	5:1 restoration at Morrison= 148.28 - 5.55	Morrison = 142.73 RS/RF . Zwierstra = 3.4 RS/RF creation; 3.3 RS/RF restoration. Pilgrim = 4.94 riparian credits.
Southern Willow Scrub	0.13	5:1	0.65	5:1 restoration at Morrison = 142.73 - 0.65 ac	Morrison = 142.08 RF/RS restoration acres Zwierstra = 3.4 RS/RF creation; 3.3 RS/RF restoration. Pilgrim = 4.94 riparian credits.
Disturbed Wetland	0.003	1:1	0.003	1:1 restoration at Morrison = 142.08 - 0.003 ac	Morrison = 142.07 RF/RS restoration acres Zwierstra = 3.4 RS/RF creation; 3.3 RS/RF restoration. Pilgrim = 4.94 riparian credits.
Southern Cottonwood Willow Riparian Forest (for USACE jurisdictional	4.94	1:1	4.94	1:1 creation at Pilgrim = 4.94 – 4.94	Morrison = 142.07 RF/RS restoration acres; Zwierstra = 3.4 RS/RF creation; 3.3 RS/RF restoration. Pilgrim = 0 riparian credits.
Southern Cottonwood Willow Riparian Forest	3.4	3:1	10.2	1:1 **creation** at Zweirstra = 3.4 – 3.4 2:1 restoration at Zweirstra = 3.3 – 3.3 2:1 restoration at Morrison = 142.07 – 3.5	Morrison = 138.58 RS/RF restoration acres Zwierstra = 0 RS/RF creation; 0 RS/RF restoration. Pilgrim = 0 riparian credits.
Southern Cottonwood Willow Riparian Forest	9.99	5:1	49.95	5:1 restoration at Morrison = 138.58 – 49.95	Morrison = 88.63 RF/RS restoration acres Zwierstra = 0 RS/RF creation; 0 RS/RF restoration . Pilgrim = 0 riparian credits.
Southern Coast Live Oak Riparian Forest	3.09	5:1	15.45	5:1 restoration at Morrison = 88.63 – 15.45	Morrison = 73.18 RF/RS restoration acres. Zwierstra = 0 RS/RF creation; 0 RS/RF restoration . Pilgrim = 0 riparian credits.
Uplands					
Coastal Sage Scrub	24.36	2:1	48.72	Groves preservation CSS = 180 – 48.72	Groves = 131.28 CSS preservation; Zwierstra 7.0 upland creation
Disturbed Coastal Sage Scrub	13.28	2:1	26.56	Groves preservation CSS = 131.28 – 26.56	Groves = 104.72 CSS preservation; Zwierstra 7.0 upland creation
Coast live oak woodland	0.72	3:1	2.16	Groves preservation CLOW = 11 – 2.16	Groves = 8.84 CLOW preservation; Zwierstra 7.0 upland creation
Non-native grassland	43.17 total = 30.72 toad habitat; 12.45 other	1:1 toad habitat; 0.5:1 other	1:1 = 30.72; 0.5:1 = 6.23	Groves preservation NNG = 50 – 36.95	Groves = 13.05 NNG preservation; Zwierstra 7.0 upland creation

Restoration of the sites will help provide more area for the reestablishment of native species and create a more diverse riparian habitat. The removal of nonnative species (primarily tamarisk and arundo) from the sites may also have a positive effect on the hydrologic conditions, making more water available to the system and areas proposed for creation downstream.

Impacts to other jurisdictional waters (including drainage features such as OHWM) will be mitigated through the use of mitigation bank credits at Pilgrim Creek. Restoration is defined as returning an area "from a disturbed condition or totally altered condition to a previously existing natural or altered condition by some action of man" (Lewis 1990, in ACOE 2006). Restoration involves manipulation of a former aquatic resource to return historic and/or natural functions. These opportunities at the Morrison property are available in good to fair quality existing habitat with 10-50 percent cover from nonnative species. A total of 148.28 acres of riparian habitat is available for restoration and enhancement at the Morrison property. This will also provide more area for the reestablishment of native species and create more diverse riparian habitat.

C. Time Lapse between Jurisdictional Impacts and Compensatory Mitigation Success

Impacts to habitat from the SR-76 Melrose to South Mission Highway Improvement Project are anticipated to begin near the time of planting on the Singh (for Option A), Morrison, and Zwierstra mitigation sites. The Singh and Zwierstra mitigation sites should have low to moderate flood and habitat functional values by year 3 and moderate to high values by year 5.

D. Estimated Costs

The estimated cost of the Singh mitigation creation and restoration of habitat onsite is approximately $17 million dollars (which includes bridge, wells, and electricity for the current owner). This does not include purchasing the property for the mitigation, which will cost approximately $4 million dollars. Costs for the Morrison and Zwierstra properties, which are still in conceptual stages, are unavailable at this time.

III. PROPOSED MITIGATION

A. Location and Size of Mitigation Areas

Singh Mitigation Site (proposed)

The Singh mitigation site is located north of SR-76 and east of Melrose Drive and south of North River Road at Longitude -117.2585 and Latitude 33.2585 (Figure 6). The property is approximately 56.9 acres in size, including the existing river channel (Figure 6). The site is currently actively farmed for growing tomatoes. The property is located in Oceanside and has an average rainfall of 10 to 15 inches. The mitigation site is within

the Lower San Luis Rey Hydrologic Unit as is the SR-76 Middle Project. The San Luis Rey River is listed as an impaired water body in this region for chloride and total dissolved solids. Sources of these pollutants are nonpoint sources, agriculture, golf courses, urban development, and others.

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Morrison Mitigation Site

The Morrison site, totaling about 148.28 acres, is located southeast of Gird Road and SR-76 in Bonsall (Figure 3). The San Luis Rey River crosses the southern portion of the property. The arroyo toad and the endangered least Bell's vireo have been documented onsite. The property has good quality riparian forest habitat with some freshwater marsh along the San Luis Rey River channel. However, much of the remainder of the property is degraded by large quantities of invasive species. Due to the presence of riparian forest habitat, the endangered southwestern willow flycatcher potentially may use the site. Since there will be no grading on the parcel (because of the arroyo toad), the mitigation is considered restoration, and instead of replacing permanently impacted habitat by a 3:1 ratio for creation, mitigation at Morrison will be completed at a 5:1 ratio for all habitats, with the exception of disturbed wetland, which will be mitigated at a 1:1 ratio. Restoration may include removing exotics (arundo, tamarisk, and avena); maintaining and creating friable soils for toads; creating riparian habitat in appropriate areas; controlling illegal access; installing controlled access for hiking and equestrian opportunities; and establishing a San Diego ambrosia population. There is the potential for restoration of 148.28 acres of riparian habitat. The plan will be provided to and approved by ACOE, CDFG, and RWQCB by the start of project construction.

Zwierstra Mitigation Site

The Zwierstra property is located along the north side of the SR-76 Melrose to South Mission project between Melrose Drive and East Vista Way (Figure 8). Its northwestern corner abuts the southeastern corner of the Singh property. It is approximately 19.38 acres. Four acres are riparian forest; the remainder has been in use as a dairy farm and residence. There is the potential for 3.4 acres of wetland creation, 3.3 acres of wetland restoration, and approximately 7 acres of upland restoration. A portion of the remainder of the site will be impacted by the SR-76 Melrose to South Mission Highway Improvement Project. The plan will be provided to and approved by ACOE, CDFG and RWQCB by the start of project construction.

Pilgrim Creek Mitigation Bank

The Pilgrim Creek Mitigation Bank is located along Pilgrim Creek, a tributary to the San Luis Rey River within the Oceanside city boundary (Figure 5). The site is bordered to the west by Marine Corps Base Camp Pendleton, to the south by a golf course, and on the remaining sides by Douglas Drive and residential developments. The stretch of Pilgrim Creek on the site supports approximately 9.8 acres of willow-dominated riparian habitat along a narrow channel. Coastal sage scrub, including 34.6 acres of restored habitat, covers the slopes bordering the site to the west, and the center of the site supports riparian vegetation planted in 1996 within a 49.8-acre creation area, as well as 1.5 acres of freshwater marsh. An additional small cell of planted riparian vegetation lies between

Pilgrim Creek and Douglas Drive on the east side of the creek. This site has 4.94 acres of available riparian creation mitigation credit.

B. Ownership Status of the Mitigation Areas

The Morrison property was recently purchased by Caltrans. This and other acquired mitigation parcels will be transferred to an appropriate agency in the future to manage and preserve the site as wildlife habitat in perpetuity. This will be done through a deed with restrictive covenants to protect and maintain the present and future uses of the properties. These restrictive covenants will include a list of prohibitive uses that are inconsistent with the conservation purposes of the properties or cause adverse actions to the properties. Transfer of this and other acquired parcels will include an endowment based on a Property Analysis Record (PAR) (Property Analysis Record 2001). Until then, long-term management of both sites is the responsibility of Caltrans.

The Pilgrim Creek Mitigation Site was purchased as mitigation for impacts caused by the State Route 76 West Project. As conditions of both the ACOE 404 (Permit Number 95-20133-DZ) and the CDFG 1602 permits (Notification No. 5-179-95), Caltrans was required to mitigate as follows:

- Caltrans shall mitigate with the creation of 27.8 acres (11.3 hectares) of wetland habitat (26.2 acres vireo-quality southern willow scrub and 1.6 acres freshwater marsh) at the Pilgrim Creek Mitigation Site.

- Caltrans shall also create an additional approximate 20 acres of riparian habitat for wetland mitigation banking; restore 38 acres of coastal sage scrub habitat; and leave a 6.2-acre buffer area between Douglas Drive and the mitigation site as a sewer easement.

The 121.4-acre Pilgrim Creek Mitigation Bank was purchased for $4.5 million dollars for purposes of upland and wetland creation. The conversion of this fallow agricultural land into a viable mitigation site cost approximately $3.7 million and required several years of plant establishment and monitoring. Phase One of construction began in 1996 and cost approximately $3 million to grade, irrigate, and plant 49.8 acres of riparian habitat and 34.6 acres with coastal sage scrub species. Irrigation improvements included replacing an agricultural flood bubbler system with an overhead irrigation system, to ensure a proper plant establishment that would not become dependent on an irrigation system. The site was weaned off of the irrigation system in 2002. Phase Two of construction began in late 1999 and cost approximately $700,000. This second phase included modifying portions of the irrigation system and replanting weak areas of the site (mostly coastal sage scrub). This phase included a 3-year plant establishment. The Pilgrim Creek Mitigation Bank has been successful, and all the mitigation bank credits have been signed off by the resource agencies.

The Zwierstra and Singh parcels are currently in negotiation with the respective land owners. The Singh property may be acquired by Caltrans; however, there are currently no forecasts as to when this might occur.

C. Existing Functions and Values of Mitigation Areas

Morrison

The Morrison property is considered to have high biological value. The property provides a major regional wildlife linkage; has a large area of undeveloped, good quality habitat; and contains critical habitat for three different species: coastal California gnatcatcher (*Polioptila californica*), least Bell's vireo (*Vireo bellii pusillus*), and southwestern willow flycatcher (*Empidonax traillii extimus*). It also has documented presence of the endangered arroyo toad (*Bufo californicus*), and least Bell's vireo, and supports suitable nesting, foraging, and dispersal areas for wildlife. However, much of the riparian habitat is degraded and does not support the primary constituent elements of the critical habitat. With the implementation of creation and restoration measures, including removal of nonnative vegetation and limiting human intrusion, the site could further increase in ecological functions and values.

Singh (Option A only)

The majority of the property is currently actively farmed upland habitat and provides little function or values except as marginal wildlife habitat. The existing channel is approximately 100 feet wide and approximately 1,900 feet long with open water and patches of freshwater marsh and giant reed. Giant reed forms dense stands on the banks of the channel and in some portions of the channel. Freshwater marsh onsite is dominated by southern cattail (*Typha domingensis*), broad-leaf cattail (*Typha latifolia*), California bulrush (*Scirpus californicus*), and Olney's bulrush (*Scirpus americanus*). The constricted nature of the channel and dense giant reed along the banks of the channel make it poor wildlife habitat with little flood relief or water quality functions. The narrow channel does not allow for long residence times onsite. In addition, the culverts occur on the downstream end of the confined channel further limiting hydrology and flows through the site.

Yellow-breasted chat (*Icteria virens*), least Bell's vireo, and southwestern willow flycatcher have been identified immediately upstream of the Singh mitigation site. The entire site is within critical habitat boundaries for the least Bell's vireo, and the existing channel is within the critical habitat for southwestern willow flycatcher.

Zwierstra

The existing biological value of the Zwierstra property is considered low to moderate due to its current condition. Disturbed habitat, nonnative vegetation, and developed areas cover 19.8 acres. The San Luis Rey River flows just north of the property. A large part of the parcel (approximately 11.8 acres) falls within the 100-year floodplain of the river. Drainage generally flows north across the property to the river. During wet periods, water from the river may move into a drainage that flows to the approximate center of the property. Several berms are located around the central to northern parts of the property and range from 10 to 15 feet in height, 8 to 10 feet wide. The berms effectively separate

the riparian forest area from the remaining areas of the property and likely prevent flooding to the southern areas. The berms appear to be made of dirt, rocks, large concrete chunks, and pipe. There are numerous pits and debris/dirt piles scattered around the property, as well as concrete slabs, concrete footings for fenceline, abandoned equipment, and car bodies.

The remaining 5.8 acres are good quality riparian forest and wetlands. Two vireos have been located onsite; the entire parcel falls within federally designated critical habitat for the least Bells' vireo and southwest willow flycatcher. The southwestern and southeastern corners of the parcel fall within designated critical habitat for the California gnatcatcher.

Pilgrim Creek Mitigation Bank

The stretch of Pilgrim Creek at the mitigation bank supports approximately 9.8 acres of willow-dominated riparian habitat along a narrow channel. Coastal sage scrub, including 34.6 acres of restored habitat, covers the slopes bordering the site to the west, and the center of the site supports riparian vegetation planted in 1996 within a 49.8-acre restoration area, as well as 1.5 acres of freshwater marsh. An additional small cell of planted riparian vegetation lies between Pilgrim Creek and Douglas Drive on the east side of the creek. This site has 4.9 acres of available mitigation credit. Creation of habitat has provided additional areas for flood relief, water quality benefits, and wildlife habitat. There are several pairs of successfully nesting least Bell's vireo onsite.

D. Present and Proposed Uses of Proposed Mitigation Sites and Adjacent Areas

Morrison

The site is vacant and is currently used for passive recreation, as well as homeless encampments. Trails used for horseback riding and hiking are on the property. The proposed future use of the mitigation site will be the creation and restoration of riparian forest and riparian scrub, and restoration of freshwater marsh. It is anticipated that the property will eventually become part of the San Luis Rey River Park and will continue to be used for passive recreation.

The area to the north of the Morrison property is presently State right-of-way. Part of this area is proposed for use in construction of the future SR-76 Mission to I-15 project. The remainder would be restored to native habitats. Agricultural lands border the east and south parts of the property. The western part of the Morrison property borders an area of contiguous riparian habitat, which continues downstream for approximately 6 miles until it reaches the Singh property. A large portion of this area is proposed to become part of the San Luis Rey River Park and will be used for passive and active recreation and habitat conservation.

Singh (Option A only)

The Singh property is currently used for agriculture, and the surrounding area is predominantly agricultural land. The site will be used as open space riparian habitat with a coastal sage scrub buffer for use as wildlife habitat and will allow for water quality

and flood functions onsite. The riparian habitat should provide quality habitat for use by a number of riparian bird species, including the endangered least Bell's vireo. In addition, the endangered arroyo toad may utilize the site, although this species generally prefers sandy braided channels, which may take some time to develop onsite. Endangered steelhead trout (*Oncorhynchus mykiss*) were recently found downstream in the San Luis Rey River. By removing culverts in the stream channel they may begin to utilize the low flow channel or at a minimum be able to swim up and downstream from the site with greater ease. The site will likely be used for wildlife movement up and down the river corridor in the area in addition to using the habitat onsite for foraging and breeding.

A farm road will be maintained adjacent to the site and a bridge will be placed across the stream at the upstream end of the site to allow farm trucks to access the produce plant. South of the property is the SR-76 Middle Project, and North River Road is a two-lane east/west road north of the parcel.

There is riparian habitat immediately upstream of the site; however, the majority of this habitat is privately owned and cannot be accessed.

Zwierstra

The Zwierstra parcel is currently occupied by the owner and used as a residence. It was previously a dairy farm. It is anticipated that a portion of the upland property, 4.7 acres, will be used for the construction of the SR-76 alignment. The remaining 14.88 acres would be available for mitigation. There is a potential for 6.7 acres of riparian forest and riparian scrub creation and/or restoration, and 4 acres of riparian forest restoration. Seven acres of upland habitat would also be created. The parcel is bordered to the south by SR-76, and to the east and north by the San Luis Rey River and associated riparian areas. It is bordered to the west by the Singh parcel and agricultural land to the east. The use of the Singh parcel will change, if acquired by Caltrans, to a mitigation site. The agricultural land east of Zwierstra is not anticipated to change.

Pilgrim Creek Mitigation Bank

The Pilgrim Creek Mitigation Bank currently consists of preserved and restored riparian and freshwater marsh habitat. The Banking Instrument regarding the establishment, use, operation, and maintenance of the Pilgrim Creek Mitigation Bank, entered into by ACOE, Caltrans, CDFG, and SANDAG, became finalized in 2002.

E. Jurisdictional Wetland Delineation

Morrison

A jurisdictional wetland delineation is currently being conducted for the Morrison property mitigation site. It is estimated that the majority of the site falls within CDFG jurisdiction; it is presently unknown what acreage is considered waters of the U.S.

Singh (Option A only)

The channel bottom up to approximately 1.5 to 2.5 feet up the banks is ACOE and CDFG jurisdictional wetland. The riprap on the sides of the channel did not allow soil pits to be dug. Only a few point locations were sampled where the edge of the obvious hydrologic indicators ended, such as debris and sediment deposits. The arundo extended to the top of the banks; however, there were no hydrologic indicators in this area. The habitat is considered primarily palustrine emergent habitat. The banks of the channel and the surrounding upland habitats are not jurisdictional habitat. The CDFG jurisdictional habitat extends to the tops of the banks of the channel.

Zwierstra

Approximately 4.96 acres of the Zwierstra parcel fall within CDFG jurisdiction; 0.83 acres have been delineated waters of the U.S. in the form of wetlands.

Pilgrim Creek Mitigation Bank

Pilgrim Creek has 49.8 acres of riparian area and 1.5 acres freshwater marsh, which fall within ACOE and CDFG jurisdiction.

IV. FINAL SUCCESS CRITERIA

A. Target Functions and Values

The long-term goal of the revegetation of temporary impacts is to replace native habitats impacted in the course of accessing the construction areas. The revegetation areas for temporary impacts will be considered successful if the trees or shrubs planted survive, increase in cover, and show natural recruitment in the next 5 years. Target functions and goals include improving groundwater recharge, increasing seed dispersal, and providing wildlife habitat.

Singh (Option A only)

The long-term goal of the permanent mitigation for impacts to riparian and wetland habitat is to create a self-sustaining functioning riparian woodland ecosystem. This may take several years to achieve. However, within 5 years, this site will develop characteristics leading toward this goal. The vegetation to be mitigated for at Singh includes southern willow scrub, mulefat scrub, disturbed wetland, southern cottonwood willow riparian forest, and southern coast live oak riparian forest. Success of the mitigation site will be determined through the establishment of functions and values as follows:

Natural Recruitment: Natural recruitment of riparian tree and shrub species will be documented within the planted site. The site should show natural recruitment through vegetative growth and/or seedlings 3 years after installation.

Wildlife Use: Numbers of wildlife species and individuals will be monitored quarterly at each site as an indication of habitat function and values. Over time there should be a change from ground birds to riparian species. Any nesting birds, particularly sensitive species, will be identified to indicate that the habitat is functional for these species.

Vegetation Cover: Cover of wetland plant species will be evaluated at each site through several methods. Each year, vegetation cover throughout the mitigation site will be mapped with Geographic Information Systems (GIS) on a current aerial photograph. Permanent photo stations will also be set up to evaluate vegetative growth over time onsite. Vegetation cover will also be monitored through visual inspection of the site and through monitoring of permanent transects.

Morrison

The Morrison property will provide mitigation for impacts to mulefat scrub, southern willow scrub, disturbed wetland, southern cottonwood willow riparian forest, and southern coast live oak riparian forest. This mitigation shall be achieved by either meeting or exceeding the following restoration goals:

- Preservation: Stands of native flora within the site shall be preserved.
- Restoration: Many of the existing side trails within the restoration site, including old roads, shall be blocked off and illegal access controlled. Installing controlled access will occur for hiking and equestrian opportunities. Removal of exotics, including giant reed, tamarisk and avena (*Avena* spp.) will be removed.
- Existing friable soils will be maintained and enhanced; with the removal of avena, tamarisk, and arundo, more soils will be made available for burrowing and aestivation.
- Willow scrub will be created in appropriate areas.
- Establishing a San Diego ambrosia population is being considered.

Zwierstra

Mitigation on this parcel is currently in the conceptual stage. The long-term goal of the permanent mitigation for impacts to riparian and wetland habitat is to create a self-sustaining functioning riparian woodland ecosystem. This may take several years to achieve. However, within 5 years, this site shall develop characteristics leading toward this goal. The vegetation to be mitigated for at Zwierstra includes southern willow scrub, mule fat scrub, disturbed wetland, southern cottonwood willow riparian forest, and southern coast live oak riparian forest. Success of the mitigation site will be determined through the establishment of functions and values as follows:

Natural Recruitment: Natural recruitment of riparian tree and shrub species will be documented within the planted site. The site should show natural recruitment through vegetative growth and/or seedlings 3 years after installation.

Wildlife Use: Numbers of wildlife species and individuals will be monitored quarterly at each site as an indication of habitat function and values. Over time there should be a change from ground birds to riparian species. Any nesting birds, particularly sensitive species, will be identified to indicate that the habitat is functional for these species.

Vegetation Cover: Cover of wetland plant species will be evaluated at each site through several methods. Each year, vegetation cover throughout the mitigation site will be mapped with GIS on a current aerial photograph. Permanent photo stations will also be set up to evaluate vegetative growth over time onsite. Vegetation cover will also be monitored through visual inspection of the site and through monitoring of permanent transects.

Pilgrim Creek Mitigation Bank

The 121.4-acre Pilgrim Creek Mitigation Bank was purchased for the purposes of upland and wetland creation. Goals were to create native, self-sustaining riparian habitat for sensitive species, including least Bell's vireo. The conversion of this fallow agricultural land into a viable mitigation site required several years of plant establishment and monitoring. Phase One of construction began in 1996 and included grading, irrigation, and planting of 49.8 acres of riparian habitat and 34.6 acres with coastal sage scrub species. Irrigation improvements included replacing an agricultural flood bubbler system with an overhead irrigation system, to ensure a proper plant establishment that would not become dependent on an irrigation system. The site was weaned off of the irrigation system in 2002. Phase Two of construction began in late 1999 and included modifying portions of the irrigation system, and replanting weak areas of the site (mostly coastal sage scrub). This phase included a 3-year plant establishment. The goals for this site were met; resource agencies signed off on the bank in 2004.

B. Target Hydrological Regime

Singh (Option A only)

Hydrological design success will be demonstrated by habitat survivorship following two dry seasons without irrigation or human intervention (with the exception of controlling non-native vegetation). The source of the water onsite is the San Luis Rey River; a perennial river with a watershed of 565 square miles. The San Luis Rey River flows through the constrained channel in the restoration area with wider riparian area to the east and west of the proposed site. The low flow channel will remain the same; however, the berm on the upstream side of the site will be breached in a 16-foot section. The banks of the low flow channel will be graded down approximately 4 to 6.5 feet to allow for greater flow into and out of the low flow channel. The existing seven culverts at the downstream end of the low flow channel will be removed so that flow is more natural.

Groundwater is within 8 to 20+ feet of the existing grade, so by grading the site down by 6.5 to 20 feet, riparian vegetation will be within 3 to 6 feet of the groundwater table and should receive regular surface flows during the rainy season. Piezometers will be installed within the wetland creation areas to monitor the groundwater levels onsite.

Morrison

The source of the water onsite is the San Luis Rey River. The San Luis Rey River currently flows through the area in an unconstrained manner. However, the presence of giant reed and tamarisk has likely contributed to lowering the groundwater table. These invasives are suspected of altering hydrological regimes, reducing groundwater availability, and altering channel morphology by retaining sediments and constricting flows. Possible stream downcutting, as well as the effects of the high density and cover of giant reed, may have resulted in a reduction in riparian inundation. The mitigation project goal is to maintain or improve existing water storage. Moderate improvements to groundwater levels are expected with arundo and tamarisk removal. Piezometers will be installed within the riparian restoration areas to monitor the groundwater levels onsite.

Zwierstra

Hydrological design success will be demonstrated by habitat survivorship following two dry seasons without irrigation or human intervention (with the exception of controlling nonnative vegetation). The source of the water onsite is the San Luis Rey River. The San Luis Rey River flows just north of the restoration area with about 5.33 acres of riparian area falling within the site. The berms located along the eastern end of the parcel will be breached, and these areas will be graded down to allow for greater flow into and out of the low flow channel.

V. IMPLEMENTATION PLAN

A. Rationale for Expecting Implementation Success

Success of all mitigation sites is expected due to the adjacent riverine habitat and appropriate hydrologic conditions at each site. The proposed mitigation sites should be successful in replacing not only the functions and values lost but will also provide wildlife habitat.

B. Proposed Implementation Schedule

The grading for the Singh (Option A) and Zwierstra mitigation sites will be completed during the first year of construction of the SR-76 Melrose to South Mission Project. Grading at the sites (with the exception of Singh) will be completed outside of the bird breeding season (September 16 through February 14), to ensure no impacts will occur to breeding birds. Singh is currently planted in agricultural fields; grading may occur during the breeding season. Irrigation and planting will occur in the late fall to early winter of the first year construction for the SR-76 Highway Improvement Project begins (2009). Removal of exotics at the Morrison property is expected to begin in 2009.

C. Site Preparation

Singh (Option A only)

The mitigation site elevations currently extend up to 138 feet on the north side of the river, 118 feet in elevation on the south side of the river, and approximately 110 feet at the top of the channel bank in the middle. Grading onsite will create slopes around the outside of the site that slope down from 4:1 to 2:1 to the wetland creation area. The wetland creation area will have a variable grade from 105 feet to 100.9 feet on the south side of the river (Figure 7) and 105 feet to 101.7 feet on the north side of the river. Grading is shown in 1.5 foot intervals and final grade will be ripped and graded for microtopography. The final grade will be directed by the biology and stewardship personnel onsite. Fine grading plans to 0.5 feet are infeasible for such a large site. In addition, the berm on the southeastern edge of the property will be breached in one location, and the bank of the channel will be graded down 4 to 6.5 feet to allow for flow into and out of the channel, but preserving the existing wetland and low flow channel.

The existing river crossing with seven culverts on the downstream end of the channel will be removed. A two-span bridge will be placed on the upstream side of the channel for trucks to cross the river to access their produce plant. A third bridge will be placed over the breach in the berm on the southeastern edge of the site. Riprap will be placed along the abutments of the bridges and along the western edge of the site to ensure that slopes do not erode. The riprap will be covered with dirt and planted similar to what was done at the Marron mitigation site. Two to three water wells currently onsite will be abandoned and Caltrans will drill new wells for the owners offsite.

After rough grading is finished onsite, fine grading to create microtopography will be completed under the direction of stewardship/biology in conjunction with the landscape resident engineer (RE). The resource agencies will have an opportunity to review and approve the final grading prior to completion the grading task.

All nonnative plants will be removed from the site through hand removal and/or spraying with herbicide. The exotic plant material will be taken offsite and disposed of properly or chipped to a fine mulch and left onsite. Temporary irrigation will be installed onsite to allow the plants to become established.

Piezometers will be installed to monitor ground water levels onsite. The piezometers will be installed on each side of the river after final grading is finished and prior to installation of the irrigation.

The riparian creation area will be planted with a combination of willows, cottonwoods, oaks, and western sycamore trees with mulefat and herbaceous understory. The species selected are known to occur within the San Luis Rey River habitat nearby.

In the restoration area along the channel, exotic plant species will be removed and cuttings of willows will be planted. It is anticipated that the rest of the native vegetation in the channel will also expand to populate newly cleared areas.

Coastal sage scrub will be planted on the slopes surrounding the riparian creation area. Plant survival and growth shall be sustained for at least two dry seasons without irrigation or human intervention. Irrigation will be gradually withdrawn from the mitigation site over time.

Temporary irrigation will be installed in the wetland creation areas and on the slopes. Irrigation will be used during the first 2 years or as needed until the plants are established. Overhead spray heads will be used for irrigation. The irrigation schedule will be developed for infrequent periods of deep watering, with no irrigation during periods of normal rainfall. Irrigation of the site will be tapered off during plant establishment to acclimatize the plants to less and less irrigation. No irrigation will be used after the third year of monitoring.

Morrison

Fencing will be constructed around the property perimeter. Access to side trails will be blocked with post line, and trails will be made more inaccessible by covering with dead and downed trees and shrubs. The exotic plant material will be taken offsite and disposed of properly. Piezometers will be installed to monitor ground water levels onsite.

All nonnative plants will be removed from the site through hand removal and/or spraying with herbicide. The exotic plant material will be taken offsite and disposed of properly or chipped to a fine mulch and left onsite. Temporary irrigation will be installed onsite to allow the plants to become established.

The riparian creation area will be planted with a combination of willows, cottonwoods, oaks, and western sycamore trees with mulefat and herbaceous understory. The species selected are known to occur within the San Luis Rey River habitat nearby. Hand watering will occur until plants become established.

In the restoration area along the river, exotic plant species will be removed and cuttings of willows will be planted. It is anticipated that the rest of the native vegetation in the channel will also expand to populate newly cleared areas.

Zwierstra

A conceptual plan for mitigation is currently being developed. Fencing of the perimeter will be constructed to limit human intrusion. The berms located along the eastern end of the parcel will be breached, and these areas will be graded down to allow for greater flow into and out of the low flow channel. Invasive vegetation will be removed. Species selected for the Singh planting plan will likely be very similar for Zwierstra.

D. Planting Plan for Singh, Morrison and Zwierstra Parcels

The riparian creation areas will be planted with a combination of willows, cottonwoods, oaks, and western sycamore trees with mulefat and herbaceous understory. The species selected are known to occur within the San Luis Rey River habitat nearby. Species to be planted in the creation areas for Singh, Morrison, and Zwierstra and type of container are listed in Table 9, and seed for the creation area is listed in Table 10.

Table 9. Riparian Creation Container Species

Scientific Name	Common Name	Container Size
Platanus racemosa	western sycamore	5 gallon
Populus fremontii	Fremont's cottonwood	5 gallon
Populus trichocarpa	black cottonwood	5 gallon
Salix exigua	sandbar willow	1 gallon
Salix gooddingii	black willow	1 gallon
Salix laevigata	red willow	1 gallon
Salix lasiolepis	arroyo willow	1 gallon
Quercus agrifolia	coast live oak	5 gallon
Sambucus mexicana	Mexican elderberry	1 gallon
Baccharis salicifolia	mulefat	1 gallon
Anemopsis californica	yerba mansa	1 gallon
Artemisia palmeri	Palmer's sagebrush	1 gallon
Iva hayesiana	San Diego marsh-elder	1 gallon
Juncus acutus	spike rush	1 gallon
Rubus ursinus	California blackberry	1 gallon
Vitus girdiana	desert grape	1 gallon
Distichlis spicata	salt grass	liner
Eleocharis montevidensis	spike rush	liner

Table 10. Riparian Creation Area Dry Applied Seed

Scientific Name	Common Name
Artemisia douglasiana	mugwort
Artemisia palmeri	Palmer's sagebrush
Lotus strigosus	hirsute lotus
Oenothera elata hookeri	evening primrose
Pluchea odorata	marsh fleabane

In the restoration area along the Singh channel and Morrison riverbed, exotic plant species will be removed and cuttings of willows will be planted. It is anticipated that the rest of the native vegetation in the channel will also expand to populate newly cleared areas.

For the Singh and Zwierstra properties, coastal sage scrub will be planted on the slopes surrounding the riparian creation area. Table 11 is a list of container species that will be planted on the slopes at roughly 8 feet on center in irregular groupings. Table 12 contains a list of species that will be seeded on the slopes.

For the Morrison property, the plan is to dethatch native grass areas and remove areas of avena to create suitable aestivation soils for arroyo toad.

Table 11. CSS species to be Planted on the Slope

Scientific Name	Common Name	Container Size
Rhus integrifolia	lemonadeberry	1 gallon
Heteromeles arbutifolia	toyon	1 gallon
Sambucus mexicana	Mexican elderberry	1 gallon
Artemisia californica	coastal sagebrush	1 gallon
Eriogonum fasciculatum var. *fasc.*	flat-topped buckwheat	1 gallon
Salvia mellifera	black sage	1 gallon
Salvia apiana	white sage	1 gallon
Isomeris arborea	bladderpod	1 gallon
Mirabilis californica	four o'clock	1 gallon
Baccharis pilularis	coyote bush	1 gallon
Encelia californica	California sunflower	1 gallon
Leymus condensatus	giant wild rye	1 gallon
Malosma laurina	laurel sumac	1 gallon
Mimulus aurantiacus	bush monkeyflower	1 gallon
Muhlenbergia rigens	deer grass	1 gallon
Opuntia littoralis	prickly pear	1 gallon
Opuntia prolifera	coast cholla	1 gallon

Table 12. Species to be Hydroseeded on Slope

Scientific Name	Common Name
Artemisia californica	coastal sagebrush
Castilleja exserta	purple owl's clover
Clarkia purpurea quadivulnera	four spot clarkia
Encelia californica	California sunflower
Eriogonum fasciculatum var. *fasc.*	flat-topped buckwheat
Deinandra fasciculatum	fascicled tarweed
Lasthenia californica	goldfields
Lotus scoparius	deerweed
Nassella pulchra	purple needlegrass
Salvia mellifera	black sage

E. Irrigation Plan

Temporary irrigation will be installed at the Singh and Zwierstra properties in the wetland creation areas and on the slopes. Hand watering alone is planned for the Morrison property. Irrigation will be used during the first 2 years or as needed until the plants are established. Overhead spray heads will be used for irrigation. The irrigation schedule will be developed for infrequent periods of deep watering, with no irrigation during periods of normal rainfall. Irrigation of the site will be tapered off during plant establishment to acclimatize the plants to less and less irrigation. No irrigation will be used after the third year of monitoring.

VI. MAINTENANCE DURING MONITORING PERIOD

A. Maintenance Activities

Plant establishment during the first 2 years includes the following maintenance activities:

- Watering as necessary to establish plants
- Exotic species removal
- Trash and debris removal
- Replacement of all dead plants in the first year
- Maintenance and repair of permanent and temporary barriers
- Vegetative and wildlife monitoring
- Photographs from designated stations and aerial photographs during the growing season

Habitat management monitoring during years 3 through 5 will include all of the items listed above with the exception of replacement of dead plant material.

Irrigation will be regularly checked and maintained. Irrigation will be turned off during rainy periods and adjusted based on atmospheric conditions.

Perennial exotic control will be completed using a combination of methods. Exotic perennial plants will be controlled through plant removal, spraying with herbicides, or cutting and spraying. Annual exotic species will either be pulled by hand or sprayed with herbicides, such as glyphosphate. All seed heads and removed vegetative material will be disposed of properly offsite.

B. Responsible Parties

Parties involved in the project will be a landscape contractor, selected through the State's open bid process that will implement the planting plan and perform maintenance on the site. Caltrans biologists/stewardship group will perform the monitoring activities as well as monitor the success of the maintenance activities. Monthly reviews of the mitigation

site will be completed with the contractor, landscape RE, and stewardship/biology group for the first 3 years, then quarterly reviews will be completed during years 4 and 5. During the reviews, the personnel will walk the site and note deficiencies that need to be addressed. Long-term management of the site will be the responsibility of Caltrans, until it is transferred to an appropriate agency to manage in perpetuity. This will be done through a deed with restrictive covenants to protect and maintain the present and future uses of both properties.

C. Schedule

During the plant establishment phase, the landscape contractor, under the supervision of the Caltrans biologist/stewardship mitigation specialists, is responsible for maintaining the site as needed to meet the contract obligations. Generally, the contractor is onsite at least once per week during this time. The Caltrans personnel will inspect each mitigation site at least 1 day per month during plant establishment and at least quarterly each year thereafter until the success criteria have been met.

VII. MONITORING PLAN FOR SINGH, MORRISON, AND ZWIERSTRA MITIGATION SITES

A. Performance Standards for Target Dates and Success Criteria

Vegetation planted onsite will be monitored throughout the planting and maintenance period. Goals for the first 2 years include ensuring that the planted and seeded vegetation survives and then progresses to the cover goals developed for this site. Vegetation cover will be measured using the line intercept method for permanent transects onsite. Performance criteria for the vegetation cover for the transects are discussed below.

<u>Year 1:</u>
Establishment of all species planted or seeded. Any container plants that die within the first year will be replaced. If there are bare areas in the seeded slopes, additional seed will be hand broadcast at the start of the rainy season.

<u>Year 2:</u>
Establishment of container plants continues. There should be 90 percent survival of all container plants. If survival is less than 90 percent, the reason for the plant poor survival will be evaluated and dead plants will be replaced. Any large bare areas identified in the photos will be evaluated to determine cause of the problem.

Performance criteria were developed based on the characteristics of the existing vegetation cover in the enhancement area of the Marron mitigation site in combination with the 5-year-old riparian creation portion of the Marron mitigation site. The Marron Mitigation Site has similar characteristics to the Singh and Zwierstra mitigation sites. Marron is approximately 0.75 miles upstream from Singh, and 0.30 from Zwierstra. The healthy habitat areas within the Morrison property, which consist of riparian forest and

dense native riparian shrub, may also be used as performance criteria for mitigation at that site.

The enhancement area at Singh is a strip of freshwater marsh and riparian forest along the low flow channel of the San Luis Rey River. At Zwierstra, the bermed areas and giant reed areas are the enhancement area. At the Morrison property, the area along the low flow channel is the enhancement area. The creation area at Marron is immediately outside the low flow channel. The Marron creation area has achieved 79.5 percent cover over the entire site with 72.6 percent tree and shrub cover after 5 years. The site was flooded during a twice normal rainfall year at the start of its third year. This caused scour and deposition onsite and slowed development of the riparian habitat somewhat. These are common, natural occurrences in riparian systems that should be taken into account during development and the life of the habitat. Flooding scour and deposition will occur at the Singh, Morrison and Zwierstra mitigation sites during large rainfall events. The process of flooding, scour, and deposition onsite are important for transmission of nutrients and organic matter and are expected with riparian hydrology.

The proposed cover goals for the Singh, Morrison and Zwierstra mitigation sites reflect the dynamic processes in riparian systems. A range of cover goals for tree, shrub, herb, freshwater marsh, and open areas are proposed to allow for the variability in these systems (Table 13). All cover data will be calculated as absolute cover. Absolute cover is the cover of each species or type of vegetation divided by the transect length. Therefore, when there are areas of overlapping vegetation, such as trees hanging over herbaceous layer, the percent cover can exceed 100 percent. Open space is still calculated by subtracting the amount of open area coverage from 100 percent. The proposed goals are considered appropriate for the Singh, Morrison and Zwierstra mitigation sites and are within the range of cover goals in each cover class for the existing habitat at the Marron creation and enhancement areas, and existing habitat at the Morrison property. The goals for Years 1 through 4 are primarily based on milestones on the way to the ultimate cover goals for Year 5.

Table 13. Restoration Goals for Created Wetland Habitat

Goals	Year 1	Year 2	Year 3	Year 4	Year 5
% vegetative cover	20-70	30-85	55-100+	75-100+	80-100+
% tree cover	10-25	20-40	30-50	40-50	50-70
% shrub	5-15	5-15	10-15	10-20	15-25
% herb	5-20	5-20	15-30	15-30	10-40
% freshwater marsh	0-10	0-10	0-10	0-10	5-15
% open	30-80	15-70	0-45	0-35	0-20

Five 30-meter transects at the Marron mitigation site that extend from the creation area into the enhancement area, and the quality portions of the Morrison property, will be monitored annually to verify the reference site cover in relation the proposed goals.

Restoration Goals for the Restored Wetland Habitat

The goal of the restoration and enhancement is to remove exotic species and revegetate with native species. The goal is for effectively zero percent cover of perennial exotic species. As any new seedlings or resprouting of exotics occurs, they will be removed or treated with herbicide. The majority of the channel has flow year-round. This area will be monitored through visual inspection and photo stations; no transects will be monitored. Cover in the channel is variable with flow and growth of cattails and rushes versus flowing water.

For detailed goals and criteria for each of the mitigation sites, see the individual mitigation plans for each site. This includes target functions and values, target hydrological regimes, and target jurisdictional and nonjurisdictional acreages to be established, restored, enhanced, and/or preserved.

B. Monitoring Methods

Monitoring of the Singh, Morrison and Zwierstra mitigation sites will be completed by Caltrans biology and stewardship personnel. There will be Caltrans landscape inspectors and the landscape RE involved in overseeing the contractor; however, the biology/stewardship personnel will be onsite frequently throughout the life of the site to ensure that the site is moving toward and achieving its goals. In addition to monitoring the work during construction, grading, irrigation installation, and planting, monitoring of vegetation transects, photo stations, wildlife monitoring, and overall status of the site will be completed regularly by biology/stewardship personnel. Success of the mitigation site will be determined through a number of success criteria proposed below:

Vegetation and wildlife monitoring at the mitigation site will be completed through a combination of methods. Wildlife monitoring will be completed quarterly and will consist of identifying all species through direct observation or through identifying tracks, scat, or vocalizations. A list of wildlife species and numbers of individuals identified will be completed. The quarterly wildlife monitoring will be included in the annual mitigation site reports. Use of the creation and restoration areas by listed and sensitive species is considered an indication of a functioning habitat. Protocol least Bell's vireo surveys will be completed onsite the spring after the plants have been in the ground a full year. No vireo use is anticipated at Singh during the first growing season due to the small size of vegetation immediately after planting.

Vegetation will be monitored through three methods: (1) detailed aerial photograph vegetation mapping; (2) permanent photo locations; and (3) collection of permanent transect data.

<u>Aerial Photo Mapping and Permanent Photo Locations</u>

Aerial photographs of the mitigation site will be taken each year. The vegetation cover of the sites will be mapped in detail on an aerial photo. At least 10 permanent photo stations at each site will also be established. The vegetation onsite will be photographed each

year including the year prior to initiation of mitigation (Photos 1 through 10). Then, a detailed description of the vegetation cover and its progression over time will be prepared from the aerial and site photos. This will show the progress of the site and any areas that are not doing as well and that require action to restore plant growth.

Vegetation Transects

For the created riparian areas, 30-meter permanent transects will be established to monitor cover of the trees, shrubs, freshwater marsh, and herbs. The transect locations will be recorded using a Trimble® Global Positioning System (GPS) and will be marked in the field with permanent PVC transect posts. A line intercept method will be used to determine the amount of tree, shrub, herb, freshwater marsh, and open space coverage. Total cover on the site will be calculated by subtracting the amount of open space from the absolute length of the transect. Any areas of open space greater than 20 feet across in years 3 through 5 will be noted and examined for action to fill in the gap. Twenty transects through the creation areas will be established. In addition, the five reference transects established at the Marron mitigation site, and additional reference sites within the quality habitat portions at the Morrison property, will also be monitored annually as a comparison to the created areas and the goals. Eight transects will be monitored within the coastal sage scrub on the slopes.

Natural Recruitment: Natural recruitment of riparian tree and shrub species will be documented within the planted site. The site should show natural recruitment through vegetative growth and/or seedlings within at least 3 years after installation.

C. Monitoring Schedule

In general, the sites will be monitored for maintenance monthly in the first 3 years and at least quarterly in years 4 and 5. Wildlife monitoring will be completed quarterly with eight protocol vireo surveys between April 10 and July 31 during years 2 through 5. Additional wildlife surveys may be done to establish presence of sensitive and endangered species. Vegetation transect monitoring will be completed annually in late summer after a full growing season. Photo stations will be taken at the time of transect monitoring and additional photos will be taken during the rainy season to show flow patterns through the site.

D. Annual Monitoring Reports

The first annual reports will be submitted by January 1 after the plants have been in the ground for an entire spring and summer. The site shall be maintained and monitored for a minimum of 5 years or longer as needed to meet the success criteria. Annual reports will be submitted to the ACOE, CDFG, RWQCB, and USFWS for 5 years and will follow ACOE format.

When the mitigation appears to have met all of the success criteria described herein or as amended in writing, Caltrans will request a final review of the site and written confirmation of success from the ACOE, CDFG, RWQCB, and USFWS.

VIII. COMPLETION OF COMPENSATORY MITIGATION

A. Notification of Completion

The ACOE, CDFG, RWQCB, and USFWS will be notified that the mitigation site has met the success criteria. A field review with the agencies will then be scheduled.

B. Agency Confirmation

The resource agencies will be asked for confirmation that the compensatory mitigation has met its success criteria and they will each submit a letter stating that the mitigation is complete.

IX. CONTINGENCY MEASURES

A. Initiating Procedures

If an annual performance criterion is not met for all or any significant portion of the mitigation projects in any year, or if final success criteria are not met, Caltrans shall prepare an analysis of cause(s) of failure. Then, remedial actions will be proposed for approval by the ACOE, CDFG, RWQCB, and USFWS. If the mitigation sites have not met the performance criteria, Caltrans maintenance and monitoring obligations shall continue until the ACOE, CDFG, RWQCB, and USFWS give final approval.

B. Alternative Locations for Contingency Compensatory Mitigation

Lack of success on the proposed sites may require additional planting, grading, or exotic control. However, it is not anticipated that the sites will be unsuccessful. No alternative sites have been identified.

C. Funding Mechanism

The mitigation will be funded through Transnet Environmental Mitigation Program money from the half-cent sales tax increase. In addition, federal funds from the FHWA will be used for mitigation for the SR-76 Melrose to South Mission Project. There will be contingency funds of approximately $1 million in the contract for the Singh mitigation site to allow for remedial measures onsite.

D. Responsible Parties

The responsible parties for any contingency measures are the same as for the other steps of the project.

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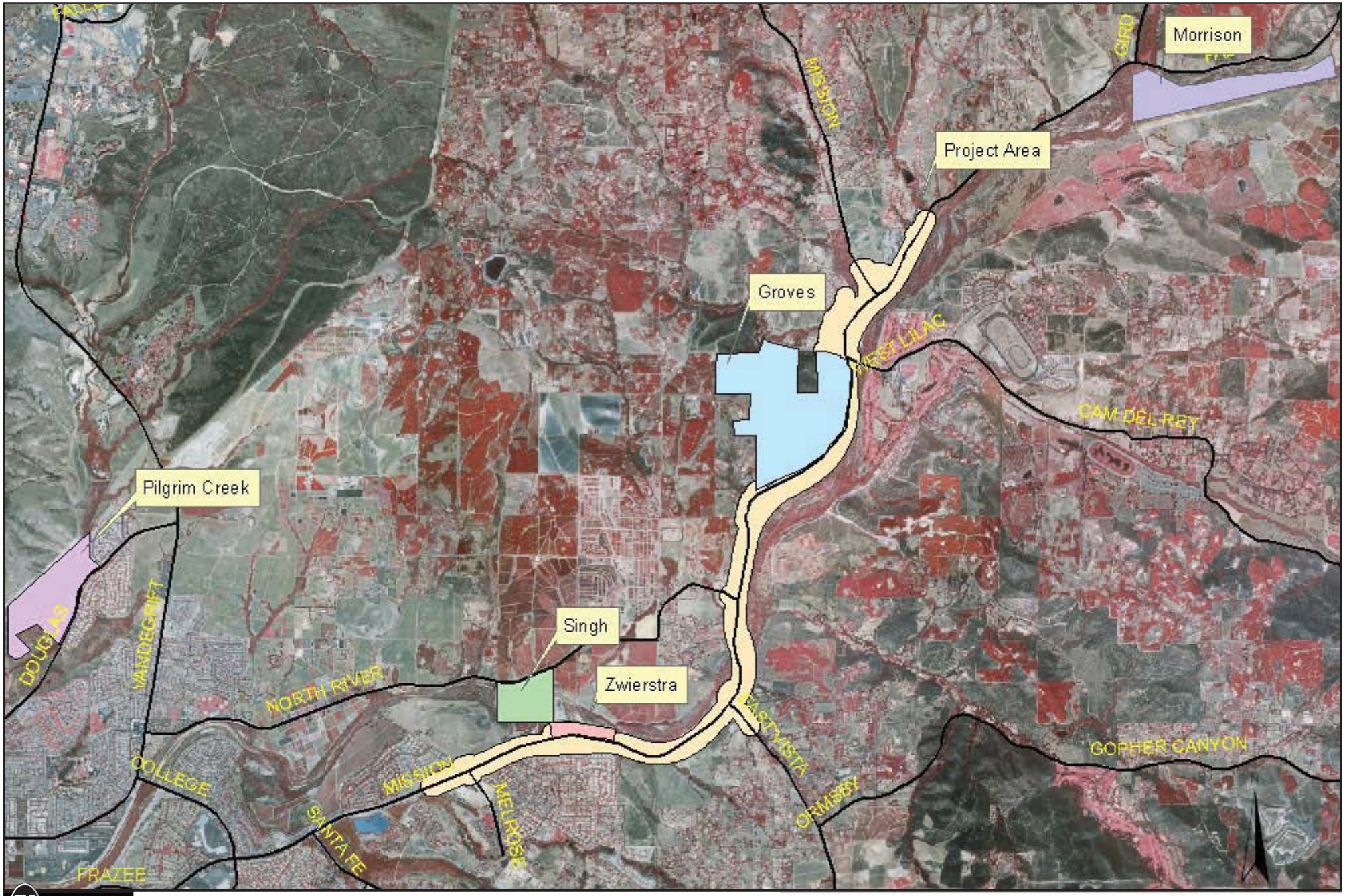
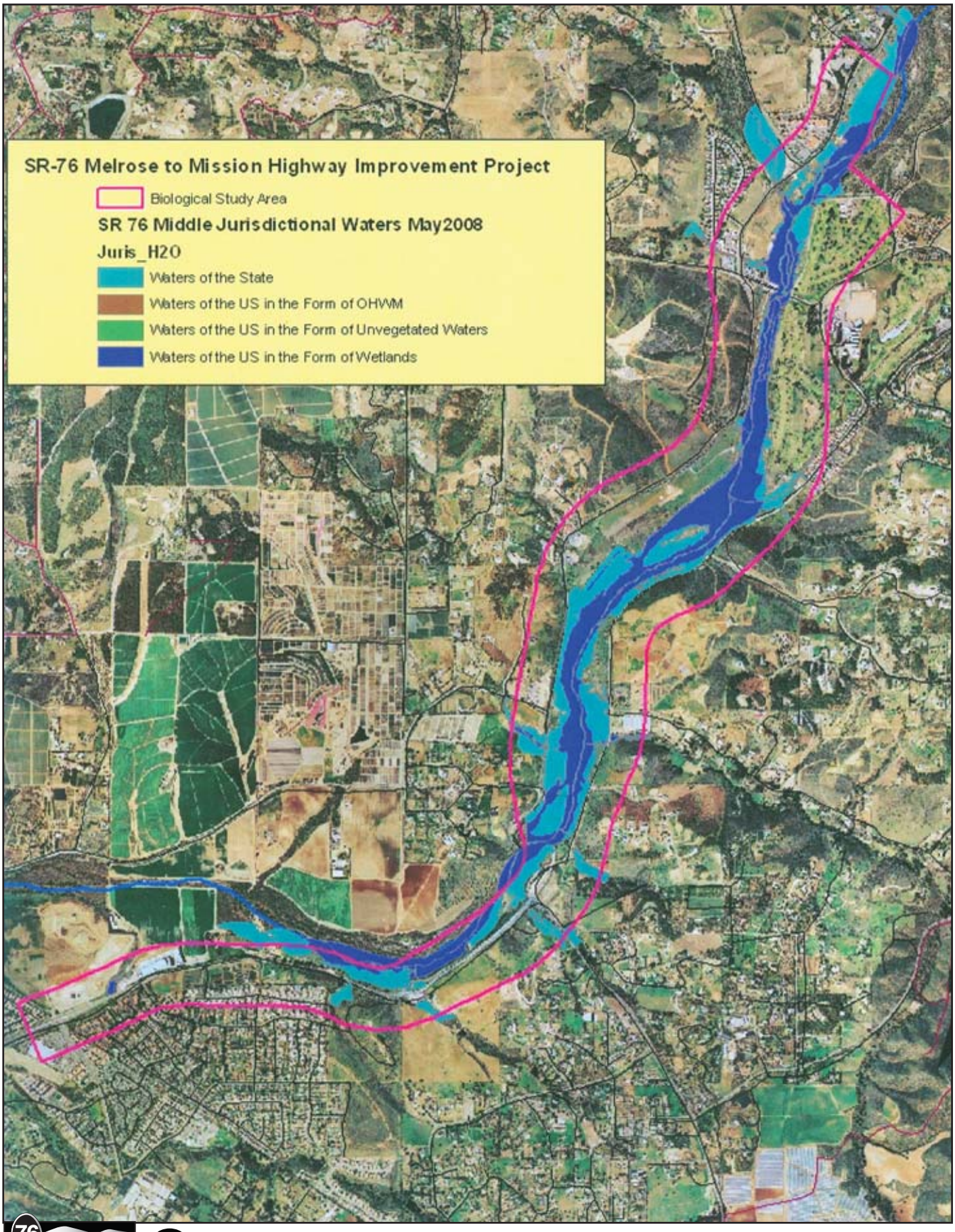


State Route 76 Corridor

No Scale

Figure 1

Mitigation Sites and SR-76 Melrose to Mission Project Area

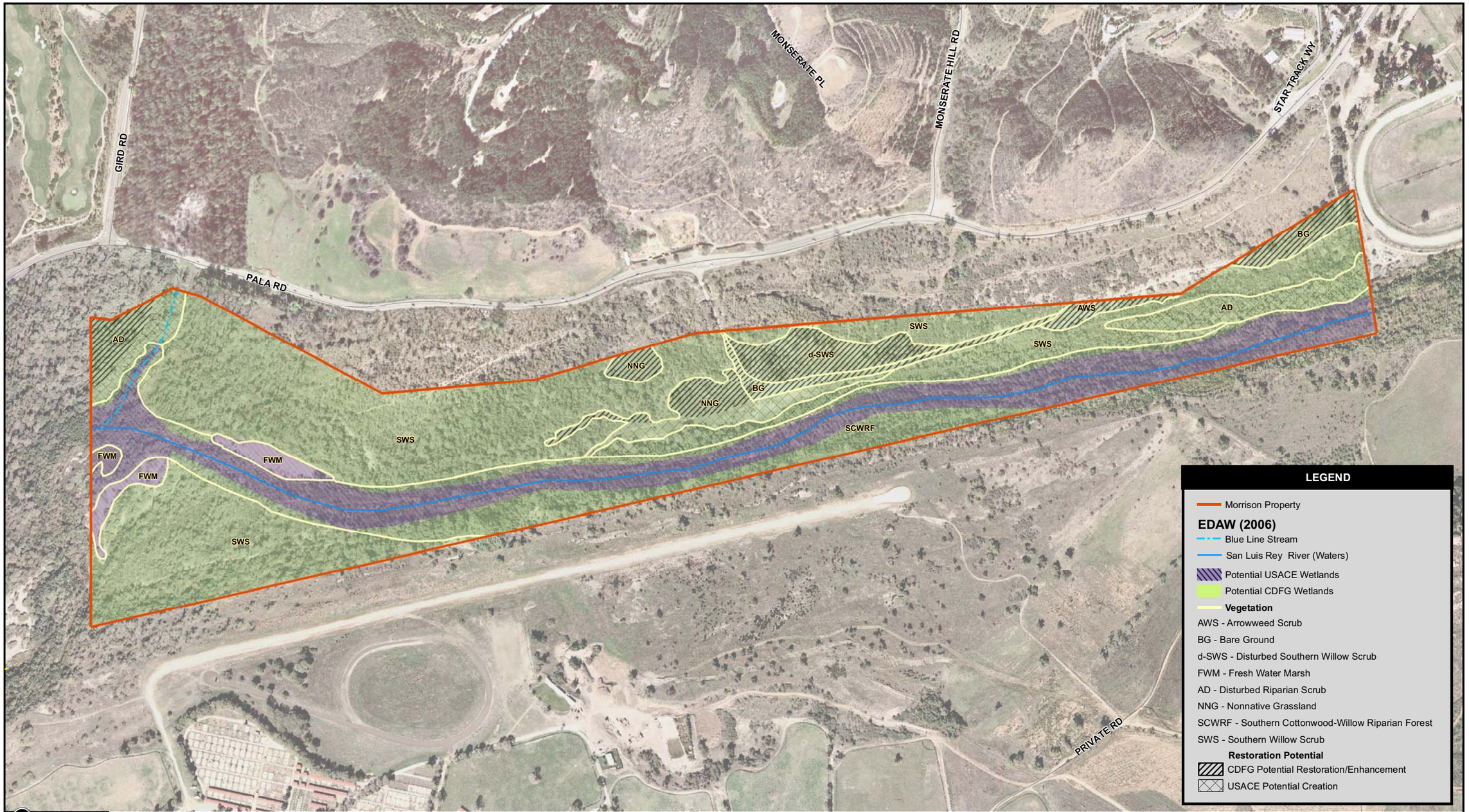


76 State Route 76 Corridor

1:10,000

Figure 2

ACOE and CDFG Jurisdictions within the Project Area



76 State Route 76 Corridor

Source: EDAW 2006; CNDDB 2005; SanGIS 2005; USFWS 2005; SDNHM 2005; Eagle Aerial 2004; SANDAG 2000

NORTH

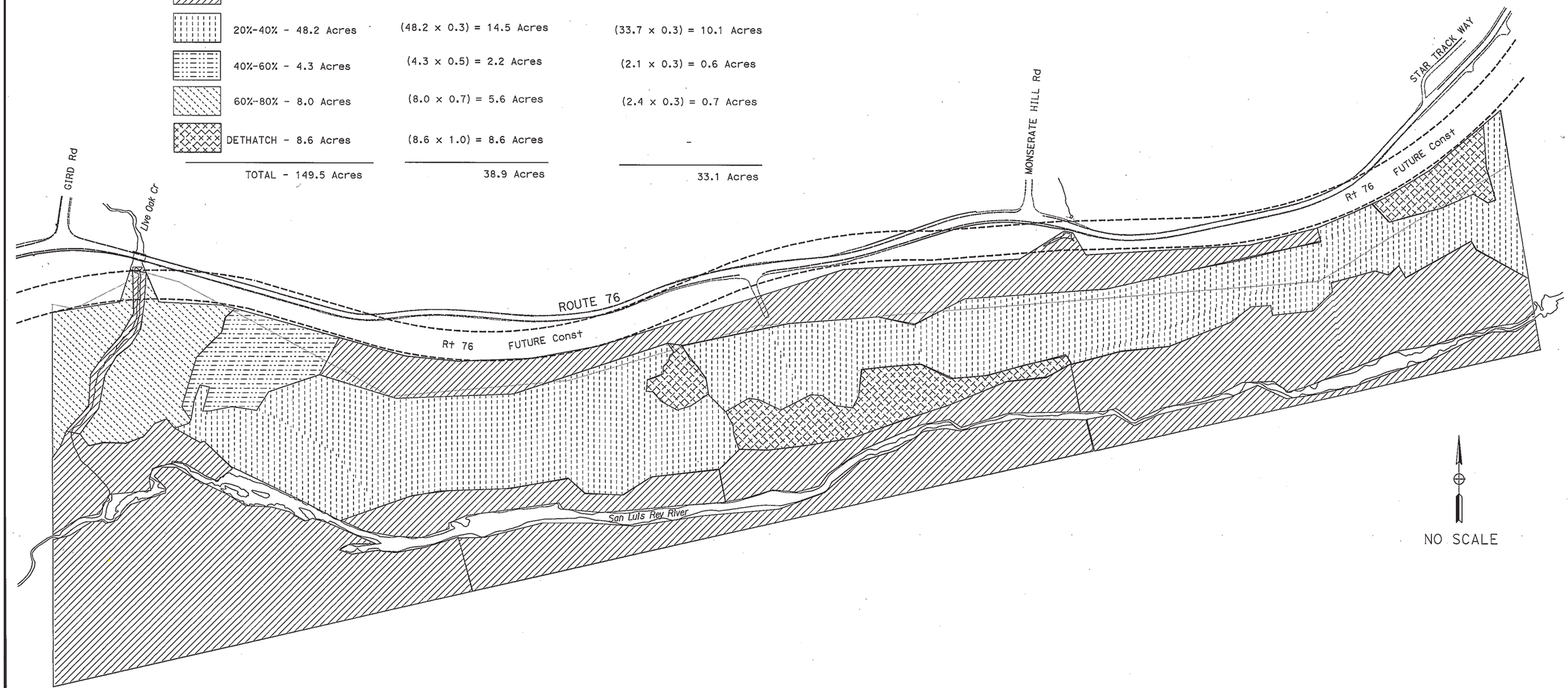
500 0 500 Feet

Scale: 1:6,000 ; 1 inch = 500 feet

Figure 3

Morrison Property Vegetation and Wetlands

PERCENT & ACRES TO BE REMOVED	CREATION ACRES	RESTORATION/ENHANCEMENT ACRES
0%-20% - 80.4 Acres	(80.4 x 0.1) = 8.0 Acres	(72.4 x 0.3) = 21.7 Acres
20%-40% - 48.2 Acres	(48.2 x 0.3) = 14.5 Acres	(33.7 x 0.3) = 10.1 Acres
40%-60% - 4.3 Acres	(4.3 x 0.5) = 2.2 Acres	(2.1 x 0.3) = 0.6 Acres
60%-80% - 8.0 Acres	(8.0 x 0.7) = 5.6 Acres	(2.4 x 0.3) = 0.7 Acres
DETHATCH - 8.6 Acres	(8.6 x 1.0) = 8.6 Acres	-
TOTAL - 149.5 Acres	38.9 Acres	33.1 Acres



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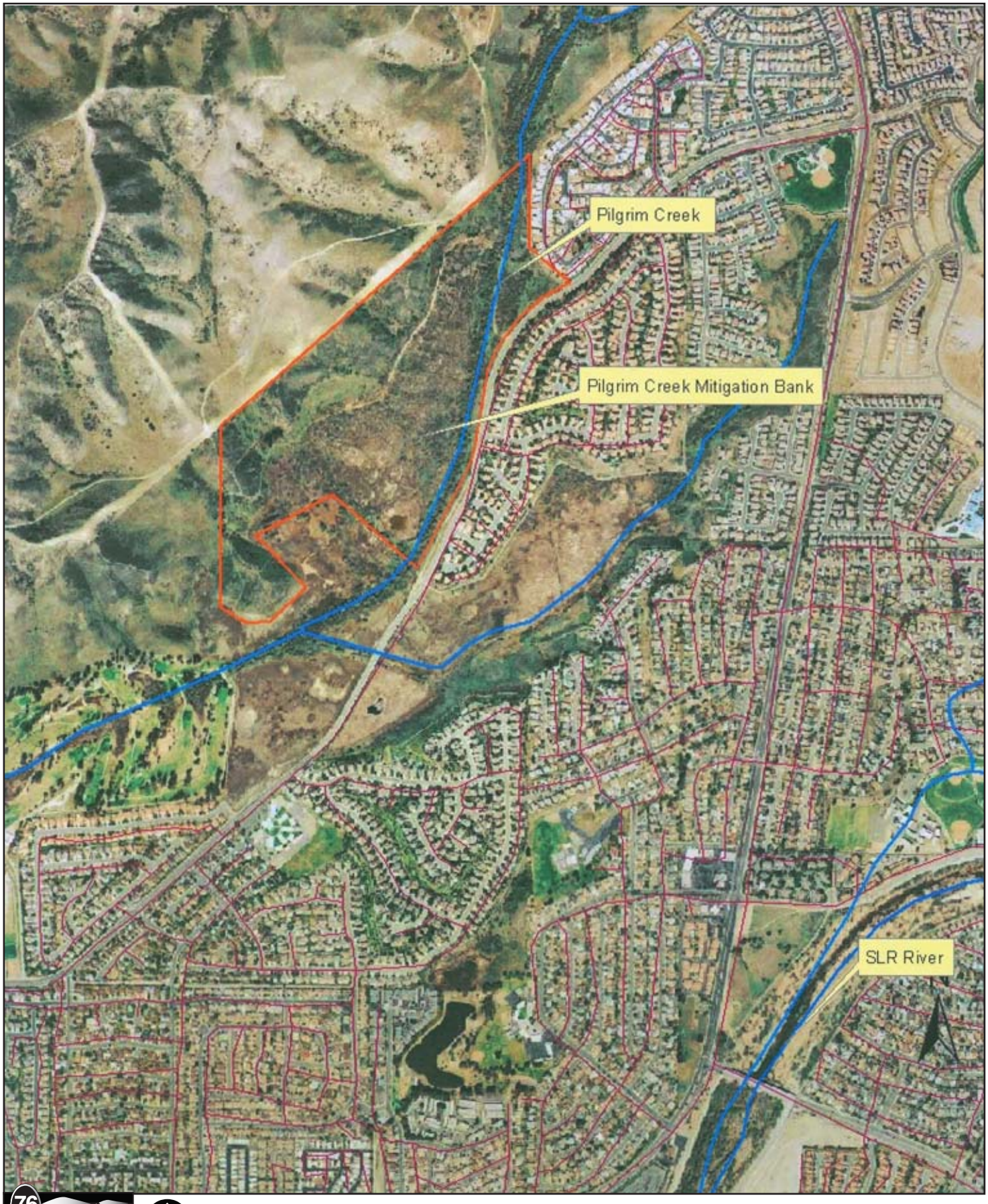
76 State Route 76 Corridor

Figure 4
Morrison Mitigation Proposed Acres



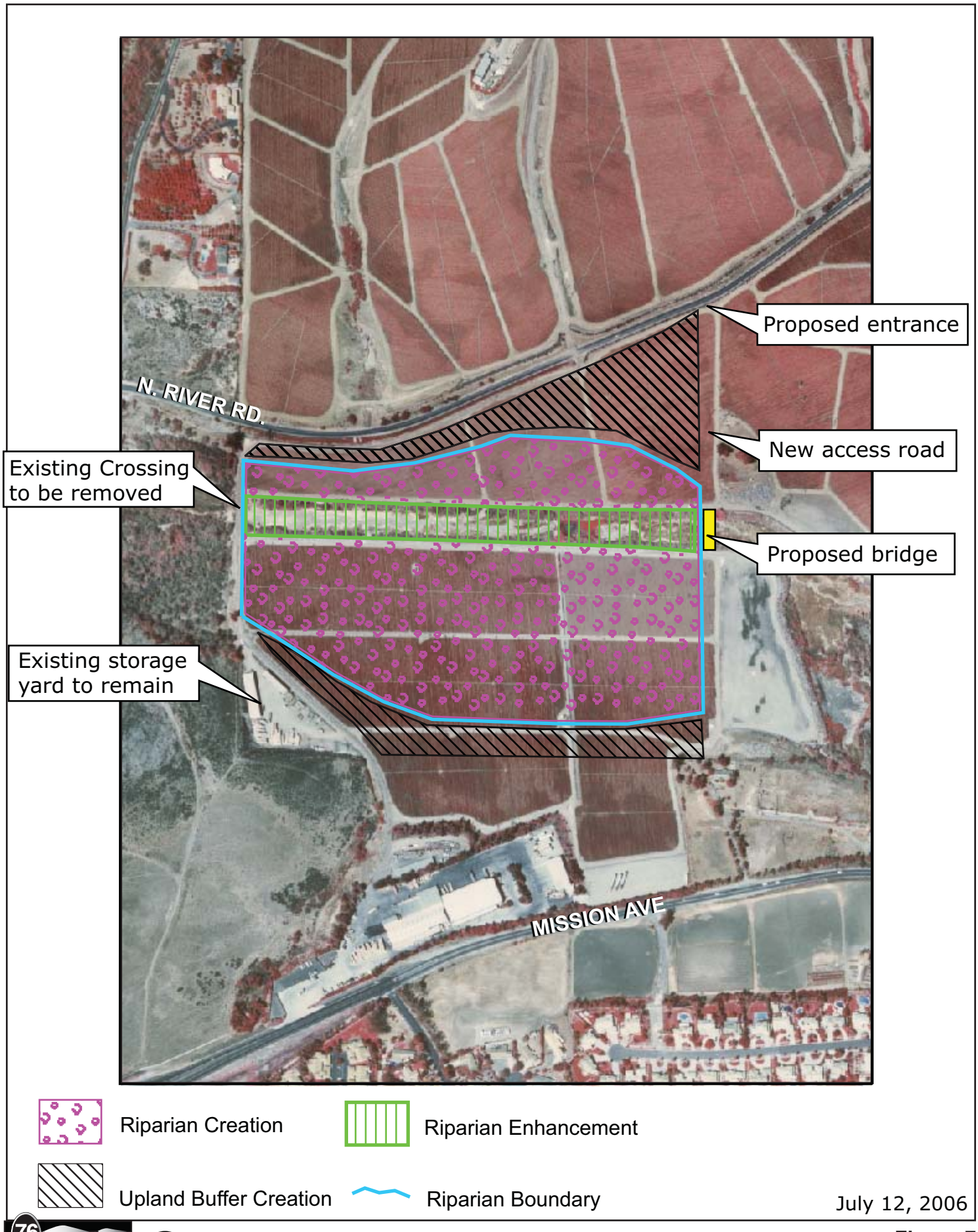
76 State Route 76 Corridor

Figure 5
Pilgrim Creek Mitigation Bank

76 State Route 76 Corridor

1:4,000

Figure 6
Singh Mitigation Site



State Route 76 Corridor

No Scale

Figure 7

Singh Mitigation Conceptual Plan

76 State Route 76 Corridor

1:4,000

Figure 8
Zwierstra Mitigation Site

APPENDIX K
PUBLIC COMMENTS ON THE DRAFT EIR/EIS WITH RESPONSES

(This appendix has been added since public review of the Draft EIR/EIS)

DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

December 7, 2007

REPLY TO
ATTENTION OF:
Office of the Chief
Regulatory Division

Bruce April, Environmental Stewardship
California Department of Transportation, District 11
Attn: Kelly Finn
4050 Taylor Street, MS 242
San Diego, California 92110

Dear Mr. April:

We appreciate the opportunity to review and comment on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS), dated September 2007, for the State Route 76 (SR-76) Melrose to Mission Highway Improvement Project, located between Melrose Drive in Oceanside and South Mission Road in Bonsall, San Diego County, California. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 404 of the Clean Water Act. Furthermore, we offer these comments to facilitate an effective transition from the DEIR/EIS to our permit process.

Project Alternatives

Chapter 2 of the DEIR/EIS presents two alignment alternatives, transportation system management (TSM) and transportation demand management (TDM) alternatives, a no build alternative, and three eliminated alignment alternatives. To comply with the Section 404(b)(1) guidelines at 40 CFR Part 230, we would evaluate a full range of alternatives for the proposed discharge and determine the Least Environmentally Damaging Practicable Alternative (LEDPA). To ensure that we have sufficient information to support our LEDPA determination, we recommend several modifications to section 2.3.2.

1. First, you should provide additional background information for the Wetland Avoidance Alternative. The requested information is necessary to support the elimination of this alternative from further discussion. Specifically, describe how this alternative would avoid all impacts to jurisdictional waters and wetlands. Next, briefly describe the adverse impacts expected to cultural resources, visual aesthetics, sensitive habitats, and listed species.

2. Second, the alternatives carried through the DEIR/EIS are strictly alignment alternatives that consist of fixed waterway crossings. We recommend the inclusion of design alternatives into the alternatives analysis. The design alternatives should contain sufficient information to assess impacts to the aquatic environment.

Response to Mark Cohen, Senior Project Manager, Department of the Army

1. Section 2.3.2 has been updated to provide more detail regarding the Wetlands Avoidance Alternative, including anticipated increased impacts to cultural resources, visual aesthetics, sensitive habitats, listed species, and the community character of the area.

2. Between 2002 and 2007, the Existing Alignment Alternative was subject to multiple design iterations in a continuing effort to improve its design performance and minimize its impacts to the environment, including waters and wetlands. The design iterations were given alpha/numeric labels, the current design being E-13.

E-1 was the baseline alignment. It depicted the general alignment footprint and did not include project features such as slope protection, drainage facilities, or flood protection structures. This basic design was engineered prior to consideration of the resources in the river area with the primary purpose to provide a solution that modified the existing nonstandard curve radii and superelevation transitions while taking into account other design parameters. Absent the necessary project features mentioned above, E-1 would have permanently impacted 0.53 hectares (1.31 acres) of Army Corps of Engineers (ACOE) jurisdictional areas, including 0.23 hectares (0.59 acres) of wetlands and 0.29 hectares (0.72 acres) of other waters of the U.S.

Iterations E-2 through E-13 took the baseline established with E-1 through a design process with input from the Project Design Team (PDT), which included an environmental component. Input from the ACOE, Environmental Protection Agency (EPA), and U.S. Fish and Wildlife Service (USFWS) was also solicited and designs were modified as a result. As studies were completed and sensitive areas were established, the design was refined so as to avoid and/or minimize impacts to the sensitive areas. At times, it became necessary to impacts one resource in order to avoid impacts to another; this was the case near Olive Hill Road where several highly sensitive archaeological resources (and Section 4[f] Resources) are located. The alignment was shifted in this area to avoid all impacts to these resources. Impacts to waters and wetlands increased with later design iterations because of this situation. The specifics are provided below.

Iterations E-2 through E-7 focused only on the portion of the project between Melrose Drive and East Vista Way. These iterations included modification to the alignment by lowering the profile to reduce noise impacts to the residents of

Jeffries Ranch; shifting the alignment slightly north to minimize impacts to the Marron mitigation site and the 30-inch diameter natural gas line located just south of SR-76. These iterations also raised the vertical profiles to improve the geometry near East Vista Way and balanced the earthwork quantities by shifting the alignment to the south to generate more dirt (at this time the project needed fill material). E-7 also widened the northern hinge along the river so as to use the excess soil from a proposed mitigation site and avoid impacts to the Singh property's packing facility. These were minor changes and the biological impacts were not calculated.

Iterations E-8 through E-10 modified the alignment to avoid a hazardous waste site near Via Montellano by adjusting the curve alignment and moving the roadway to the south to avoid toad habitat. These iterations also improved the cross street connections by reducing intersection superelevation rates, it also included a utility corridor and a standard clear recovery zone. This iteration would have permanently impacted 1.28 hectares (3.18 acres) of ACOE jurisdictional areas including: 0.35 hectares (0.87 acres) of wetlands and 0.93 hectares (2.31 acres) of waters.

Iteration E-9 was designed to avoid impacts to a historic property (and also a Section 4[f] property) site near Olive Hill Road by adjusting the roadway curve alignment slightly to the north in order to maintain the roadway continuity and connection at Olive Hill Road. This was a minor change and the biological impacts were not calculated.

Iteration E-10 was designed to minimize impacts to the floodplain and riparian habitat at Via Montellano. This iteration improved the cross street connections by reducing intersection superelevation rates, and provided for a utility corridor and a standard clear recovery zone. It also improved the highway geometry through downtown Bonsall and minimized impacts to the floodplain approaching Sweetgrass Lane by shifting the alignment slightly to the north as much as practicable without impacting businesses in the River Village Shopping Center. This iteration would have been permanent impacts to 1.06 hectares (2.36 acres) of ACOE jurisdictional areas, including 0.38 hectares (0.94 acres) of wetlands and 0.57 hectares (1.42 acres) of other waters of the U.S.

Iteration E-11 was therefore designed to eliminate impacts to the floodplain and riparian habitat, as well as the need for rock slope protection from North River

Road to just west of Via Montellano. This iteration was a minor change and the biological impacts were not calculated.

Iteration E-12 was designed to eliminate impacts to environmentally sensitive areas near Olive Hill Road. E-12 would have permanently impacted 1.06 hectares (2.63 acres) of ACOE jurisdictional areas, including 0.43 hectares (1.08 acres) of wetlands and 0.63 hectares (1.55 acres) of other waters of the U.S.

The current design iteration, E-13, further reduced wetland impacts and right-of-way impacts by designing steeper cut-slopes in several areas along the alignment, and by implementing the wildlife fences and crossings.

Design modifications were also performed for the Southern Alignment Alternative in iterations E-2 through E-6.

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Impacts to Wetlands and Other Waters of the United States

3. According to CEQ regulation Part 1502.16, the environmental consequences section of an EIS should contain a discussion of direct effects and their significance, and indirect effects and their significance. Section 3.21.3 does not contain a sufficiently detailed analysis of impacts to the aquatic environment. We recommend that you clearly identify that portion of the discharge that would result in an impact on our jurisdiction, and explain and assess in sufficient detail the impact of that discharge on the aquatic environment. We also recommend that you organize these cause and effect relationships into separate sections for clarity.

4. We understand that certain terms differ in use among the agencies. As such, we recommend that you clearly define the terms used in section 3.21.3 for the different types of impacts (permanent, temporary, direct, indirect). For the purpose of correctly assessing impacts and determining the LEDPA, these terms should be equated with our usage.

5. Specifically, we note the use of indirect impacts in section 3.21.3 is unclear. Although you do not quantify indirect impacts for either alternative, you quantitatively compare indirect impacts in the Southern Alignment Alternative section. To further compare and evaluate the effects of each alternative, we recommend that you conduct a functional assessment of the areas to be impacted. If a quantitative functional assessment is not feasible, you should conduct a qualitative functional assessment and use your best professional judgment to determine the amount of indirect impacts expected for each alternative. With this approach, we would be able to further evaluate the LEDPA and the need to further mitigate these impacts.

Avoidance, Minimization, and Mitigation

6. In section 3.21.4, you state that the proposed discharge would avoid impacts to jurisdictional waters and wetlands through project design. However, you do not specifically describe the project design or explain how the project design would avoid these impacts. We recommend that you clearly describe and analyze avoidance and minimization measures in order to support your statement.

7. You also conclude that unavoidable impacts would be considered adverse. However, you do not explain why and which impacts would be adverse. We recommend that you explain the adverse impacts to justify how the proposed compensatory mitigation would reduce these impacts.

8. Furthermore, you do not provide the complete means to mitigate adverse environmental impacts, as you did not include a compensatory mitigation plan in your document. Although you suggest methods for compensatory mitigation, you do not actually state a proposal or describe the anticipated benefits of the compensatory mitigation. The proposed compensatory mitigation plan, including such basic information as ratios, would be necessary to analyze how the mitigation would minimize impacts resulting from the discharge. We would then be able to determine whether or not the proposal would be appropriate for such impacts.

3. Approximately 22,500 cubic meters (29,400 cubic yards) of discharge would comprise the anticipated 1.83 acres of impacts to the jurisdictional areas. Section 3.21.3 has been revised to further detail effects associated with the proposed project impacts, as well as their anticipated significance. An analysis of direct and indirect effects has been revised, as requested, as separate sections within the impact discussion section of the document.

4. Temporary direct impacts occur during the construction phase of the project, and can be remediated. These impacts may be due to staging, equipment/materials storage, and vehicle access and parking. Permanent direct impacts occur during construction, and cannot be remediated. These impacts are due to road widening and realignment, other road modifications, and relocation of utilities. Indirect impacts also result from the road widening and realignment, but occur later in time. Additional detail has been added to Section 3.21.3 regarding indirect impacts.

5. Caltrans has conducted a quantitative functional assessment to determine the amount of indirect impacts under both of the alignment alternatives. Section 3.21.3 has been updated to include this analysis.

6. Please note that the Existing Alignment Alternative does not completely avoid impacts to jurisdictional waters of the U.S. as evidenced on Table 3.21-2. As noted in Section 3.21.4 Caltrans would endeavor to reduce the environmental consequences of the project on wetland resources further through future project design iterations. These iterations are unknown at this time. Further design iterations may not lead to a reduced footprint, therefore, additional measures would be incorporated into project implementation via responsible pre-construction planning and construction activities.

7. The statement regarding adverse impacts was included in error. Impacts to these resources are appropriately discussed in 3.21.3.

8. Section 3.20.4 has been updated to include a discussion of mitigation ratios and anticipated benefits of the compensatory mitigation. In addition, specific mitigation measures, implementation, success criteria and maintenance, and monitoring requirements are included in the attached Wetland Mitigation Plan (Appendix J).

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Cumulative Impacts

9. During the December 6, 2006, resource agency meeting, the agencies requested and Caltrans agreed to include sufficient information about the SR-76 East proposal as part of the reasonably foreseeable future actions. It is important to describe and depict the SR-76 East alignment alternatives (including any preliminary impact information), and their connection to the middle project alternatives.

10. You briefly mention two preliminary alignments in section 3.28.3 and do not discuss them at a level sufficient to evaluate the current alignment alternatives. Additional information is needed to prevent the preclusion of a full range of alternatives in our evaluation.

11. We also recommend that you include the flood control maintenance projects proposed on SR-76 in your cumulative impacts analysis.

12. Finally, you state the following in the cumulative impacts section: "The impacts to wetlands and waters of the United States resulting from the Southern Alignment Alternative and the impacts to wetlands from the Existing Alignment Alternative would have a cumulatively considerable contribution to these impacts prior to mitigation. After mitigation, the impacts would not be cumulatively considerable…The mitigation below offsets any significant biological impacts, therefore, there is no contribution to cumulative impacts." Again, an explanation as to how the project impacts would have a cumulatively considerable contribution to impacts is necessary to support such a statement. Please explain how and what type of compensatory mitigation would reduce such impacts. We recommend that you provide a follow-through analysis to support the statement.

Additional Comments

13. We strive to provide substantive, timely comments on Caltrans' environmental documents as part of our role as a cooperating agency. Due to resource and staff constraints, we recommend providing pre-drafts to efficiently evaluate relevant sections and provide crucial comments before drafts are finalized.

14. The final document should avoid or limit the use of certain terms such as "should" and "could." These terms connote uncertainties in your analyses and your commitment to avoidance, minimization, and mitigation measures. We recommend that you revise these terms to reflect the reliability of your technical studies and your proposals.

9. Section 3.29.2 has been revised to include more specific information regarding the preliminary alternatives proposed for SR 76 East. Based on this and other comments received, Figure 3.29-1a-d have been created to illustrate potential connection scenarios and show that this project would not preclude alternatives associated with the proposed SR-76 East project.

10. Section 3.29.2 has been revised to include more specific information regarding the preliminary alternatives proposed for SR 76 East.

11. The Cumulative Impacts section has been revised to include the ACOE's San Luis Rey Flood Control Project.

12. Loss of wetlands and waters would result from the project, and would be cumulatively considerable when combined with the wetland losses from other projects within the wetlands and waters Resource Study Area (RSA). However, the acquisition, preservation, enhancement and restoration of wetlands and waters is explained in response to Comment No. 8 in this letter, which states that mitigation of permanent biological impacts would include the preservation, restoration and enhancement of habitats at the Groves and Morrison properties. Impacts are also being mitigated at the Singh, Zwierstra, and Pilgrim Creek properties. Some or all of these sites would be acquired to implement project mitigation, as required. Using recommended mitigation ratios, a draft Mitigation and Monitoring Plan for the project has been prepared outlining a planting scheme, site preparation, and exotics control program, irrigation, grading requirements and success criteria. Five years of plant establishment and habitat management and monitoring would be implemented (see Appendix J).

13. We appreciate the ACOE's efforts to provide a timely review. As a cooperating agency, and because your agency played a crucial role in the NEPA 404(b) process, you are entitled to review a pre-draft of the FEIR/EIS document.

14. At this time, the project is proposed. It is Caltrans' policy to avoid these terms until issuance of the ROD and approval of the project. At that point the terms would be changed to "shall" and "will."

We appreciate the opportunity to comment on the DEIR/EIS and we look forward to our continued coordination on the proposed project. If you have any questions, please contact Phuong H. Trinh at (213) 452-3372. Please refer to this letter and SPL-2005-2063-PHT in your reply.

Sincerely,

Mark D. Cohen
Senior Project Manager
Regulatory Division

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

October 25, 2007

Ms. Kelly Finn
Environmental Analysis Branch Chief
District 11-Environmental Division, M.S.-242
4050 Taylor Street
San Diego, CA 92110

Dear Ms. Finn,

We have provided comments on the DEIS regarding the CA-76 Corridor Project, Transportation Improvements from Melrose to South Mission Highway, San Diego Co, CA (20070426).

The DEIS has been reviewed within the areas of the National Oceanic and Atmospheric Administration, National Geodetic Survey's (NGS) geodetic responsibility, expertise, and in terms of the impact of the proposed actions on NGS activities and projects.

1. If there are any planned activities which will disturb or destroy geodetic control monuments, NGS requires notification not less than 90 days in advance of such activities in order to plan for their relocation. NGS recommends that funding for this project includes the cost of any required relocation(s).

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the homepage of NGS at the following Internet address: http://www.ngs.noaa.gov. After entering this website, please access the topic "Products and Services" then "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the NGS database for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

We hope our comments will assist you. Thank you for giving NGS the opportunity to review your DEIS.

Sincerely,

Christopher W. Harm
Program Analyst
NOAA's National Geodetic Survey
Office of the Director
1315 East-West Highway
SSMC3 8729, NOAA, N/NGS
Silver Spring, Maryland 20910

Printed on Recycled Paper

Response to Christopher W. Harm, U.S. Department of Commerce, National Oceanic and Atmospheric Administration

1. We have researched the National Geodetic Survey (NGS) website noted in the NGS memo. The Caltrans District 11, Office of Land Surveys, has identified 22 NGS Control Monuments. None of these monuments have been identified by NGS as being destroyed. We would make a diligent search for this control and follow proper procedures to ensure this control is perpetuated per NGS policy and procedures. NGS would be notified at least 90 days in advance of any construction activities, should it be necessary to perpetuate or transfer data from found NGS control stations. We are familiar with and strictly adhere to NGS guidelines and procedures.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011

In Reply Refer To:
FWS-SD-2008B0136/2008TA0129

DEC 03 2007

Ms. Kelly Finn, Environmental Analysis Branch Chief
District 11-Environmental Division, M.S.-242
4050 Taylor Street
San Diego, California 92110

Subject: Draft Environmental Impact Report/Environmental Impact Statement for the State Route 76 Melrose to South Mission Highway Improvement Project, San Diego County, California

Dear Ms. Finn:

1. The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR)/Environmental Impact Statement (EIS) for the above-referenced project, dated September 2007. The Service has identified potential effects of this project on wildlife and regional conservation planning. The comments provided herein are based on the information provided in the DEIR/EIS, the Service's knowledge of sensitive and declining vegetative communities, and our participation in regional conservation planning efforts. Based on our review of the Draft EIR/EIS, we have concerns regarding the inadequacy of the Net Ecological Benefit (NEB), as described within the document, and the determination made in the Draft EIR/EIS that the proposed project's impacts are mitigated to a level below significance without providing specific mitigation commitments for review. In addition, we are concerned that the document does not adequately address cumulative impacts nor does it disclose how this project will effect the next segment of the roadway (76 east) which is currently being planned.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*).

The proposed project is located in northern San Diego County on State Route-76 (SR-76) from Melrose Drive to South Mission Road. The proposed project covers a distance of approximately 9.4-kilometers (5.8-miles). The project would construct SR-76 as a four-lane facility with right-of-way and grading to accommodate a possible future widening when justified. The project would require channelization lanes in some locations and all of the proposed bridges (except for Little Gopher Canyon and Moosa Canyon Creek) would be constructed to accommodate six-lanes in response to the channelization need.

TAKE PRIDE IN AMERICA

Response to Therese O'Rourke, Assistant Field Supervisor, U.S. Fish and Wildlife Service

1. Caltrans acknowledges your concerns and your specific comments are addressed below.

Ms. Kelly Finn (FWS-SD-2008B0136/2008TA0129) 2

In the westbound and eastbound direction, there would be two lanes, each 3.6-meters (12-feet) wide. The westbound and eastbound lanes would be separated by 13.9-meters (45.6-feet), of which 1.5-meters (5-feet) in each direction would be paved inside shoulder. Separating the two directions of traffic would be a concrete barrier that is 0.6-meters (2-feet) wide. The barrier location would typically be 4.3-meters (14.1-feet) away from the eastbound traffic lane but may shift to be 4.3-meters (14.1-feet) away from the westbound traffic lanes in curves when sight distance and drainage concerns dictate. The project would also construct 3.0-meter (10-foot) wide outside shoulders to provide for bicycles and pedestrians while not precluding emergency parking.

In addition to the No Build Alternative, two build alternatives are proposed; the Existing Alignment Alternative and the Southern Alignment Alternative.

With the proposed Existing Alignment Alternative, the existing conventional highway would be expanded to four-lanes, with right-of-way and grading to accommodate an ultimate six-lane facility. The total roadway length for this alternative is approximately 9.4-kilometers (5.8-miles), with a right-of-way requirement of approximately 66-hectares (163-acres). The existing San Luis Rey River Bridge would be demolished and replaced with two new bridges on a different alignment, one for eastbound traffic and one for westbound traffic. The existing Bonsall Creek Bridge would be lengthened a distance sufficient enough to capture the alignment of the Existing Alignment Alternative. The existing Ostrich Farm Creek Bridge would be demolished and a new bridge would be constructed. The estimated cost of construction for the Existing Alignment Alternative is approximately $250 million: Construction ($145 million), right-of-way ($63 million), and support ($42 million).

The Southern Alignment Alternative would widen and realign SR-76 from Melrose Drive to South Mission Road on an alignment south of the San Luis Rey River. As with the Existing Alignment Alternative, the facility would have four-lanes, with right-of-way and grading to accommodate an ultimate six-lane facility. The total roadway length for this alternative is approximately 8.2-kilometers (5.1-miles) with a right-of-way requirement of approximately 179-hectares (442-acres). The Southern Alignment Alternative would require new bridges at Little Gopher Canyon Creek, Moosa Canyon Creek, and the South Mission Road crossing of the San Luis Rey River. The estimated cost of construction for the Southern Alignment Alternative is approximately $388 million: Construction ($157 million), right-of-way ($169 million), and support ($62 million).

The Existing Alignment Alternative has been identified as the Preferred Alternative (proposed project). Overall, it would have fewer impacts to biological resources; the San Luis Rey River floodplain, and to the community than the Southern Alignment Alternative, and presents a more cost effective solution to the project purpose and need. Therefore, project information and

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comments in the remainder of this letter will refer to the proposed project and no further reference will be made to the Southern Alignment Alternative.

The proposed project area contains 16 vegetation communities including; coastal sage scrub (CSS), disturbed coastal sage scrub (DCSS), coast live oak woodland (CLOW), non-native grassland (NNG), non-native vegetation (NNV), eucalyptus woodland (EW), wetlands (WET), coastal and valley freshwater marsh (CVFM), mulefat scrub (MFS), southern cottonwood-willow riparian forest (SCWRF), southern coast live oak riparian forest (SCLORF), disturbed wetland/giant reed (DWET), southern willow scrub (SWS), disturbed (DIST), agriculture (AG), and developed (DEVL). Proposed project impacts and associated proposed mitigation ratios are included below in Table 1.

2. **Table 1: Proposed project impacts (all measurements in acres)**

Habitat	Permanent Impacts	Temporary Impacts	Total project impacts
CSS	34.76	4.11	38.87
DCSS	16.21	2.30	18.51
NNG	48.67	19.51	68.18
CLOW	0.46	0.13	0.59
NNV	3.30	0.29	3.59
EW	3.21	1.16	4.37
AG	50.94	5.60	56.54
DWET	0.90	1.50	2.40
SCWRF	20.16	14.90	35.06
SWS	0.31	0.05	0.36
WET	0.18	.019	0.20
MFS	1.09	0.0	1.09
CVFWM	0.56	0.22	0.78
SCLORF	6.28	0.78	7.06
DIST	13.73	1.56	15.29
DEVL	58.29	10.53	68.82
Total	259.05	62.66	321.71

Protocol-level coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher), arroyo toad (*Bufo californicus*; arroyo toad), southwestern willow flycatcher (*Empidonax traillii extimus*; flycatcher), and least Bell's vireo (*Vireo bellii pusillus*; vireo) surveys were conducted within the proposed project area in 2002 and 2003. Gnatcatchers were documented at 10

2. Please note that the impact acreages to wetlands have decreased. Please refer to Tables 3.21-2 and 3.21-3 for updated information.

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locations within the project vicinity during protocol surveys conducted in 2002. Arroyo toads were previously observed breeding in the northern end of the project area in the mid-1990s to 2001. In addition, breeding pools supporting approximately 18 arroyo toads were documented in 1998 in the western end of the project area along the San Luis Rey River from the intersection of SR-76 and North River Road. Other areas of the riverbed that do not have previous arroyo toad records, but support suitable arroyo toad breeding habitat are located downstream from the southern SR-76 San Luis Rey River crossing to below the abandoned bridge, and the extreme southern end of the project area. In addition, upland habitats adjacent to the San Luis Rey River contain suitable arroyo toad aestivation habitat. Vireos were documented at 28 to 29 locations within the project area in 2002 and a total of 44 territories (and 242 point locations) were identified during 2003 surveys. Flycatchers were documented at 10 locations within the project vicinity during protocol surveys conducted in 2002 and 2003.

In addition to gnatcatcher, arroyo toad, vireo, and flycatcher, the following sensitive species were detected on the project site: orange-throated whiptail (*Aspidoscelis hyperythra*), white-faced ibis (*Plegadis chihi*), white-tailed kite (*Elanus leucurus*), Cooper's hawk (*Accipiter cooperii*), yellow warbler (*Dendroica petechia)*, and yellow-breasted chat (*Icteria virens*).

Pursuant to the SANDAG 2004 *TransNet* Sales Tax Extension Ordinance, direct and indirect impacts to sensitive plant and animal populations, and to the function of the wildlife corridors, as a result of the SR-76 project should be mitigated in order to produce an on-site "net benefit" to the species and to the movement of wildlife. The Draft EIR/EIS quotes the *TransNet* ordinance. However, based on a lack of current surveys for some plant and animal species, the lack of an analysis of potential wildlife movement corridors within the project area (i.e., road kill surveys, tracking stations) and the impacts of the proposed project on those corridors, and the lack of a clear mitigation proposal (i.e., how much mitigation/land acquisition will be provided beyond what is required by CEQA/NEPA, location of acquisitions, habitat types to be acquired) we do not agree that the Draft EIR/EIS has adequately addressed the requirements of the *TransNet* ordinance. 3.

In addition, the DEIR/EIS states numerous times that the proposed project's impacts are mitigated to a level below significance. However, the project's direct and indirect impacts to sensitive species and habitats were not fully analyzed within the DEIR/EIS (see attached comments and recommendations) and a clear mitigation proposal with set mitigation ratios and acquisition requirements was not provided for our review. Without additional information and analyses (see attached comments and recommendations) we are not able to concur with the determination that the project's impacts are mitigated to a level below significant. 4.

The Draft EIR/EIS also does not discuss how the SR-76 Middle project would connect to the SR-76 East widening project, which is currently being planned. The majority of resource agencies voiced concern during numerous meetings and in at least one letter to Caltrans regarding this 5.

3. The TransNet Ordinance "Net Benefit" requirement is still being refined by the SANDAG Board. Caltrans is addressing wildlife fencing, reducing roadkill, wildlife corridors and movements because those items were specifically called out in the Ordinance's Expenditure Plan. Caltrans is maintaining wildlife connectivity by including wildlife crossings to facilitate wildlife movement between open spaces and wildlife corridor fencing to minimize animal fatalities on SR-76. Wildlife corridor fencing and wildlife crossings are shown on Figures 2.1-2a-h and Figure 3.20-4. These features, designed to facilitate wildlife movement and habitat connectivity, are in keeping with the narrowly defined ecological objectives of the Transnet Ordinance Expenditure Plan.

4. Caltrans notes your concern. Specific responses are responded to below.

5. Based on this and other comments received, Figures 3.29-1a-d have been created to illustrate that this project would not preclude alternatives associated with the proposed SR-76 East project. As the SR-76 East project is still in the preliminary stage of alignment studies, anticipated impacts cannot be known at this time. Some discussion regarding general anticipated impacts associated with the SR-76 East project has been added to Section 3.29.2.

issue. The Draft EIR/EIS should discuss how the eastern terminus of the SR-76 Middle project will not preclude a range of alternative alignments from being fully analyzed for the SR-76 East project when it goes through the environmental review process. In addition, the Draft EIR/EIS should include a thorough cumulative impacts assessment in the State Route 76 "Middle" EIS. This assessment should quantify the estimated impacts from the reasonably foreseeable future widening scenarios of the complete Melrose-to-Mission-to- I-15 corridor. The cumulative impact analysis for Melrose to Mission should specifically identify potential connection scenarios along with corresponding impacts to resources. Without even a general discussion of potential impacts that may result from the future widening of SR76 to the east, it is not possible to conclude what alternative is the environmentally and operationally preferred alternative.

We offer additional recommendations and comments in the Enclosure to assist Caltrans in minimizing and mitigating project impacts to biological resources, and to assure that the project is consistent with ongoing regional habitat conservation planning efforts.

If you have questions or comments regarding the contents of this letter, please contact Michelle Moreno or Susan Wynn, of my staff, at (760) 431-9440.

Sincerely,

Therese O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Enclosure
Attachment

Ms. Kelly Finn (FWS-SD-2008B0136/2008TA0129) 1

COMMENTS AND RECOMMENDATIONS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT FOR THE STATE ROUTE 76 MELROSE TO MISSION HIGHWAY IMPROVEMENT PROJECT

6. 1. The Draft EIR/EIS quotes the *TransNet* ordinance which states that "direct and indirect impacts to sensitive plant and animal populations, and to the function of the wildlife corridors, as a result of the SR-76 project should be mitigated in order to produce an on-site "net benefit" to the species and to the movement of wildlife…" It also goes on to state that the net benefit, "will require a comprehensive baseline analysis of existing and future conditions, adoption of measures to mitigate direct and indirect impacts to species, adoption of measures to accommodate species-specific wildlife movement through the corridors, and implementation of capital project designs that can reduce impacts." . However, based on a lack of current surveys for some plant and animal species, the lack of an analysis of potential wildlife movement corridors within the project area (i.e., road kill surveys, tracking stations) and the impacts of the proposed project on those corridors, and the lack of a clear mitigation proposal (i.e., how much mitigation/land acquisition will be provided beyond what is required by CEQA/NEPA, location of acquisitions, habitat types to be acquired) the Draft EIR/EIS has not met the requirements of the *TransNet* ordinance and the NEB defined in the DEIR/EIS is inadequate. Specific issues are addressed further in the following bullets.

7. 2. The DEIR/EIS states numerous times that the proposed project's impacts are mitigated to a level below significance. However, the project's direct and indirect impacts to sensitive species and habitats were not fully analyzed within the DEIR/EIS (see additional comments below) and a clear mitigation proposal with set mitigation ratios and acquisition requirements was not provided for our review. Without additional information and analyses (see additional comments below) we are not able to concur with the determination that the project's impacts are mitigated to a level below significant.

3. The analyses of project effects on listed and sensitive species provided in the DEIR/EIS are inadequate. We provide the following comments related to the effects analysis:

8. a. The protocol surveys conducted for listed species within the project area were conducted in 2002 and 2003 and likely do not accurately reflect the current distribution of listed species within the project area. The San Luis Rey River is a dynamic system that changes from year to year. An area that is vireo habitat today may be toad habitat tomorrow. Rather than analyzing effects to each species at one point in time, it would be more appropriate to acknowledge that the river is supporting a larger population of each of the listed species who's exact location moves from year to year, and then conduct the impact analysis accordingly. Surveys should then be

6. We note your concern with respect to surveys. The TransNet Ordinance's reference to SR-76 includes this project as well as SR-76 East. Caltrans has been facilitating and funding studies since the early 1990s, and these studies will continue to be updated; however, the system is dynamic. The species and the habitat continue to move and change and this was considered when mitigation measures were being selected.

Surveys for vireo and flycatcher have been conducted in parts of the project area as recently as 2007. Section 3.24.2 and the summary have been revised to reflect this updated survey information. Surveys would be conducted as required for the Biological Opinion. Section 4.4 of the Biological Assessment (BA) notes that survey results were obtained during field efforts from 2002-2007.

The proposed project would result in temporary and permanent impacts to the San Luis Rey River regional wildlife corridor and adjacent, smaller, local wildlife corridors. Corridor analysis and direct and indirect project effects are described in the BA. The recommended mitigation ratios for habitat disturbance associated with the proposed project generally exceed the recommendations of the North County Multiple Species Conservation Plan (NCMSCP) and Oceanside Subarea Multiple Habitat Conservation Plan (MHCP), as described in the BA. Mitigation ratios can be found on Table 3.20-4.

7. Please see responses to your specific concerns below.

8. Although Caltrans recognizes that the river is a dynamic system, the surveys adequately capture species presence and this information is reflected in the BA. Due to the nature of the river system as well as species dispersal and other dynamics of natural ecosystem, Caltrans used a habitat wide approach as opposed to an individual species location approach in determining the potential impacts to species.

updated immediately preceding, and during, construction as part of the reporting requirements for the biological opinion.

9. b. The arroyo toad effects analysis refers only to impacts to locations where breeding toads were identified during surveys conducted in 1996, 1997, 2001. These surveys are up to 11 years old and likely to not reflect the current distribution of arroyo toad breeding within the portions of the San Luis Rey River that would be impacted by the proposed project. Arroyo toads have been documented within the proposed project area and upstream of the project area on multiple locations. In addition, arroyo toads are known to move up over 1 kilometer (km) along streams (Sweet 1993). Therefore, we recommend that all suitable breeding habitat located within the project area be considered occupied by the arroyo toad and the effects of the project on such habitat be thoroughly analyzed in the EIR/EIS. In addition, the EIR/EIS should clearly identify the acreage of potential arroyo toad breeding habitat that would be impacted (both directly and indirectly) by the proposed project and the proposed mitigation for such impacts.

10. c. The DEIR/EIS does not contain any analysis of potential direct and indirect effects of the proposed project on upland arroyo toad aestivation habitat within the project area. As previously stated, arroyo toads are known from both the project area and from upstream of the project area. Arroyo toads have been observed moving up to 1 kilometer (0.6 mile) away from the stream, into native upland habitats (Holland 1995, Sweet 1992) or agricultural areas (Griffin *et al.* 1999), such as those which are currently found within the proposed project area. Based on this information, upland habitats within the project area are within the movement range of the known arroyo toad locations on the San Luis Rey River. The EIR/EIS should include a thorough analysis of the potential direct and indirect effects of the proposed project on arroyo toad upland habitat. In addition, the EIR/EIS should clearly identify the acreage of potential arroyo toad upland habitat that would be impacted by the proposed project and the proposed mitigation for such impacts.

11. d. The DEIR/EIS does not contain a thorough analysis of the direct and indirect effects that would occur to suitable vireo, flycatcher, gnatcatcher, and vireo habitat within the project area. In addition, the DEIR/EIS does not quantify the acreage of suitable vireo, flycatcher, and gnatcatcher habitat that will be impacted by the project, nor does it identify the proposed mitigation for such impacts.

12. e. Page 3-193 of the DEIR/EIS indicates that federally listed endangered southern California steelhead (*Onycorhynchus mykiss*; steelhead) have

9. Thank you for your recommendation. The acreage impacts for both the potential breeding habitat and the aestivation habitat of the arroyo toad and have been included in the document and information can be found on Tables 3.20-5, 3.24-1, 3.24-2, and 3.24-3.

Mitigation measures include permanent toad fencing that would have 0.25 inch hardware cloth buried one foot underground and extending two feet above ground attached to the 8-foot tall chain link fence, leaving 7 feet of chain link above ground. Prior to the start of active construction near identified arroyo toad populations, qualified biologists should install exclusion fencing along the limits of impacts and conduct night surveys to remove toads from within the construction areas to outside of the exclusion fencing. Section 3.24.2 includes information regarding breeding habitats.

10. Thank you for noting the omission. Impacts discussed within Section 3.24.3 were assessed based on arroyo toad breeding and aestivating habitats Permanent, temporary and indirect effects to these habitats, as well as proposed mitigation, have been included in Sections 3.24.3 and 3.24.4.

11. Section 3.24 has been updated with information regarding the potential effects to least Bell's vireo, southwest willow flycatcher, California gnatcatcher, and their habitat.

Mitigation for impacts to least Bell's vireo, southwest willow flycatcher, California gnatcatcher, and their habitat would be mitigated through the preservation, restoration and enhancement of habitats at the Groves, Morrison, Zwierstra, Pilgrim Creek, and Singh properties. Using recommended mitigation ratios, a draft Mitigation and Monitoring Plan for the project has been prepared outlining a planting scheme, site preparation, and exotics control program, irrigation, grading requirements and success criteria. Five years of plant establishment and habitat management and monitoring would be implemented (see Appendix J).

12. Focused surveys for suitable steelhead habitat were performed by the California Department of Fish and Game (CDFG) in 2007. Section 3.24.2 has been updated to reflect this survey effort. Upon the request of Caltrans, National Marine Fisheries Service (NMFS) has reviewed the proposed project plans, the BA, and the Natural Environment Study prepared for the project. In addition, a site visit of the study area was conducted on May 8, 2008. After review of the aforementioned

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been observed downstream of the project area in the lower San Luis Rey River. Steelhead may also have been observed upstream of the project area at Warner Ranch, adjacent to the Pala Indian Reservation. The EIR/EIS should discuss if focused surveys were conducted for steelhead and/or suitable steelhead habitat within the project area and any potential effects of the proposed project to steelhead both up and downstream of the project area.

13. f. The proposed project is located within the boundaries of the MHCP and the NCMSCP. Therefore, the EIR/EIS should include a thorough analysis of direct and indirect impacts to covered species for both the NCMSCP and the MHCP that are anticipated as a result of the proposed project.

14. g. Bats are proposed to be covered species in both the MHCP and NCMSCP, and are known to utilize the existing bridges within the proposed project area. The EIR/EIS should provide a discussion regarding anticipated impacts of the proposed project on bats and bat roost sites, and identify conservation measures that will be implemented to accommodate bats and bat roost sites as part of the proposed project.

15. h. Page 3-196 of the DEIR/EIS discusses the anticipated impacts to listed species due to noise from the proposed project. Throughout this discussion 62 dBA was used as the criterion to assess noise impacts. The standard noise threshold used to assess noise impacts to avian species is 60dbA. Noise impacts and required mitigation for impacts related to noise should be evaluated using the 60dBA threshold.

16. 4. Throughout the Draft EIR/EIS the proposed mitigation ratio for project impacts to native habitats is identified as a range. Identifying a range of mitigation ratios does not provide enough information to evaluate whether the impacts of the proposed project are being adequately offset as it is unclear as to whether project impacts will be mitigated at the low or high end of the range. The draft habitat evaluation maps of the North County Multiple Species Conservation Program (NCMSCP) indicate that the majority of the project area is "very high" to "high" habitat quality, and that the project area is surrounded by the pre-approved mitigation area (PAMA). The project site is located along the San Luis Rey River. This area serves as one of the few remaining large blocks of native habitat within the NCMSCP, and supports breeding populations of vireo, flycatcher, gnatcatcher, and arroyo toad, in addition to numerous other sensitive species that are proposed as covered species within the NCMSCP. Therefore, to maintain the high biological value of the project vicinity, which has been identified as critical to ongoing regional planning, we recommend that project impacts be mitigated at the high end of the mitigation ratio ranges provided in the DEIR/EIS.

documentation and the site visit, NMFS concurred with Caltrans' determination that no adverse impacts would occur and identified specific reasons for this concurrence in a letter received on May 29, 2008. Please refer to Section 5.4 for further detail.

13. Section 3.23-3 has been updated to reflect anticipated impacts associated with species covered under the NCMSCP and Oceanside MHCP.

14. Bats are known to use the historic Bonsall Bridge south of the existing San Luis Rey River Bridge, which is outside of the project footprint. Section 3.23.2 has been revised to include a discussion focusing on potential impacts to bats, and to identify potential conservation measures to accommodate bats and roost sites as part of the proposed project.

The following text has been added to Section 3.23.2: "Since these species have a high potential for occurrence in the project area, both the existing and the southern alignment alternatives could potentially result in direct or indirect impacts to these species. Potential impacts would not be expected to substantially reduce the number or restrict the range of the species to a level affecting their population stability in the region. The colony of bats observed in the deck of the Bonsall Bridge is not located within the footprint of either alternative."

15. We note your preference for using 60dBA. Section 3.24.3 explains the rationale for using a 62dBA threshold rather than a 60 dBA noise level. This is the level at which traffic noise could potentially affect sensitive target species given that the MHCP documentation prepared by SANDAG makes reference to the possibility that excessive noise above 62 dBA may interfere with territorial behavior and reproductive success of the least Bell's vireo. The noise analysis was used to help determine potential indirect impacts to sensitive avian species and was used in conjunction with additional analysis to determine indirect impacts. In response to this comment, an additional analysis was performed for the Existing Alignment Alternative using 60 dBA, and the updated information for this alternative can be found in Section 3.24.3.

16. The recommended mitigation ratios for habitat disturbance associated with the proposed project generally exceed the recommendations of the NCMSCP and the Oceanside MSCP. These ratios can be found on Tables 3.20-4 and 3.21-4.

17. 5. The DEIR/EIS identifies three potential mitigation sites; however, the DEIR/EIS does not quantify the acreage of mitigation or types of mitigation (i.e., what habitat and/or species will be mitigated at each site, is mitigation preservation or creation/restoration) that will occur at each site. To evaluate whether the impacts of the proposed project on both habitats and sensitive species are being adequately offset, the DEIR/EIS should identify the specific location where impacts for each species and/or habitat will take place and the acreage of mitigation available for each potential mitigation site. In addition, the DEIR/EIS should clearly state that impacts to habitats occupied by listed species will be offset though the preservation of occupied habitat of equal or greater value than the habitat impacted. Impacts to critical habitat must be mitigated within the same Critical Habitat Unit where the impacts occurred. All mitigation areas should be agreed to by the Service, and should be purchased and placed within a conservation easement prior to impacts occurring on the project site and managed in perpetuity. . The Service has been part of the negotiations and preliminary approvals regarding what parcels would be acquired to offset project related impacts and acknowledge the effort to date to accomplish this. However, mitigation for this project has not been finalized to date.

18.

19. 6. The DEIR/EIS defines the Resource Study Area (RSA) (pages 3-216-8) for riparian and wetland communities etc. as starting at the western terminus of the project. We disagree with this definition of the RSA. The RSA should include areas both upstream **and** down stream of the project. As an example, two projects that affect the river (both the habitat and the species) are the Corps of Engineer's flood control project and the City of Oceanside's ground water pumping. In the biological opinion for the San Luis Rey Flood Control Project we defined the action area for that project as including the entire floodplain of the San Luis Rey River from the Town of Pala to the Pacific Ocean (approximately 22 river miles). This corresponds to the area of the river designated as critical habitat for the least Bell's vireo. We recommend a similar area be used for this project in recognition that there is one large population of birds (be it vireos, gnatcatcher, and/or flycatchers) being affected. Table 3.28.-1 on Page 3-226 of the DEIR/EIS should be updated to include these same projects.

20. 7. The DEIR/EIS states that the existing health of the habitat within the San Luis Rey River corridor was evaluated in a separate report prepared independently of documentation for the proposed project (Page 3-217 of the DEIR/EIS). Furthermore, the DEIR/EIS indicates that the authors of the independent report ranked the San Luis Rey corridor as medium priority for protecting and/or restoring habitat connectivity of the San Luis Rey habitat linkage. We are unaware of the report that is referred to in this section of the DEIR/EIS and request a citation for this document. Without knowing the context/purpose of the described document (i.e., did the report evaluate corridors on a state- or county-wide scale, what criteria were used to evaluate the value of various corridors). The San Luis Rey River corridor has been identified as a critical linkage within San Diego County and as such both the MHCP and the NCMSCP place great emphasis on the conservation of the river and the habitats and species that it supports. In addition, in both the MHCP and NCMSCP coverage for some riparian species (i.e., vireo

17. Specific locations, habitat types and acreages for mitigation sites have been provided in Section 3.24.4 This section addresses specific species impacts and mitigation, as well as Critical Habitat impacts. This information can also be found in Tables 3.21-5 through 3.21-8.

18. Caltrans acknowledges your participation and thanks USFWS for their efforts. The attached BA finalizes the mitigation proposed for the project.

19. The RSAs for the issues mentioned, as well as the corresponding analysis, have been extended westward to the mouth of the San Luis Rey River. The ACOE's San Luis Rey Flood Control Project is now included.

The project proposes no use of groundwater and therefore groundwater impacts were not included in the cumulative analysis.

20. The San Luis Rey River corridor has been identified as a critical linkage within San Diego County. This information has been updated in Section 1.3.8.

and flycatcher) is dependent on the conservation of the river corridor. Therefore, the EIR/EIS should discuss the importance protecting and/or restoring habitat within the San Luis Rey River corridor in terms of the role that it plays in accomplishing both local and regional planning/conservation goals.

21. 8. Throughout the DEIR/EIS the North County Multiple Species Conservation Plan (NCMSCP) is referred to as the North County Subarea/Subregional Plan. The NCMSCP is not a subarea plan of the existing MSCP. The existing MSCP only covers south western San Diego County. The NCMSCP will be the regional plan for the north western portion of the un-incorporated San Diego County lands. Please change all references to the NC Subarea/Subregional Plan to NCMSCP so as not to confuse it with the existing MSCP.

22. 9. Throughout the DEIR/EIS the Multiple Habitat Conservation Program (MHCP) is identified as a draft plan. Although the City of Oceanside Subarea Plan is currently still a draft and is undergoing agency review and revision, the MHCP has been approved and is not draft.

23. 10. Page 3-11 of the DEIR/EIS states that the NCCPs encompassing the project area are in draft form; therefore they are not addressed in terms of consistency. While this is true for the City of Oceanside Subarea Plan and the NCMSCP, the MHCP is final and consistency of the proposed project with the MHCP should be analyzed and addressed within the EIR/EIS.

24. 11. Page 1-6 of the DEIR/EIS states the San Luis Rey River has been used for decades for sand mining and gravel operations. This statement is misleading. There has not been any sand mining or gravel operation in the reach of the river where the proposed project is located for many years, and many of the areas subject to past mining activities have been passively restored over time. This statement should be changed to accurately describe the current status of this reach of the river.

25. 12. Page S-7 of the DEIR/EIS states that project impacts to waters of the United States are not substantial, but impacts to jurisdictional waters of the State would be considered substantial. Please clarify this determination.

26. 13. Page 3-165 of the DEIR/EIS identifies design measures that are proposed as part of the proposed project to ensure that wildlife corridors are not adversely affected and road mortality is minimized. These design measures include the construction of wildlife undercrossings and directional fencing. However, the DEIR/EIS does not provide any information regarding what information was used to determine the appropriate locations for the proposed undercrossings and fencing. To ensure that the undercrossings are located in active wildlife movement areas and that they are designed to accommodate the appropriate target species we recommend that Caltrans conduct a Permeability Analysis and Wildlife Connectivity Study in the proposed project area. To assist Caltrans we have

21. Thank you for providing this clarification. Reference to the NCMSCP has been corrected.

22. Thank you for providing this clarification. Discussion of the MHCP has been updated in the FEIR/FEIS.

23. Analysis referencing the MHCP has been revised in Section 3.2.1. Analysis evaluating the consistency of the proposed project with the MHCP has been included in the environmental consequences section of the analysis.

24. Discussion regarding sand mining and gravel operations along the river has been updated to clarify that no such activities occur within the project limits.

25. The text in this section has been corrected to reflect the analysis in Section 3.21. Neither impacts to waters of the U.S. or to waters of the state would be considered substantial.

26. The statements that appeared in the DEIS/DEIR and again in this FEIS/FEIR are based on data collected and confirmed in the various and many technical studies that were prepared for this project. The list of all the technical studies appears on page 3-1. Moreover, design for wildlife crossings was based on the "Wildlife Crossing Assessment and Mitigation Manual," written by UC Davis and Caltrans (2007). Existing connectivity at roads was evaluated, including culverts, undercrossings and bridges. Specific landscape features were assessed, including ravines, riparian areas, wetlands and tributaries of the San Luis Rey River, and locations at which these resources were separated by roads and/or developed areas. A determination was made of intersecting locations where the proposed project had the potential for retrofitting existing or adding new crossing structures. Based on biological survey data, locations, and habitat usage, crossings were designed and located to facilitate the movement of the identified species. These locations have been reviewed and concurred with by USFWS and are identified in Figure 3.20-6.

consulted with wildlife movement experts and have attached a draft Permeability Analysis and Wildlife Connectivity Study developed to provide the information needed to ensure that the undercrossings and fencing are designed and placed appropriately within the project area.

27. 14. Page S-9 of the DEIR/EIS states that restoration/creation of riparian habitat along the San Luis Rey River (river) is proposed to offset project impacts to riparian vegetation, and that the San Luis Rey River Flood Control Project identified areas along the river immediately upstream of Interstate 5 that would be appropriate for restoration and/or creation of riparian habitat. Please clarify if this area is located within the portion of the river that is subject to operation and maintenance activities associated with the San Luis Rey River Flood Control Project and therefore, may be impacted in the future as part of these activities. All proposed riparian restoration/creation should be proposed in location that can be preserved in perpetuity within a conservation easement and is not subject to future impacts.

15. Final wetland creation/restoration/enhancement plans should be submitted to the Service for approval prior to initiating project impacts. The final plans should include the following information and conditions:

a. All final specifications and topographic-based grading, planting and irrigation plans (with 0.5-foot wetlands contours and typical cross-sections) for the creation/restoration/enhancement sites. All graded areas should be left in a rough grade state with microtopographic relief (including channels for wetlands) that mimics natural topography, as directed by the Wildlife Agencies. Topsoil and plant materials salvaged from the impacted areas (including live herbaceous, shrub and tree species) should be transplanted to, and/or used as a seed/cutting source for, the riparian/wetland creation and enhancement areas to the maximum extent practicable as directed by the Wildlife Agencies. Planting and irrigation should not be installed until the Wildlife Agencies have approved of the mitigation site grading. All plantings should be installed in a way that mimics natural plant distribution, and not in rows;

28.

b. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). The multitude of plant palettes proposed in the draft plans will include native species specifically associated with the habitat type(s). Unless otherwise approved by the Wildlife Agencies, only locally native species (no cultivars) available from as close to the project area as possible should be used. The source and proof of local nativeness of all plant material and seed should be provided;

c. Container plant survival should be 80% of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead

27. All proposed mitigation areas for the SR-76 Melrose to South Mission Project are located outside the flood control projects. Caltrans has acquired mitigation sites which would be maintained in perpetuity and not subject to future impacts.

28. The wetland mitigation plan is attached to the document as Appendix J. Suggestions ‘a’ through ‘i’ are included in the Wetland Mitigation Plan. The plan has been updated to address comment ‘j,’ and a wetland delineation would be done to ensure that ACOE jurisdictional wetlands have been successfully created prior to final approval of the creation sites.

plants should be replaced unless their function has been replaced by natural recruitment;

d. A final implementation schedule that indicates when all riparian/wetland impacts, as well as riparian/wetland creation grading, planting and irrigation will begin and end. Necessary site preparation and planting should be completed during the concurrent or next planting season (i.e., late fall to early spring) after receiving the Wildlife Agencies' approval of grading. Any temporal loss of habitat caused by delays in creation/restoration/enhancement should be offset through creation/restoration/enhancement at a 0.5:1 ratio for every 6 months of delay (i.e., 1:1 for 12 months delay, 1.5:1 for 18 months delay, etc.). In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project applicant, including but not limited to natural disasters (e.g., earthquakes etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions by Federal or State agencies, or other governments, the project applicant will be excused by such unforeseeable cause(s);

e. Five years of success criteria for creation/restoration/enhancement areas including: separate percent cover criteria for herbaceous understory, shrub midstory, and tree overstory; evidence of natural recruitment of multiple species for all habitat types; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;

f. Monitoring should include protocol surveys for vireo;

g. A vegetation monitoring plan with a map of proposed sampling locations. Stratified-random sampling should be used for all quantitative surveys;

h. Contingency measures in the event of mitigation failure;

i. Annual mitigation maintenance and monitoring reports should be submitted to the Agencies after the maintenance and monitoring period and no later than December 1 of each year;

j. A wetland delineation should be done to confirm that Corps jurisdictional wetlands have been successfully created prior to final approval of the creation sites.

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29. 16. A management and monitoring plan (MMP), including a funding commitment, should be developed for any on- and/or off-site areas to be used as project mitigation, and implemented in perpetuity to protect the existing biological functions and values. The applicant should identify an appropriate natural lands management organization, subject to approval by the Service. The MMP should outline biological resources on the site, provide for monitoring of biological resources, address potential impacts to biological resources, and identify actions to be taken to eliminate or minimize those impacts. The applicant should complete a Property Analysis Record (PAR) to determine the amount of funding needed for the perpetual management, maintenance, and monitoring of the biological conservation easement areas by the natural lands management organization. The applicant should demonstrate how the proposed funding mechanism would ensure that adequate funds would be available on an annual basis to implement the MMP. The natural lands management organization should submit a draft MMP, PAR results, and proposed funding mechanism to the Service for review and approval prior to initiating construction activities.

30. 17. Page S-12 of the DEIR/EIS states that if construction activities must occur during the breeding season for vireo, gnatcatcher, and flycatcher, a qualified biologist would conduct pre-construction surveys to ensure that nesting birds are not within the proposed work area. Please clarify how one ensures nesting birds are not within the proposed work area. This condition should also state that if construction activities must occur within arroyo toad breeding habitat during the arroyo toad breeding season (March 15-July 1), a qualified biologist would conduct pre-construction surveys and translocate the necessary arroyo toads to ensure that there are no arroyo toad eggs, tadpoles, or neonates present within the proposed work area.

18. Page S-12 of the DEIR/EIS states that prior to the start of active construction activities near identified arroyo toad populations, qualified biologists should install exclusion fencing along the limits of impacts and conduct three night surveys. This condition should be revised as follows:

31.

a) Construction activities within occupied/suitable arroyo toad breeding habitat would not take place during the arroyo toad breeding season (March 15 to July 31). Construction within arroyo toad upland habitat may be conducted during the arroyo toad breeding season provided the area does not contain and/or is not adjacent to gnatcatcher, vireo, and/or flycatcher habitat.

b) Arroyo toad exclusion fencing will be installed around the perimeter of all work areas within potential arroyo toad upland habitat prior to construction. The purpose of the fence is to exclude arroyo toads from the work sites. Such fencing will consist of woven nylon netting approximately 2 feet in height attached to wooden stakes. Prior to installing the fencing, a narrow trench approximately 1 to 2 inches in depth will be excavated and the fence buried, to prevent burrowing beneath the fence. All fencing materials (i.e., mesh, stakes, etc.) will be removed

29. A draft Wetlands Mitigation Plan is attached as Appendix J of this document. The mitigation plan is consistent with agency guidelines. The plan outlines biological resources onsite, addresses potential impacts and includes a monitoring plan. In addition, the plan also includes contingency measures, outlines a planting scheme, site preparation, and exotics control program, irrigation, grading requirements and success criteria. Five years of plant establishment and habitat management and monitoring would be implemented (see Appendix J).

30. All vegetation within the construction limits would be cleared outside the breeding season to avoid impacts to the species. If activities must occur during this timeframe, a mandatory pre-construction survey by a qualified biologist would be conducted to ensure that no toads or nesting birds are present within the proposed work area. Should toads or a nest site be located, appropriate measures may include designation of the location as an Environmentally Sensitive Area (ESA) and delaying/restricting project activities until nesting/fledging is completed. Construction activities within occupied/suitable arroyo toad breeding habitat may be conducted during the arroyo toad breeding season provided the area does not contain and/or is not adjacent to gnatcatcher, vireo, and/or flycatcher habitat. If activities must occur during the arroyo toad breeding season a qualified biologist would conduct pre-construction surveys and translocate the necessary arroyo toads to ensure that there are no arroyo toad eggs, tadpoles, or neonates present within the proposed work area. Please refer to Section 3.24.4 for additional information.

31. Section 3.24 has been updated to reflect the conditions you have requested.

following construction. Ingress and egress of construction equipment and personnel will be kept to a minimum, but when necessary, equipment and personnel will use a single access point to the site. This access point will be as narrow as possible and will be closed off by exclusionary fencing when personnel are not on the project site.

b) Prior to construction activities, but after exclusionary fencing has been installed, a minimum of three surveys for arroyo toads will be conducted within the fenced area by a Service-approved biologist. Surveys will continue until there have been two consecutive nights without arroyo toads inside the fence. The final survey will be within 24 hours prior to the start of construction. Surveys will be conducted during appropriate climatic conditions and during the appropriate time of day or night to maximize the likelihood of encountering arroyo toads. If climatic conditions are not appropriate for arroyo toad movement during the surveys, a qualified biologist may attempt to illicit a response from the arroyo toads, during nights (i.e., at least one hour after sunset) with temperatures above 50 degrees Fahrenheit, by spraying the project area with water to simulate a rain event. If arroyo toads are found within the project area they will be captured and translocated, by the biologist, to the closest area of suitable habitat along the San Luis Rey River. The biologist will coordinate with appropriate property owners and with the Service to determine a specific translocation site prior to moving any arroyo toads. The date, time of capture, specific location of capture (using Geographic Positioning Systems), approximate size, age and health of the individual will be recorded and provided to the Service, within 2 weeks of the translocation, in both hard copy and digital format.

c) To avoid transferring disease or pathogens between aquatic habitats during surveys and handling of arroyo toads, the approved biologist will follow the *Declining Amphibian Population Task Force's Code of Practice* (DAPTF, 1991) or newer version when available.

32. 19. Page 1-7 of the DEIR/EIS identifies some of the federally and state listed species known to occur within the proposed project area. However, this section does not identify that the federally listed San Diego Ambrosia (*Ambrosia pumila*; ambrosia) and designated critical habitat for the vireo, flycatcher, and gnatcatcher, and proposed critical habitat for the gnatcatcher also occur within the proposed project area.

33. 20. Page 3-4, Table 3.1-1 of the DEIR/EIS indicates that the Jeffries Ranch project in the City of Oceanside is approved and under construction. The last phase of the Jefferies Ranch does not have all of the permits required for construction; therefore, this project is not currently under construction. Please revise Table 3.1-1 to accurately reflect the status of the Jefferies Ranch project.

32. This species and relevant critical habitat have been added to Section 1.3.8.

33. Thank you for the correction. The status of Jeffries Ranch has been updated in Table 3.1-1.

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34. 21. Section 3.25.3 on Page 3-208 of the DEIR/EIS identifies that there could be impacts from the proposed project on native vegetation communities from increased non-native species intrusion related to construction disturbance and the importation of non-native plants and seeds in landscaping plants or seed mixes or on vehicles and cargo used in constructing the proposed project. Section 3.25.4 states that a giant reed control project is currently being implemented along the San Luis Rey River. The EIR/EIS should include a commitment by Caltrans to assist with this program as mitigation for increased non-native species intrusion resulting from the proposed project. In addition, the EIR/EIS should include a requirement for Caltrans to implement an in-perpetuity invasive species removal program on all proposed mitigation sites as part of the long-term management plans for the mitigation sites.

35. 22. The EIR/EIS should include the provision for a Service-approved biological monitor to be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of the biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor should have the authority to halt construction to prevent or avoid take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions not in compliance with the permits and construction documents should be immediately brought to the attention of the Service.

36. 23. Landscaping adjacent to native habitat should not use plants that require intensive irrigation, fertilizers, or pesticides. Water runoff from landscaped areas should be directed away from adjacent habitat and contained and/or treated within the development footprint. In addition, to avoid the addition of non-native insect pests, particularly Argentine ants (*Iridomyrmex humil*) and fire ants (*Solenopsis invicta*), any planting stock to be brought onto the project site for landscaping should be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas. Infested stock should not be allowed on the project site and should be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats.

Literature Cited

Griffin, P.C., T.J. Case, and R.N. Fisher. 1999. Radio telemetry study of *Bufo californicus*, arroyo toad movement patterns and habitat preferences. Contract Report to California Department of Transportation Southern Biology Pool. 66pp.

Holland, D.C. 1995. Sensitive species hydroecological evaluation - Margarita River. Unpublished report.

34. Mitigation of permanent biological impacts would include the preservation, restoration and enhancement of habitats at the Groves, Morrison, Zwierstra, Pilgrim Creek, and Singh properties. Using recommended mitigation ratios, a draft Mitigation and Monitoring Plan for the project has been prepared outlining a planting scheme, site preparation, and exotics control program, irrigation, grading requirements and success criteria. Five years of plant establishment and habitat management and monitoring would be implemented (see Appendix J).

35. A qualified biological monitor would be present during construction, as discussed in Sections 3.23-4 and 4.7, and in the summary and Environmental Commitments Record (Appendix D). The monitor must consult with the onsite resident engineer, who has the authority to stop construction if necessary.

36. Plants specified would not require intensive irrigation, fertilizers or pesticides. Water runoff from landscaped areas would be directed away from adjacent habitat and contained and/or within the development footprint. Landscape materials would first be inspected by a qualified pest inspector. Infested stock would not be allowed.

In addition, Caltrans' vegetation control program is based on integrated pest management principles, including the use of physical, chemical and biological methods. To implement the vegetation control program, each District prepares a vegetation management plan. These plans are developed to address Caltrans' need to eradicate noxious and invasive weeds and maintain fire control strips. The vegetation control plans are to include the following minimum elements:

- Enhance the use of appropriate native and adapted vegetation throughout all the Department's rights-of-way for the purpose of preventing erosion and removing pollutants in storm water and nonstorm water runoff.
- Apply herbicides in a manner that minimizes or eliminates the discharge of herbicides to receiving waters. Factors to be considered include timing in relation to expected precipitation events, proximity to water bodies, and the effects of using combinations of chemicals.
- Restrict the application of nutrients to rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface water.

Each District will submit its proposed vegetation control program that includes its herbicide use plan to the Regional Water Quality Control Board each year.

Ms. Kelly Finn (FWS-SD-2008B0136/2008TA0129) 11

Sweet, S. S. 1992. Initial report on the ecology and status of the arroyo toad (*Bufo microscaphus californicus*) on the Los Padres National Forest of Southern California, with management recommendations. Contract report to USDA, Forest Service, Los Padres National Forest, Goleta, California. 198 pp.

CA 76 Permeability Analysis and Wildlife Connectivity Study

The goal of this study is to determine wildlife crossing zones along CA 76 and relate those zones to existing and potential crossing locations. We will achieve this goal by:

1. Utilizing GIS mapping to illustrate the spatial extent of the linkage zone and any recognized areas of high conservation value
2. Conducting site assessments to identify existing and potential crossing locations for large and medium-bodied mammals, including mule deer, coyotes, and bobcats
3. Conducting additional surveys, if needed, to validate the use of existing crossing locations by target species (mule deer, coyotes, and bobcats) as well as identify additional sites that would facilitate the successful movement of other species, such as threatened and endangered species, across CA 76
4. Prioritizing wildlife crossing locations and developing design alternatives that maintain or enhance the functionality of this linkage

1. Mapping the linkage zone and high conservation value areas

For each linkage, specific end points will be established at easily-identifiable physical locations - typically town limits or topographic features that could dictate landscape-level wildlife movements. This boundary does not imply an absence of wildlife movement across roadway beyond these end points; rather it serves to define the study area.

Roadway permeability will be characterized relative to a suite of focal species identified for each linkage: mule deer, coyote, and bobcat. Data used to determine any previously-identified wildlife crossing zones will include critical habitat area maps for selected species from CA Department of Fish and Game databases, NCCP planning maps and conservation areas, existing data/studies that have investigated mule deer, coyote, and bobcat movement patterns relative to highways, habitat, and other landscape features, and animal-vehicle collision (AVC) data from state, regional, and/or local accident reports, records, and databases.

Land ownership data, including parcel boundaries, public and tribal lands, private preserves, and other private lands held under a conservation easement will be collected. Where private property boundaries are not available as a GIS layer, county zoning maps and hard copy parcel maps may be referenced. Percentage of land in each ownership category (private, federal, or state agency) will be calculated in a GIS using a five-kilometer buffer around the targeted stretch of highway in order to asses where opportunities to develop mitigation efforts may be most beneficial and effective.

2. Site assessments

Site assessments will be conducted along the entire stretch of CA 76 slated for improvement. Depending on the distance of roadway to be surveyed, the assessment should take about one to three days to complete. The purpose of these field visits is to

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collect on-the-ground information to refine and build upon our understanding of existing and potential locations to facilitate the safe passage of ungulates and carnivores, as well as smaller species of mammals, herpetofauna, and, in certain instances, avifauna, across CA 76.

The site assessments will consist of the following:

a. *Identify and assess existing ungulate and carnivore crossing locations along or across Highway 76*

We will record all sign of species activity along the entire stretch of highway, including tracks, scat, game trails, carcasses, and visual sightings. Such information will provide base line documentation where animals have been active along the highway shoulder, and act as preliminary locations for which to evaluate the potential to serve as a permanent crossing location.

Additional AVC data will be obtained from Caltrans, local animal control records, California Highway Patrol accident reports, and any other local or regional reports documenting such incidents.

b. *Identify and assess potential crossing locations and structures*

Three types of unique situations that could potentially serve as a wildlife crossing locales will be identified: 1) structures, 2) fill slopes, and 3) at-grade areas. At each of these locations we will measure a predetermined suite of variables.

Structures are defined as any bridge or culvert that could provide for the safe passage of target species underneath the roadway. Structure types include span bridges, box and arch culverts, metal corrugated pipes, and concrete drainage culverts. Vegetation will be measured within a 100m radius around each entrance to the structure and averaged to yield a % category of cover for vegetation less than and greater than 1m in height, thereby differentiating between low-stature grass and/or shrub cover and higher-stature shrub and/or tree cover. For each structure we will record length, width, and height. From these measurements we will calculate an openness ratio – a measure of the relative openness of a structure that influences an animal's likelihood to enter it. Finally, we will record whether water is present at each structure location. If water is present, we will quantify the proportion of area through the structure that is dry and thus provides a terrestrial passage. At each of these locations we will record the condition of the inlet and outlet (i.e. deeply incised inlet, undercut outlet, debris blocking inlet), the substrate type, the proportion of vegetation beneath the structure, and the opportunities to provide additional measures that could be initiated to further promote the movement of other sensitive species in the project area (i.e. arroyo toads, threatened and endangered bird species) through the structures.

Fill slopes are defined as any location where the roadway is elevated relative to the surrounding topography. These locations typically occur where the roadway bisects a

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drainage, but are also common along topographic depressions lacking a hydrological component. While it is not uncommon to have some sort of drainage structure under the roadway to allow for water flow through a fill slope, these structures (usually corrugated metal pipes) are typically less than 1m in diameter, thus forcing larger animals up the fill slope to attempt a surface crossing of the roadway. For all fill slopes, we will measure the fill height and fill width. Fill height is the height of the dirt used to fill in between the roadway and the canyon bottom on either side of the roadbed. Fill width is the distance along the roadway occupied by the fill (i.e., the width of the filled drainage that the road bisects). In situations where there is an existing structure greater than 1m in height (located at the base of a larger fill slope), the fill height above the structure will be documented as these locations may offer an opportunity to enlarge an existing structure without changing the shape of the roadway.

At-grade areas are other roadway segments that are not point locations. Rather, they incorporate longer stretches of the roadway (typically 0.25 mile to several miles in length). These locations frequently include stretches of road that parallels one side of a drainage or riparian area, places where a particular vegetation type approaches or abuts the road shoulders, or locations where wildlife are funneled to a particular point by other natural or man-made constrictive features in the landscape. Information on vegetation and topography adjacent to the roadway and throughout the larger linkage area will be derived from available spatial data layers. At-grade areas also typically correspond to stretches of roadway with a high frequency of AVCs. Each at-grade area will be demarcated with specific identifiable start and end points along the road.

c. *Identify and assess multiple landscape and man-made features that may impede wildlife movement across Highway 76*

Roadway barriers to wildlife movement will be characterized according to the number of lanes and presence of shoulder barriers, median barriers, and other features. The number of lanes is represented by the number of through-travel lanes – turn-out lanes and merging lanes will not be considered as a lane of travel. Shoulder barriers are defined as any "structure" paralleling the roadway that could impede wildlife movement [e.g., jersey or k-rails, chain link fence, barbed wire fence (specific for mule deer) or sound walls]. Because wildlife can easily navigate over or through guard rails, they are generally not considered as shoulder barriers unless they are present within potential wildlife crossing zones. Median barriers are defined as any structure between opposing lanes of traffic and are categorized as jersey walls, guard rails, or divided highway. Additional miscellaneous features along the roadway that could hinder wildlife movement across the road or serve as potential soft barriers to species movement will also be recorded.

All information collected in the field will be reported on a set of data forms designed specifically for these types of assessments. All locations will be entered into a spatial database with a global positioning system (GPS) unit.

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3. Additional surveys

We emphasize that our aforementioned efforts to determine wildlife crossing hotspots will not be comprehensive, as these methods only elucidate conditions existing within a small window of time (i.e. 1-3 days for site assessments). Furthermore, AVC data only indicates those locations along CA 76 where crossing attempts by wildlife were unsuccessful. Successful crossings across CA 76 can only be directly measured by monitoring existing structures that provide for the safe movement of wildlife underneath the highway or through behavioral studies monitoring fine-scale movement patterns relative to the highway (i.e. telemetry studies).

Herein, we suggest additional methods that would largely identify additional or potential crossing locations, or aid in refining particular zones that may be experiencing a greater frequency of crossing activity. They include focused AVC surveys, remotely-triggered camera surveys, and track surveys.

Focused AVC surveys

Recording AVC data is an effective tool in identifying existing crossing locations by wildlife (albeit unsuccessful crossing attempts) as well as areas that may represent a high risk to drivers and highway safety. Besides gathering legacy AVC data, we recommend focused driving surveys as a follow-up to the site assessment surveys. Although the site assessments entail walking the entire stretch of the project area to identify and record carcasses along CA 76, these surveys would consist of driving the highway to locate mule deer, coyote, and bobcat carcasses (these species are highly visible and easily detectable via driving methods) using a set sampling schedule. We note, however, that certain road conditions such as thick or overhanging vegetation abutting the road or shoulders with steep drop-off may decrease the probability of detecting those carcasses. In these instances, observers may need to walk along the shoulder to carcass detection probability.

Remotely-triggered camera surveys

Remotely-triggered cameras surveys not only serve to document the current level of activity through existing underpasses, but they would also provide valuable data on the presence of species in the surrounding area. For example, if by monitoring the wildlife crossing structures, it is determined that they are not being used by the target species, we could infer that target species are either not present in the project area or that they are present and unwilling to utilize the existing crossing structures. Another benefit to these surveys is the ability to identify individual animals by natural markings such as pelt patterns, scars, or injuries. Individual identification allows us to determine the minimum number of animals using any particular crossing structure and thus help weight the importance of that crossing structure importance relative to the other crossing structures.

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Track surveys

Track surveys are a cost-effective measure to identify the distribution and relative abundance of wildlife species and have been widely used to measure wildlife activity in a given area. However, with respect to identifying highway crossings, several complexities arise when using this method. First, track stations are site-specific and thus can only be used to comparatively assess activity between locations sampled. Second, track stations typically involve a lure that draws animals to the station, subsequently leaving their track on a particular substrate that can be later identified. Such a technique may not be advantageous along a well-traveled highway corridor, as animals may be drawn to the roadside, thus increasing the probability that they would be struck by a vehicle.

To account for these complexities, the use of tracking beds along the highway shoulder are a useful tool to measure crossing rate by animals over highways. The rationale behind conducting track bed surveys along the shoulder of CA 76 is to determine the existing rate of at-grade crossing activity by wildlife. Track beds will consist of 100m long by 2m wide stretches of filter fabric covered by 10cm of finely-sifted tracking substrate material. Track beds would be strategically placed in areas identified from previous surveys that identified existing and potential movement routes. Data from track beds will accomplish two goals: 1) to comparatively identify at-grade crossing locations along CA 76 and 2) to determine pre-construction crossing rates prior to determine effectiveness of future mitigation measures (see Monitoring Effectiveness section below).

4. Crossing location prioritization and design

The goal of prioritizing locations and recommending design alternatives for various mitigation measures is to provide Caltrans with a list of the best opportunities and sites for reducing the potential barrier effect of CA 76, as perceived by wildlife, and decreasing road-related mortalities (including both collisions with vehicles as well as mortalities induced by an animal's inability to reach portions of its habitat). Recommendations for mitigation measures are based on their contributions to improving connectivity for the targeted wildlife species through the linkage and the feasibility of executing mitigation measures at a given location. Factors that influence the priority of a location include the feasibility of installing such a mitigation measure (i.e. topographic features), the relative biological significance of that location (i.e. species detected at that location, relative abundance of target species, use by other species), and the opportunity for the long-term success of the mitigation measure (i.e. land ownership, zoning, future transportation projects, topographic features).

While recommended mitigation measures may be listed independently for each location, the recommendations may include a suggested suite of complementary mitigation measures that when pursued jointly can work more effectively to improve permeability across the roadway. A suite of recommendations for a given stretch of roadway seeks to optimize mitigation measures in the face of various constraints and opportunities.

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Recommendations will be focused on those locations where the need and opportunity is greatest. A variety of mitigation measures may be considered at each site, and may include: structural, structural enhancements, fencing and barriers, vegetation treatments, wildlife detection systems, speed control, driver awareness, land protection, maintenance repairs, and research/monitoring. These categories are used to demonstrate how similar mitigation measures may be applied at multiple locations. Site-specific considerations for particular locations would be addressed. Further site-specific analysis may also be necessary before these recommendations can be implemented. Finally, long-term monitoring and periodic maintenance would need to be built into implementation projects, if deemed appropriate, to ensure the effectiveness and functionality of all mitigation measures.

Further measures to ensure the effectiveness and success of such mitigation measures may also be incorporated and should be considered. For example, in order to determine the success of structures post-construction, a monitoring plan that monitors wildlife activity both before and after construction is critical so that comparisons can be made. Measures for success should be established prior to construction (i.e. a 75% reduction in AVCs after construction, a significant increase in underpass use once fencing is established) and an adaptive management strategy (including recommendations of strategies to be utilized should success criteria not be met) should be established. Measures to ensure the effectiveness of such measures can be provided if requested.

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United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER# (ex. ER07/910)

Filed Electronically

26 November 2007

ATTN: MS. KELLY FINN
Environmental Analysis – Branch A, Chief,
Department of Transportation – District 11
4050 Taylor Street, MS 242,
San Diego, CA 92110
kelly.finn@dot.ca.gov

Subject: Review of Draft Environmental Impact Report/Environmental Impact Statement for SR-26 Widening and Realignment, from Melrose Drive in Oceanside to South Mission Road in Bonsall, in San Diego County, California

Dear Ms. Finn:

The Department of the Interior has received and reviewed the subject document and has the following comments to offer.

Chapter 3, Biological Environment, Sections 3.20 - 3.28, pages 3-147 through 3-219

1. There are many statements of fact that do not have supporting scientific documentation or analysis and are very generalized, not only in these sections, but throughout the DEIS. The final EIS would be enhanced and it would benefit the public for the document to include supporting references for species statement of fact and surveys identified, and include these in a References Cited section. This section should also include bibliographic information for the 2004 *Final Natural Environment Study Report, Field Surveys for State Route 76 Middle Segment*, which is incorporated by reference on page 3-188. Additionally, certain comments need supporting studies and existing analysis with available references. Examples of these include, but are not limited to the following:

Response to Patricia Sanderson Port, Regional Environmental Officer, United States Department of the Interior – Office of Environmental Policy and Compliance

1. The statements that appeared in the DEIS/DEIR and again in this FEIS/FEIR are based on data collected and confirmed in the various and many technical studies that were prepared for this project. The list of all the technical studies appears on page 3-1. The document notes that each section is based on the completed technical studies. These technical studies were available for review during the public comment period, which lasted from October 12, 2007 to November 26, 2007.

- "One population of San Diego ambrosia was recorded during the 2002 surveys in the southerly portion of the project area. Several historical localities of the species are also documented in the project vicinity." (page 3-189)
- "This amphibian [arroyo toad] is considered a habitat specialist because it requires a specific combination of conditions for reproduction, foraging, and hibernating." (page 3-189)
- "California gnatcatcher breeding season territories are variable, ranging from 1.0 to 18.5-hectares . . . Their non-breeding season home range size is about 80 percent larger than the breeding season home range. . . . Coastal California gnatcatchers were documented at 10 locations within the project vicinity during protocol surveys conducted in 2002." (page 3-190)
- During the breeding season, the least Bell's vireo is restricted to riparian woodland and riparian scrub. In San Diego County, it occurs mainly in the coastal lowlands...". (page 3-191)

2. The DEIS states that (page 3-165) "Wildlife crossings beneath the roadways would permit movement between habitats. Their design would provide suitable environmental conditions (soil, vegetation, lighting, and height/width) to encourage use." This is a very generalized statement, which needs to instead include studies that are species specific since different species respond differently to wildlife crossings. Available scientific studies with supporting references, including bibliographic citation information for the 2006 *SR 76 Middle Segment Jurisdictional Delineation Report for Waters of the U.S. and State of California*, which is incorporated by reference on page 3-167, are also needed for the following statement (page 3-173, 3rd paragraph): "The channel appears to have relatively braided, shallow and continuous water flow, and an established riparian overstory of cottonwoods and willows, which would diffuse any temperature effects from shading."

3.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port

Patricia Sanderson Port
Regional Environmental Officer

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2. The statements that appeared in the DEIS/DEIR and again in this FEIS/FEIR are based on data collected and confirmed in the various and many technical studies that were prepared for this project. The list of all the technical studies appears on page 3-1. Moreover, design for wildlife crossings was based on the "Wildlife Crossing Assessment and Mitigation Manual," written by UC Davis and Caltrans (2007). Existing connectivity at roads was evaluated, including culverts, undercrossings and bridges. Specific landscape features were assessed, including ravines, riparian areas, wetlands and tributaries of the San Luis Rey River, and locations at which these resources were separated by roads and/or developed areas. A determination was made of intersecting locations where the proposed project had the potential for retrofitting existing or adding new crossing structures. Based on biological survey data, locations, and habitat usage, crossings were designed and located to facilitate the movement of the identified species. These locations have been reviewed and concurred with by USFWS and are identified in Figure 3.20-6.

3. This technical study was available for public review during the public comment period which lasted from October 12, 2007 to November 26, 2007. The DEIR/DEIS contained a summary of this information.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

December 3, 2007

Kelly Finn
Caltrans, District 11 – Environmental Division
MS – 242
4050 Taylor Street
San Diego, CA 92110

Subject: EPA Comments on the State Route 76 Melrose to Mission Highway Improvement Project (CEQ# 20070426)

Dear Ms. Finn:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (Draft EIS) for the State Route 76 Melrose to Mission Highway Improvement Project (SR76 Project). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. We note that NEPA compliance for this project has been delegated from the Federal Highway Administration (FHWA) to California Department of Transportation (Caltrans) pursuant to the *Memorandum of Understanding Between the FHWA and Caltrans Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program (June 2007).*

1. EPA has coordinated with the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service to provide early regulatory agency input for this transportation project pursuant to the NEPA/Clean Water Act Section 404 Integration Process Memorandum of Understanding (NEPA/404 MOU). EPA appreciates the efforts of the FHWA and Caltrans in including EPA in DEIS development through this forum. We note that this coordination process has allowed for multiple, detailed discussions regarding specific alignment options, avoidance of sensitive resources, and potential for advanced mitigation for future transportation-related impacts.

While we are supportive of the extensive coordination between our agencies, following our review of the Draft EIS, EPA has rated the document as Environmental Concerns – Insufficient Information (EC-2). This rating is due to the need for an expanded cumulative impacts analysis and better understanding of how this project will be coordinated with the future, additional widening of portions of SR76 to the east. We recommend additional information for inclusion into the Final EIS regarding indirect and cumulative impacts to biological and aquatic resources and specific mitigation proposals.

The enclosure further describes the above-listed comcerns and the additional environmental concerns that EPA identified following our review of the Draft EIS. A "Summary of Rating Definitions" for further details on EPA's rating system is also provided. We appreciate the opportunity to review the Draft EIS and believe that continued coordination

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Response to Connell Dunning, U.S. Environmental Protection Agency (EPA)

1. Thank you for your comments. Detailed responses to your specific comments follow.

through the NEPA/404 forum will ensure that environmental issues are addressed as early as possible.

We look forward to continuing our coordination with Caltrans as a cooperating agency and are available to discuss the issues addressed in this letter during upcoming interagency meetings. If you have any questions, please contact Connell Dunning (415-947-4161) or Elizabeth Goldmann (415-972-3398), lead reviewers for this project.

Sincerely,

for Nova Blazej, Manager
Environmental Review Office

Enclosures: EPA's Detailed Comments
Summary of Rating Definitions

Cc: Maiser Khaled, FHWA
Susan Wynn, Fish and Wildlife Service
Phoung Trinh, Army Corps of Engineers
L. Breck McAlexander, California Department of Fish and Game
Richard Chavez, SANDAG

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EPA DETAILED COMMENTS ON THE STATE ROUTE 76 WIDENING – MELROSE TO MISSION, SAN DIEGO COUNTY, CALIFORNIA, DECEMBER 3, 2007

Range of Alternatives for Future SR-76 Improvements

At the initiation of the environmental review process for the widening of State Route 76, Caltrans decided to separate the environmental review process for widening SR 76 between Melrose Avenue and I-15 into two separate Environmental Impact Statements (EIS)s. The two separate EISs were defined as: (1) this project, referred to as SR 76 "Middle" , with proposed widening from Melrose to Mission, and (2) a separate (in-progress) EIS referred to as SR 76 "East", with proposed widening from Mission to I-15. Following this decision, during previous interagency meetings, EPA expressed concerns regarding the potential for decisions made during the SR-76 Melrose to Mission environmental review process to restrict the range of alternatives that could be analyzed for future SR-76 corridor projects east of the proposed improvements. Caltrans provided the following commitment during a September 19, 2005 interagency meeting to alleviate these concerns (text from background materials provided for meeting):

> *"It will be demonstrated that the selection and/or construction of an alignment for SR 76 between Melrose and Mission will not constrain the consideration of a full range of alternatives for improvement between Mission and I-15. The Draft EIS will present preliminary alternatives to the east, which will show that any of them could be considered regardless of the alternative decision between Melrose and Mission."*

The Draft EIS does not provide preliminary alternative to the east, nor does it demonstrate that alternatives could be considered regardless of the alternative alignment chosen between Melrose and Mission.

2.

Recommendations:

- In the Final EIS, identify preliminary alternatives for future widening State Route 76 to the east.
- Demonstrate that any of the preliminary alternatives for the East widening can be considered regardless of the alignment chosen for Melrose to Mission.

Cumulative Impacts Analysis

In our November 20, 2005 letter to Caltrans and FHWA concurring on the Purpose and Need for this project, EPA highlighted concerns regarding the need for a thorough cumulative impact analysis. These concerns were raised following the decision to split the project into two separate EIS documents. Caltrans and FHWA committed to completing a thorough cumulative

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impacts assessment in the State Route 76 "Middle" EIS (this project), in order to articulate estimated impacts from the reasonably foreseeable future widening scenarios for SR 76 between Melrose and I-15. Despite this commitment, the cumulative impacts analysis includes no discussion of potential impacts to resources from the various scenarios being analyzed for the eastern widening.

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2. Text has been added to the Cumulative Impacts discussion in Chapter 3.29 to state that neither the Existing Alignment nor the Southern Alignment preclude the development of preliminary alternatives for the potential future widening of SR-76 east of South Mission Road. Based on this and other comments, Figure 3.29-1a-d have been created to illustrate that this project would not preclude alternatives associated with the proposed SR-76 East project.

3. Section 3.29.2 has been revised to provide some general information regarding impacts that may occur as a result of the improvements along SR 76 East. The range of alternatives available for the project remains preliminary, however, and analysis to determine specific impacts has not yet been conducted. Caltrans is unable to provide specific information regarding avoidance and minimization given the preliminary status of the project; however, a more detailed analysis of direct impacts to the aquatic environment (amounts of discharge or fill) associated with the project would be developed as the refinements to the alignment are completed. Caltrans is committed to avoiding and minimizing impacts where possible, and mitigating those impacts that could not be avoided.

Because it is reasonably foreseeable that 1) improvements on SR 76 will occur further east of the eastern terminus of the proposed project, and2) those improvements must directly link to this project, it is important that the cumulative impact analysis in this EIS specifically identify potential connection scenarios for the two projects as well as corresponding estimates of impacts to resources. Without even a general discussion of potential impacts that may result from the future widening of SR76 to the east, it is not possible to conclude what alternative is the environmentally and operationally preferred alternative from a larger, regional perspective. For example, what appears to be the environmentally and/or operationally preferable alternative for widening SR 76 from Melrose to Mission when only considering this 5-mile stretch of the project might not be preferable when assessing what additional impacts will result when widening scenarios requiring this alignment continue to the east. It is critical for decision-makers to have an understanding of the potential future impacts of this decision.

Recommendations:

- In the Final EIS, identify the potential impacts to resources from preliminary alignment alternatives for future SR 76 widening to the east.
- Identify if these potential impacts may contribute to significant impacts to resources.
- Commit to specific avoidance, minimization, and mitigation measures for the future SR 76 widening to the east.

4. In the Cumulative Impacts Assessment, Caltrans identified separate resource study areas (RSA) for analysis of potential cumulative impacts. EPA commends Caltrans for using this approach because the potential area to be cumulatively impacted varies among resources. For example, Figure 3.28-1 identifies a large, watershed-based RSA for "Hydrology and Floodplain impacts" and a smaller "wetlands and other waters" RSA. In particular, Figure 3.28-1 is an excellent visual aid to support the cumulative impacts analysis.

It is not clear, however, why the area for the Hydrology and Floodplain RSA and the Wetlands and other Waters RSA stops at the western terminus of the project and does not continue further west throughout the entirety of the watershed and San Luis Rey River. The contribution of this project's impacts to hydrology, floodplain management, and the San Luis Rey River will likely have downstream effects, so it is important to analyze this projects contribution to downstream effects when considered with other reasonably foreseeable projects.

5. In addition, other reasonably foreseeable future projects that are also impacting the "downstream" portions of the San Luis Rey River and watershed should be added to the list of projects considered in the cumulative impacts analysis.

Recommendations:

- Expand the size of the Hydrology and Floodplain RSA and the Wetlands and Other Waters RSA to include downstream stretches of the San Luis Rey River and Watershed.
- Following the need to revise the RSA for Hydrology and Floodplain and Wetlands and other waters, identify if there are additional actions in the project vicinity that may contribute impacts to these resources. For example, the San Luis

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4. Thank you for acknowledging Caltrans' use of the guidance developed by the EPA, Caltrans, and Federal Highway Administration (FHWA).

5. The Hydrology and Floodplain RSA and the Wetlands and Other Waters RSA have been expanded downstream to the river's mouth. Downstream projects affecting these resources, including the San Luis Rey River Flood Control Project, have been added to Table 3.28-1 and the accompanying discussion.

Rey Flood Control Project is not identified on Table 3-28-1; however, this is an action that will contribute cumulative impacts to hydrology and the river.

- Update the conclusions of the cumulative impact assessment, and proposed mitigation, to reflect the new information provided.

Water Quality

Widening the amount of impervious surfaces in the area will increase storm water runoff, which could be a major source of degradation to the San Luis Rey River. Page 3-108 identifies that the project will increase surface area by widening the existing road from a 2-lane to a 4-lane facility. However, the actual paving for this project will accommodate a future 6-lane facility, and therefore will result in more additional impervious pavement than a 4-lane facility would impact. It is not possible to confirm whether the analysis of stormwater impacts considered a 6-lane facility or not because the analysis is incorporated by reference into this document, rather than included as an appendix or an attachment.

The Draft EIS does not provide quantification of the increased impervious area and states that "where an increase in paved surfacing leads to an increase in total or peak runoff discharges, a thorough evaluation is performed to determine if any adverse impacts would result (p. 3-111)." The Draft EIS then states that Caltrans will consider the following:

"-Modifications to channel (both natural and man-made) lining materials, including vegetation, geotextile mats, rock, and rip-rap;
- Energy dissipation devices at culvert outlets;
- Smoothing the transition between culvert outlets/headwalls/wing walls and - channels to reduce turbulence and scour;
- Incorporating retention or detention facilities to reduce peak discharges; and
- Preventing hazardous spills from entering streams and lakes."

6. In addition to the increased impervious surfaces from the widening and operation of the highway system, runoff associated with construction activities has the potential to contribute to further water quality impairment. Storm water runoff from construction sites is a major concern and may facilitate the discharge of pollutants such as sediment, fertilizers, pesticides, oil and grease, and other construction chemicals and debris. Construction sites can deposit more sediment into rivers and estuaries than can be deposited naturally over several decades.

Recommendation:
Because this specific highway widening project is adjacent to the San Luis River, an already impaired waterbody, the water quality analysis in the EIS should include an estimate of increase impervious surfaces, estimates of increases in stormwater runoff locations and volume, and locations for specific design features to minimize discharges and dissipate energy, rather than listing measures that will be considered once impacts are known. The Draft EIS should include the following:

- Provide more information in the FEIS to support the conclusion that the project will not cause or contribute to further impairment of downstream waterbodies. In

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6. The technical study was available for review during the public review period for the Draft EIR/EIS; it is available for review upon request. The proposed project would incorporate both construction and post-construction Best Management Practices (BMPs) to minimize impacts to water quality downstream. Some of these BMPs, as discussed in Section 3.14, include, but are not limited to, replanting of slopes with native species, the protection of slopes during construction if they are no longer being actively worked, gravel bags, detention basin, vegetated bioswales, and other features to avoid runoff carrying a bed load, treating that water that does run off to the maximum extent practicable to remove total suspended solids (TSS) and other constituents. These BMPs would treat runoff from construction and operation to the extent possible, in compliance with stormwater regulations.

addition, either provide a copy of the technical report that is incorporated by reference, or provide access to the information on a website or via CD so that the public can review this information.

7. • Clarify that the stormwater run-off analysis considered the additional impervious surface of a future 6-lane facility rather than a 4-lane facility as stated on page 3-108. Revise the analysis if needed and provide a quantification of the actual, existing impervious surface, along with an estimate of the additional estimated impervious surface that would result from both alternatives.

8. • Identify specific locations, on a map, where runoff is expected, along with a map indicating where specific design features for stormwater management will be placed (bioswales, etc.). These options should be presented as a part of the EIS process, not deferred until a later stage, as stated on p. 3-111.

9. • Include a summary of the analysis performed to substantiate the determination that, with BMPs, the project will not substantially affect water quality on a short- and long-term basis.

10. • Include storm water performance standards for both construction site sediment control and post-construction project design standards in the FEIS and ROD.

11. • Provide more information regarding the placement, selection, and performance of the BMPs mentioned in Section 3.14.4 (Avoidance, Minimization and Mitigation Measures) in the FEIS.

12. • Design, install, and maintain BMPs to control total suspended solids (TSS) carried in runoff post-construction of the project.

13. • Employ BMPs to maintain or reduce the peak runoff discharge rates, to the maximum extent practicable, as compared to the pre-development conditions.

Biological and Water Resources

Aquatic Resources – Interagency Coordination

EPA understands that a revised jurisdictional delineation is being provided to the Army Corps of Engineers for approval. Comments provided in this letter reflect the information provided in the Draft EIS. Should additional information become available regarding a change to the jurisdictional delineation presented in the DEIS, EPA may provide additional comments at that time. Please forward updated/revised information regarding impacts to aquatic resources to EPA when completed. This is particularly important given the purpose of the NEPA/404 MOU forum – to streamline future CWA Section 404 permitting and NEPA.

Recommendation:

14. • Please send EPA an update regarding change to impacts to waters of the United States once a jurisdictional delineation is completed.

15. • We recommend that all regulatory agencies be convened to discuss the preliminary "least environmentally damaging practicable alternative" and conceptual mitigation plan prior to release of the Final EIS.

Aquatic Resources – Indirect Impacts

Table 3.21-2 identifies permanent and temporary impacts to Aquatic Resources, (federal

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7. The existing paved width is approximately 7.3 meters (24 feet) (lanes with no shoulders) with wider sections at the intersections. In the future the paved width including shoulders and lanes would be 25 meters (82 feet) with wider sections at the intersections. Also, a large portion of the alignment is concurrent with the existing alignment, reducing the potential increase in impervious surfaces.

Measures that attempt to mimic the natural conditions, to the maximum extent practicable, and to improve the water quality would be implemented. On-site drainage (of water landing on the highway right-of-way) and off-site drainage (of water landing off the highway right-of-way) are being separated and would not be commingled prior to discharge at the downstream end of pipes and ditches. Furthermore, it is standard practice to avoid diverting water from its natural watercourse whenever possible.

Drainage swales are proposed to run both sides of the roadway along the entire length of the proposed project. The exceptions to this would be where they are reduced at the intersections, across the bridges and structures, the median area and a few locations where the adjacent development or environmentally sensitive areas prohibit their installation. Bioswales would be located within the flow line of the drainage swales. The appropriate distance upstream from the inlet would be considered for each bioswale. Bioswales would be planted with native plants to maximize removal of pollutants from roadway runoff. The biostrips would run along the edge of the road in the same areas as the drainage swales so water flowing from the road flows across the biostrip. The detailed design process may adjust the locations of the inlets and bioswales and biostrips. Estimates to date show 65-70 percent of the water landing on the paved surface being treated by one or both of these measures. Section 3.14.4 discusses BMPs implemented to address water quality impacts during the planning, design, construction, operation, and maintenance of the proposed project.

8. The detailed design process may adjust the locations of the inlets and bioswales and biostrips. They are proposed for implementation the entire length of the project alignment, with the exception of bridges and intersection. Estimates to date show 65-70 percent of the water landing on the paved surface being treated by one or both of these measures. Figure 2.1-2 in Section 2.4 illustrates projected runoff flow directions from the proposed project. As part of final design, a Storm Water Data Report would be prepared to identify specific locations for identified BMPs.

9. As proposed, the facility would treat 65-70% of the newly paved surface. This means that approximately the same amount of pavement that goes untreated today would be untreated in the future. Water coming from off-site would not be commingled with the water coming from on-site to ensure that roadway runoff is treated to the maximum extent possible. In addition, this would allow for point source issues to be easily determined. Caltrans is confident that the standard practice of BMP construction and use of bioswales and biostrips using native species would leave the water quality unaltered. Section 3.14 provides additional information on water quality and storm water runoff.

10. BMPs are designed and implemented to reduce the discharge of pollutants from the Department's storm drain system to the "maximum extent practicable" (MEP) for post-construction runoff. Construction performance standards used to control discharge of pollutants from regulated construction projects would be achieved by employing "best conventional technology" (BCT) and "best available technology" (BAT). This project would use a combination of Technology-based Pollution Prevention, Construction, and Treatment. For the operational phase, maintenance BMPs that meet the required standards would be implemented. Section 3.14.4 provides additional information regarding BMPs.

11. The project would incorporate BMPs to ensure that measures are implemented during construction and post-construction via design pollution prevention BMPs, treatment BMPs, and Maintenance BMPs. The proposed project footprint covers approximately 1.5 percent of the entire watershed, although this is quite small, Caltrans will implement BMPs to ensure that runoff form the project is treated to the maximum extent possible. Caltrans is a named stakeholder in Order 2006-076 which requires monitoring in order to develop a model for the bacteria TMDL.

    Section 3.14.4 identifies BMPs to be implemented during the planning, design, construction, operation, and maintenance stages of the proposed project.

12. The project deployment of BMPs would ensure that total suspended solids discharges are minimized. During construction, the project would not only employ temporary BMPs (possibly including temporary detention basins or traps, but also would perform monitoring to ensure that sediment deposition is minimized. After construction, the project would plant vegetation on the slopes and impervious areas and therefore prevent sediment from being carried onto a waterbody. The

preferred treatment BMPs, biofiltration devices, have been proven to contain and prevent sediment deposition.

Section 3.14.4 identifies BMPs to be implemented during the planning, design, construction, operation, and maintenance stages of the proposed project.

The project would conduct an analysis of on-site runoff as well as off-site runoff. Caltrans hydraulics and design engineers would coordinate to ensure that runoff discharge rates are maintained as closely as possible to pre-development levels.

13. As a standard practice, drainage systems are designed to not modify the flow characteristics of watershed. That is the peak discharge rates, time to concentration, velocities, natural watercourses are all considered and design features are added to attempt to mimic the natural conditions. Specific BMPs employed to control and minimize peak run-off discharge rates could include, but would not be limited to, identification of effective inlet locations and types, and installing energy dissipation structures at those inlets. These features would be included to the maximum extent practicable as part of the final design.

Section 3.14.4 identifies BMPs to be implemented during the planning, design, construction, operation, and maintenance stages of the proposed project.

14. A jurisdictional determination has been received from the ACOE. Based on subsurface geotechnical investigations, the placement of rip-rap in Waters of the US to protect the highway has been further reduced. Updates to impacts will be provided to EPA, and are included in Section 3.21.

15. Caltrans reconvened with the NEPA/404 MOU agencies on May 22, 2008. Although no request for concurrence on the LEDPA was made at that time, there was discussion on the preliminary LEDPA finding. Caltrans agreed to initiate follow-up discussions with the MOU agencies prior to formally requesting concurrence on the Least Environmentally Damaging Project Alternative (LEDPA), and agreed to share the conceptual mitigation plan prior to release of the FEIR/FEIS.

and state). However, this table does not identify indirect impacts to these resources. It is unclear whether Caltrans has evaluated or quantified indirect impacts. These impacts include: (1) increases in impervious surfaces and the corresponding increases in the volume and velocity of polluted stormwater; (2) vegetative changes and disturbance to wetlands habitat which results in a reduction in the functional capacity of adjacent wetlands; (3) fragmentation of large, undeveloped, high functioning wetlands ecosystems; (4) the creation of noise, glare, and other similar human-related disturbances to aquatic resources; (5) shading of wetland habitat from roads and bridges; and (6) decreases in biodiversity and ecosystem stability.

Recommendation:

16. • Conduct a functional assessment, such as HGM, to detect the changes in ecosystem functions as a result of the proposed project.
17. • Clarify if the estimate of 3.15 acres of impacts to jurisdictional waters includes indirect impacts.
18. • Update Table 3.21-2 to identify what the estimated indirect impacts to jurisdictional waters will be.
19. • Provide a description of the proposed mitigation to offset indirect impacts if the current description refers only to mitigation for direct impacts.

Biological and Water Resources – Mitigation

EPA is aware of Caltrans efforts to identify potential mitigation parcels along the proposed transportation route. We commend Caltrans for the extensive efforts to identify parcels within the project vicinity. While the Draft EIS does describe multiple mitigation parcels, it does not specify what specific ratios will used for replacement-to-loss mitigation of impacts to biological and aquatic resources and it does not provide estimates of the specific number of acres within each parcel that are linked to the impacts that will result from this project. We understand that until specific parcels are purchased, the exact mitigation plan cannot be identified. However, it is appropriate to identify specific ratios and number of acres of mitigation that will be pursued. This will be necessary for future discussions related to the conceptual mitigation plan.

Recommendation:

20. • In the Final EIS identify the exact ratio of replacement-to-loss mitigation that is proposed for the proposed project. While the specific mitigation parcel may not yet be identified upon publishing the Final EIS, it is appropriate to commit to specific ratios of replacement-to-loss.
21. • We encourage you to work with appropriate regulatory agencies prior to publishing the Final EIS to identify the exact ratios, as well as the exact number of acres, and locations, that will be required for mitigation impacts. Revise the portions of the document that identify a range of potential ratios to identify more specifically what the ratios will be.

Wildlife Crossings

EPA commends Caltrans for committing to incorporation of wildlife movement passages throughout the project. However, p.3-21 identified that some wildlife crossings may be designed to also allow for pedestrian and/or equestrian passage. Wildlife crossings must be designed

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16. A more detailed analysis of direct impacts to the aquatic environment (amounts of discharge or fill) has been conducted. A total of 22,500 cubic meters (29,400 cubic yards) comprise the 1.83 acres of impacts to wetlands. As part of the jurisdictional delineation, a functional assessment was performed to detect the changes in the ecosystem functions as a result of the proposed project. Section 3.21 has been revised to include a description of that assessment.

17. The 1.83 acres of impacts does not include anticipated indirect impacts. Tables 3.21-2 and 3.21-3 in Section 3.24 have been revised to clarify the extent of indirect impacts to jurisdictional wetlands.

18. Tables 3.21-2 and 3.21-3 has been updated to reflect 37.4 and 152 acres of indirect impacts to federal jurisdictional waters and wetlands along the Existing and Southern Alignment alternatives, respectively.

19. Mitigation for indirect impacts is the same as for temporary impacts, as identified in Section 3.21.4.

20. As described in the mitigation plan, the mitigation ratios for replacement to loss are included in Table 3.21-6.

21. As described in the mitigation plan, the mitigation ratios for replacement to loss are included in Table 3.21-6.

around specific species needs regarding light, substrate, height, width, and location. These should be foremost in planning wildlife crossings. Separate passage locations should be identified for equestrians, pedestrians, and bicycles given the potential user conflicts between human and species needs.

Recommendation:

22. • First, work with local species experts to identify what specific wildlife species movement will be impacted by the highway widening and new centerline barrier. Provide a list of those species in the Final EIS.

23. • Work with local species experts to identify the most effective locations along the project area for wildlife crossings. Provide a map indicating proposed wildlife crossing locations.

24. • Include the crossings design features that are specific to each species and are proposed for effective wildlife movement.

25. • Coordinate with local trail user groups to identify the most appropriate locations for human, horse, pet, and bike crossings. Ensure that separate pedestrian/equestrian/bicycle crossing locations will be placed to 1) optimize movement of people (near informal or planned trail networks that are being impacted, near destinations, etc.), and 2) minimize conflicts with species needs. Specifically, "wildlife only" crossings should be created in addition to trail-user crossings for human, horse, bike, and pet crossings.

Air Quality Impacts

Air Toxics-Dispersion Modeling

Page 1-130 states that the Air Quality Analysis (Section 3.18) is based on the June 2007 Air Quality Analysis, a separate technical study prepare for the project and "incorporated by reference". Following our review of Section 3.18, we requested the 2007 Technical Report and provide our comments based on that document.

Recommendation:

26. EPA recommends that the complete Air Quality Analysis be included in the Final EIS as an Appendix, not included by reference, so that the supporting data accompanies the FEIS conclusions.

The discussion related to Mobile Source Air Toxics Analysis (p. 37, 2007 Technical Report) states that existing limitations in dispersion models makes it "difficult to predict accurate exposure patterns at specific times at specific highway project locations across an urban area to assess potential health risk." While the CALINE and CAL3QHC were developed and validated a number of years ago, as stated in the DEIS, they continue to undergo validation. A number of recent studies have determined that CALINE, especially CALINE4, accurately predicts ambient concentrations in near-roadway environments for both gaseous and particulate pollutants (see, for example, Gramatnev et al., Atmospheric Environment, volume 37, pages 465-474, 2003; Zhang et al., Atmospheric Environment, volume 39, pages 4155-4166, 2005). The joint University of California Davis - Caltrans report, entitled "*A Survey of Air Quality Dispersion*

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22. The relevant local species experts were consulted. Based on the input and guidance from USFWS and CDFG, Caltrans has determined that the following species would be affected: California legless lizard, orange throated whiptail lizard, western toad, coyote, California pocket mouse, rattlesnake, possum, kangaroo rat, alligator lizard, common kingsnake, bobcat, California vole, long-tailed weasel, dusky footed woodrat, woodrat, cactus mouse, deer mouse, mouse, northern raccoon, western fence lizard, California ground squirrel, cottontail rabbit, Botta's pocket gopher, and the common side-blotched lizard. Species for which wildlife crossings were designed are noted on Figure 3.20-4. In addition, a species list is included in Chapter 5 of the document. The guidance used to design crossings was the "Wildlife Crossing Assessment and Mitigation Manual," written by UC Davis and Caltrans (2007).

23. The statements that appeared in the DEIS/DEIR and again in this FEIS/FEIR are based on data collected and confirmed in the various and many technical studies that were prepared for this project. The list of all the technical studies appears on page 3-1. Moreover, design for wildlife crossings was based on the "Wildlife Crossing Assessment and Mitigation Manual," written by UC Davis and Caltrans (2007). Existing connectivity at roads was evaluated, including culverts, undercrossings and bridges. Specific landscape features were assessed, including ravines, riparian areas, wetlands and tributaries of the San Luis Rey River, and locations at which these resources were separated by roads and/or developed areas. A determination was made of intersecting locations where the proposed project had the potential for retrofitting existing or adding new crossing structures. Based on biological survey data, locations, and habitat usage, crossings were designed and located to facilitate the movement of the identified species. These locations have been reviewed and concurred with by USFWS and are identified in Figure 3.20-6.

24. The wildlife crossing assessment conducted by Caltrans identified specific factors relating to wildlife crossings based on the "Wildlife Crossing Assessment and Mitigation Manual," written by UC Davis and Caltrans (2007). Specific wildlife crossing requirements for each species of concern were based on this reference, which discusses crossings in terms of species types. These crossings were designed to ensure effective wildlife movement across the corridor without encouraging crossings along the roadway surface. Target species for each crossing are depicted on Figure 3.20-6. Dimensions allow animals to feel comfortable as they traverse the crossing.

25. One dual use crossing is located between the Model Airplane Airport and the Groves mitigation parcel. The crossing was designed for equestrian, recreational, and wildlife use prevalent in the area in order to accommodate all users in that location. The remaining four crossings are designed for wildlife use only.

26. Due to the extent of supporting studies conducted for preparation of the EIR/EIS for the proposed project, each of the technical studies can not be attached as an appendix to this document. The Air Quality Study is available for review upon request.

Models for Project-Level Conformity Analysis" (June 19, 2006), concluded that available models are appropriate for modeling project-level dispersion of on-road and construction emissions.

In the near-roadway environment, the major MSATs will behave similarly to carbon monoxide: both are treated as inert gases for the purposes of dispersion. In fact, one of the most reactive MSATs, formaldehyde, has an atmospheric half-life very similar to carbon monoxide: 4-10 hours for formaldehyde compared to 4-6 hours for carbon monoxide under typical conditions. Since the majority of impacts are expected to occur within 1000 feet of the roadway or closer (for a summary of supporting studies, see Section 3.1.3 of EPA's "Draft Regulatory Impact Analysis: Control of Hazardous Air Pollutants from Mobile Sources," February 2006, http://www.epa.gov/oms/regs/toxics/ria-sections.htm), pollutants are dispersed within a few minutes under average wind speeds. Neither MSATs nor carbon monoxide undergo significant reactions in a few minutes, and thus both can be accurately treated as inert gases for the purposes of dispersion, as is standard practice for carbon monoxide. Based on these recent studies and reports, CALINE4 would be an appropriate tool for dispersion analysis of MSATs within the DEIS, if desired. The March 2007 report, entitled "*Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process*" (http://www.trb.org/NotesDocs/25-25(18)_FR.pdf), prepared for the American Association of State Highway and Transportation Officials (AASHTO), identifies CALINE4 as the "Best Available Air Quality Modeling Tool for use in Analyzing MSATs under NEPA" for purposes of both roadway widening and high occupancy vehicle (HOV) lane addition.

Recommendation:
EPA recommends the following updates regarding information provided in the Air Toxics section:

27. • Update the language on "Information that is Unavailable or Incomplete," beginning on page 194, as noted above.
28. • Revise the discussion of uncertainties in "Dispersion" to include an updated discussion of the use of CALINE4 in situations similar to the proposed project, referencing more recent studies and the report prepared for AASHTO.
29. • Revise the discussion to more accurately reflect dispersion of MSATs and carbon monoxide. Specifically, the FEIS should remove implications that dispersion of MSATs would differ from dispersion of carbon monoxide.
30. • If dispersion modeling is pursued in the Final EIS, we are available to assist FHWA and Caltrans in developing meaningful model inputs and interpreting the results.

Air Toxics-Health Effects

Page 36 (2007 Technical Report) states that "available technical tools do not enable us to predict the project-specific health impacts of the emission changes associated with implementation of the proposed project". Page 37 of the same document states that "shortcomings in current techniques for exposure assessment and risk analysis preclude us from reaching meaningful conclusions about project-specific health impacts." However, both EPA and California Office of Environmental Health Hazard Assessment (OEHHA) have long standing experience and published, peer-reviewed guidance for evaluating long-term health effects, including cancer risk. The concerns raised about estimating exposure over a 70-year lifetime

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27. FHWA works with Caltrans to implement NEPA on federal-aid projects on the state highway system. As part of the process, FHWA establishes guidance for Caltrans technical analysis and documentation. Reports and documents prepared for projects on the state highway system are therefore required to adhere to the content and format established by FHWA. The text provided in the FEIR/FEIS is in accordance with FHWA interim guidance on Air Toxic Analysis in NEPA documents, and has not been revised.

28. FHWA works with Caltrans to implement NEPA on federal-aid projects on the state highway system. As part of the process, FHWA establishes guidance for Caltrans technical analysis and documentation. Reports and documents prepared for projects on the state highway system are therefore required to adhere to the content and format established by FHWA. The text provided in the FEIR/FEIS is in accordance with FHWA interim guidance on Air Toxic Analysis in NEPA documents, and has not been revised.

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30. FHWA works with Caltrans to implement NEPA on federal-aid projects on the state highway system. As part of the process, FHWA establishes guidance for Caltrans technical analysis and documentation. Reports and documents prepared for projects on the state highway system are therefore required to adhere to the content and format established by FHWA. The text provided in the FEIR/FEIS is in accordance with FHWA interim guidance on Air Toxic Analysis in NEPA documents, and has not been revised.

have been addressed extensively by our agencies. Recently, EPA has published an Air Toxics Risk Assessment Reference Library (http://www.epa.gov/ttn/fera/risk_atra_main.html) that addresses the precise shortcomings raised in the MSAT analysis for this project – namely how to develop appropriate exposure scenarios in a risk assessment. Similarly, California OEHHA has hot spot risk assessment guidance published in support of California's Air Toxics "Hot Spots" Informationand Assessment Act of 1987 (a.k.a. AB2588, http://www.oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf). While we agree with the statement in the DEIS that there are always uncertainties associated with such an analysis, for this project most uncertainties would be consistent across alternatives, and thus such an analysis would still be sufficient for distinguishing between the impacts among scenarios and informing mitigation.

Recommendation:

31. Revise the discussion of uncertainties in "Exposure Levels and Health Effects" to include a discussion of possible exposure scenarios typically used by EPA and California OEHHA in air toxics risk assessments. EPA is not recommending that FHWA and Caltrans perform a human health risk assessment. We do, however, acknowledge that such an assessment is possible. If a human health risk assessment is pursued in the Final EIS, we are available to assist FHWA and Caltrans in developing meaningful exposure scenarios.

Page 38 (June 2007 Technical Report) provides toxicity information for the six MSATs of most concern. We support the need to provide this information in the MSAT analysis for the DEIS, but note that the following corrections for incorporation into the FEIS. Specifically, there are multiple non-cancer health outcomes that should be disclosed in the FEIS.

Recommendation:

32. The summary of toxicological endpoints included in the MSAT Section of the June 2007 Technical Report (p. 38 and 39)should also include health endpoints other than cancer for acrolein, benzene, acetaldehyde, formaldehyde, and 1,3-butadiene. Update the MSAT

33. discussion in the FEIS to include the information in the Memorandum and the following additional information:

- The primary health concern for acrolein is not cancer, but rather a respiratory endpoint (nasal legions, http://www.epa.gov/iris/subst/0364.htm#refinhal). Remove references to potential carcinogenicity for acrolein.
- Similarly, benzene (decreased lymphocyte count, http://www.epa.gov/iris/subst/0276.htm#refinhal), acetaldehyde (degeneration of the olfactory epithelium, http://www.epa.gov/iris/subst/0290.htm#refinhal), formaldehyde (respiratory, http://www.atsdr.cdc.gov/toxprofiles/tp111-c2.pdf), and 1,3-butadiene (ovarian atrophy, http://www.epa.gov/IRIS/subst/0139.htm#refinhal) all have non-cancer health endpoints of potential concern

National Ambient Air Quality Standards

Page 3-131 of the DEIS identifies ambient air quality for the Escondido monitoring station. However, EPA notes that the Alpine monitoring is a better representation of the area as a

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31. FHWA works with Caltrans to implement NEPA on federal-aid projects on the state highway system. As part of the process, FHWA establishes guidance for Caltrans technical analysis and documentation. Reports and documents prepared for projects on the state highway system are therefore required to adhere to the content and format established by FHWA. The text provided in the FEIR/FEIS is in accordance with FHWA interim guidance on Air Toxic Analysis in NEPA documents, and has not been revised.

32. FHWA works with Caltrans to implement NEPA on federal-aid projects on the state highway system. As part of the process, FHWA establishes guidance for Caltrans technical analysis and documentation. Reports and documents prepared for projects on the state highway system are therefore required to adhere to the content and format established by FHWA. The text provided in the FEIR/FEIS is in accordance with FHWA interim guidance on Air Toxic Analysis in NEPA documents, and has not been revised.

33. FHWA works with Caltrans to implement NEPA on federal-aid projects on the state highway system. As part of the process, FHWA establishes guidance for Caltrans technical analysis and documentation. Reports and documents prepared for projects on the state highway system are therefore required to adhere to the content and format established by FHWA. The text provided in the FEIR/FEIS is in accordance with FHWA interim guidance on Air Toxic Analysis in NEPA documents, and has not been revised.

nonattainment and may better register the impact of the project on increases of ozone precursors. In addition, EPA recommends that the Air Quality Analysis be updated to reflect that the area is a maintenance area for the 1-hour NAAQS for ozone.

Recommendations:

34. Include the Alpine Monitoring Station in the discussion of existing air quality and provide monitoring data from this station for all criteria pollutants.

35. Update the Air Quality analysis to reflect that the project area is a maintenance area for the NAAQS for 1-hour ozone.

Greenhouse Gas Emissions

The State of California has increased its focus on potential climate change and impacts of increasing greenhouse gas emissions. Specifically, AB32 and Executive Order S-3-05 recognize the impact that climate change can have within California and provide direction for future reductions of greenhouse gases. In addition, NEPA requires the disclosure of impacts to resources. However, the DEIS does not disclose project-related greenhouse gas emissions and does not analyze the potential impacts of climate change on the project.

Recommendation:

36. Identify the project's direct effects on greenhouse gas emissions and discuss the potential impacts of climate change on the proposed project. Identify if there are specific mitigation measures needed to 1) protect the project from the effects of climate change, 2) reduce the project's adverse air quality effects, and/or 3) promote pollution prevention or environmental stewardship. The FEIS should analyze the impacts of the project in relation to compliance with AB32 and California Executive Order S-3-05.

Construction Mitigation Measures

The DEIS includes requirements to reduce emissions. In addition to these measures, EPA recommends the following additional measures to reduce the impacts resulting from future construction associated with this project.

Recommendations:

We recommend that the following additional and/or revised measures be incorporated into a Construction Mitigation Plan.

37. *Fugitive Dust Source Controls:*

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.

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34. The Alpine Monitoring Station is located approximately 65 kilometers (40 miles) from SR-76 and is not representative of this project area. The Escondido Monitoring Station, located approximately 24 kilometers (15 miles) from the proposed alignment, was used to complete the Air Quality study, as it is the closest to the project area.

35. The 2006 Air Pollution Control District (APCD) report states that the San Diego Air Basin has achieved the Federal attainment designation for one hour ozone. It remains a nonattainment designation for the State of California for one hour ozone.

36. While climate change and Greenhouse Gas (GHG) reduction are a concern, there is, at this time, no federal legislation or regulations specifically addressing GHG emissions reductions and climate change. Until federal regulations are enacted limiting GHG emissions, the State of California will continue to regulate GHG's at the state level. The FEIR/EIS provides a discussion of the GHG emissions and climate change within the CEQA Evaluation.

37. Standard specifications apply, specifically Section 10 Dust Control for fugitive dust control. Grading and earth moving activities are to be suspended with wind gusts that exceed 25 miles per hour (mph), unless the soil is wet enough to prevent dust plumes. Regarding limiting speed, comment noted.

Each of these measures reflects standard design protocol and would be implemented as part of project implementation. California has strict regulations for construction and off road equipment. All construction would be in compliance with state regulations and would meet or exceed these measures.

- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

38. *Mobile and Stationary Source Controls:*
- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturers recommendations
- Require that leased equipment be 1996 model or newer unless cost exceeds 110 percent or average lease cost. Require 75 percent or more of total horsepower of owned equipment to be used be 1996 or newer models. If practicable, lease newer and cleaner equipment meeting the most stringent of applicable Federal or State Standards (see table: http://arb.ca.gov/msprog/ordiesel/documents/Off-Road%20Diesel%20Stds.xls). In general, only Tier 2 or newer engines should be employed in the construction phase, given the scale of the construction project and the high background levels of pollutants in the area.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

39. *Administrative controls:*
- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.)
- Utilize cleanest available fuel engines in construction equipment and identify opportunities for electrification. Use low sulfur fuel (diesel with 15 parts per million or less) in engines where alternative fuels such as biodiesel and natural gas are not possible.

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38. Each of these measures reflects standard design protocol and would be implemented as part of project implementation. California has strict regulations for construction and off road equipment, including mobile and stationary source controls. All construction would be in compliance with state regulations and would meet or exceed these measures.

39. Caltrans Standard Specifications would apply, specifically Section 10: Dust Control for fugitive dust control. Grading and earth moving activities are to be suspended with wind gusts that exceed 25 mph, unless the soil is wet enough to prevent dust plumes.

Regarding limiting speed, comment noted.

Each of these measures reflects standard design protocol and would be implemented as part of the project. The State of California sets emission standards for construction and off road equipment. All construction activities would be in compliance with state regulations by meeting or exceeding these standards.

Caltrans commitments to reduce construction emissions are discussed in Section 3.18. In response to recommendations 2-5, Caltrans Specifications Standards would require the contractor to comply with air pollution control rules, regulations, ordinances, and statutes, which apply to any work performed pursuant to the contract including air pollution control rules, regulations, ordinances, and statutes.

In response to recommendation #6, the nearest sensitive receptors to the intersections of SR-76/Melrose and SR-76 South Mission Road are pedestrians walking along the project area. No residential receptors are within 244 meters (800 feet) of the SR-76 South Mission Road intersection. The nearest residential receptor to the SR-76/Melrose intersection is about 45.7 meters (150 feet) from the center of the intersection. Construction equipment and staging areas would be located away from sensitive receptors and fresh air intakes, as recommended.

- Develop a construction traffic and parking management plan that minimizes traffic interference and maintain traffic flow.
- Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors away from fresh air intakes to buildings and air conditioners.

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SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Linda S. Adams
Secretary for Environmental Protection

California Regional Water Quality Control Board
San Diego Region
Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
http:// www.waterboards.ca.gov/sandiego

November 26, 2007

Ms. Kelly Finn
Environmental Analysis Branch Chief
District 11, Environmental Division, M.S.-242
4050 Taylor Street
San Diego, CA 92110

Dear Ms. Finn:

SUBJECT: Comments on the Draft Environmental Impact Report / Environmental Impact Statement (DEIR/EIS) for the State Route 76 Melrose to South Mission Highway Improvement Project (SCH# 2205101140).

The San Diego Regional Water Quality Control Board (SDRWQCB) appreciates the opportunity to comment on the DEIR/DEIS for the State Route 76 Melrose to South Mission Highway Improvement Project (SR-76 Middle Project). The SR-76 Middle Project proposes to widen and realign State Route 76 in northern San Diego County from Melrose Drive in Oceanside to South Mission Road in Bonsall. The project proposes a four-lane conventional highway with right-of-way and grading along approximately 5.8 miles of the highway.

Our comments are submitted in compliance with CEQA Guidelines §15096, which requires responsible agencies to focus on shortcomings in the DEIR/EIS, and on additional alternatives or mitigations which should be included.

The SDRWQCB regulates discharges to protect the quality of water of the State, broadly defined as""the chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affects its use"[1]. Implementation of the proposed project is likely to cause the following discharges, and the project proponent would be required to obtain a permit from the State or SDRWQCB:

Discharge Type	Types of Permits involved
• Discharge of dredge and fill materials	- Clean Water Act (CWA) §401 water quality certification for federal waters; or Waste Discharge Requirements for non-federal

[1] California Water Code, §13050.

Discharge Type	Types of Permits involved
	waters.
• Wastewater discharges	- CWA §402 National Pollutant Discharge Elimination System permit, e.g. storm water permit.
• Other discharges	- Waste Discharge Requirements or other permits for discharges that may affect groundwater quality and other waters of the State, such as operation of proposed solid waste transfer facilities, and other proposed project activities.

Effects of Urban Development on Water Quality

Managing the water quality effects of urban development is a large part the SDRWQCB non-point source, stormwater, and water quality certification work. Most water quality impacts of urban development are best avoided by directing the location, pattern, and design of the development, rather than through traditional regulation of discharges. Many of the intractably degraded waters currently on the SDRWQCB's list of impaired waterbodies are degraded by conditions most directly within the purview of local and regional planning.

Implementation of the SR-76 Middle Project will potentially impact the San Luis Rey River watershed. Watersheds are complex natural systems in which physical, chemical, and biologic components interact to create the beneficial uses of water on which our economy and well-being depend. Poorly planned urban development upsets these natural interactions and degrades water quality through a web of interrelated effects. The primary impacts of poorly planned projects on water quality are:

- **Direct impacts** – the direct physical impacts of filling and excavation on wetlands, riparian areas, and other waters;
- **Pollutants** – the generation of urban pollutants during and after construction;
- **Hydrologic Modification** – the alteration of flow regimes and groundwater recharge by impervious surfaces and stormwater collector systems;
- **Watershed-level effects** – the disruption of watershed-level aquatic functions, including pollutant removal, floodwater retention, and habitat connectivity.

These impacts typically degrade water quality, increase peak flows and flooding, and destabilize stream channels; resulting in engineered solutions to the disrupted flow patterns and, ultimately, near-total loss of natural functions and values in the affected basins. Many examples of such degradation exist in California and elsewhere.

Ms. Kelly Finn
Caltrans District 11
DEIR/EIS State Route 76

November 26, 2007

- 3 -

The SDRWQCB is mandated to prevent such degradation. CEQA establishes the process to provide the information we need to do so. The SDRWQCB offers these comments and recommendations to assist Caltrans in minimizing project impacts to water quality and beneficial uses in the San Luis Rey River Watershed.

1. **Preferred Alternative**

The SDRWQCB supports the Existing Alignment Alternative as the preferred alternative for the proposed project.

2. **Use of Bioengineering Techniques for Stream Bank Stabilization**

The proposed project will adversely impact stream banks associated with the San Luis Rey River and its tributaries. The SDRWQCB strongly urges the use of bioengineering stream bank stabilization practices (e.g. live staking or facines, live brush mattresses, vegetated riprap, vegetated articulated concrete blocks). When feasible, these types of techniques should be considered first, prior to more conventional techniques (grouted riprap, channel armoring) used to stabilize stream banks. The incorporation of some or all of the above bioengineering techniques will help protect on-site water resources, and could help streamline the 401 Water Quality Certification process.

3. **Structural Stormwater Treatment Best Management Practices**

Section 5.1.4.1 of the August 2007, Water Quality Report, prepared by Caltrans, and incorporated by reference into the DEIR/EIS states that:

> "This project has gone through a crude analysis of the proposed alternatives. As part of this analysis, potential treatment BMPs have been evaluated and at this time seem to be viable options for treating highway runoff. The proposed project will incorporate a biostrip as its treatment BMP."

The DEIR/EIS level of analysis for implementation of treatment BMPs is inadequate for the SDRWQCB to determine if the project as proposed will be protective of water quality. It is unknown whether the analysis thus far has determined whether the use of vegetated treatment BMPs (Bioswales and Biostrips) will be able to treat the entire length of the project, or only a percentage of the projects runoff. The Final DEIR/EIS should provide a more detailed analysis of the feasibility of treating the entire project, and the potential utilization of all approved treatment BMPs to attain that goal.

4. Vegetated treatment BMPs implemented for the project should be sized accordingly to treat polluted runoff generated by the entire road at build out. If further analysis indicates that Bioswales and Biostrips will not be able to treat the entire project, Caltrans must incorporate other approved treatment BMPs (Table 5.1.4.1 of Water Quality Report) to assure that the entire length of the project is treated.

California Environmental Protection Agency

Recycled Paper

Response to Chris Means, California Regional Water Quality Control Board – San Diego Region

1. Thank you for your support of the existing alignment alternative as the preferred alternative.

2. Thank you for your suggestions. The proposal to protect the new road from erosion and scour is the installation of large rocks (rip rap). This strategy is the only one that can successfully address the potential large scour possible in this riverbed. In all but a few locations these rocks would not be grouted, allowing for sediment to build up and plants to root and grow through or on top of the riprap. To assist this re-growth, a large portion of the rock slope protection would be covered with a topcoat of dirt and replanted with native species. This strategy has already proven to be successful at the existing mitigation site known as the Marron Mitigation Site, located approximately ½ mile west of East Vista Way.

3. There are currently neither biostrips nor bioswales in place on this stretch of SR-76. Once the project is completed Caltrans anticipates there would biostrips and bioswales nearly the entire length of the project on both sides of the roadway. The majority of runoff treated by biostrips would also be treated again by bioswales. The biostrips and bioswales are reduced at the intersections and omitted across bridges. The bioswales that are proposed have been sized to contain a 25-year storm with 25% of the swale depth as freeboard to minimize the potential for overflow. The incorporation of treatment and other BMPs is refined and modified and documented in the project's Storm Water Data Report (SWDR) during final design. This existing stretch of SR-76 has not incorporated treatment BMPs, the proposed treatment BMP will be incorporated to the Maximum Extent Practicable. Treatment BMPs are designed to treat the lower volume or flow of more frequent (i.e., return period of less than one year) storm events. The volume of flows associated with the frequent events are commonly referred to as the Water Quality Volume (WQV) for BMPs designed, based on volume, and Water Quality Flow (WQF) for BMPs designed based on flow. Treatment BMPs are sized to accommodate the WQF or WQV from the contributing drainage area. Flows in excess of these values (i.e., those larger runoff volumes or rates associated with the "Design Storm") are diverted around or through the Treatment BMP. (PPDG, Section 2.4.2.2 dated May 2007, CTSW-RT-07-172.19.1) The overall treatment rate for the proposed project is predicted to reach approximately 65-70% of the newly paved surface, and Caltrans is confident that the project would protect water quality.

Ms. Kelly Finn
Caltrans District 11
DEIR/EIS State Route 76

November 26, 2007

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We welcome the opportunity to work with you to make this transportation project an example of outstanding environmental sustainability in California. If we may clarify any of our comments or be of further assistance, please contact Christopher Means of my staff at (858) 637-5581 or cmeans@waterboards.ca.gov.

Respectfully,

JOHN R. ODERMATT, P.G.
Senior Engineering Geologist

JRD:cjm

California Environmental Protection Agency

Recycled Paper

Section 3.14 provides additional information on water quality and stormwater runoff, including information on BMPs.

4. Treatment BMPs are designed to treat the WQF and/or WQV as those are based on storm events that typically have higher concentration of pollutants and are economically feasible. All BMPs area also designed to carry or have overflow devices included to handle bigger storm events. Biofiltration devices would be sized to handle highway runoff before discharging into a storm drain or a water body. Section 3.14.4 provides additional information on treatment BMPs.

State Water Resources Control Board

Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5455
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5584 • http://www.waterboards.ca.gov

Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

TO: Kelly Finn, Environmental Analysis Branch Chief
District 11 – Environmental Division, MS-242
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110

FROM: Elizabeth L. Haven
Assistant Deputy Director
DIVISION OF WATER QUALITY

DATE: DEC 3 2007

SUBJECT: COMMENTS ON STATE ROUTE 76 DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS)

The California Department of Transportation's (Caltrans) proposed expansion of State Route 76 from Melrose Drive in Oceanside to South Mission Road in Bonsall will widen and realign the highway to alleviate traffic congestion. Caltrans is circulating a Draft EIR/EIS for public comment in accordance with California Environmental Quality Act guidelines. Due to the fact that it is the State Water Resources Control Board that issues a statewide permit to Caltrans, we are providing comments in the interest of ensuring water quality protection and permit compatibility.

1. Three proposed alternatives are considered in the EIR/EIS: No Change, Existing Alignment Alternative, and Southern Alignment Alternative. The No Change Alternative is mentioned but does not seem to be seriously considered. The Existing Alignment Alternative would widen the current alignment to expand the highway to at least four lanes. The Southern Alignment Alternative would be a new alignment on the south side of the San Luis Rey River.

2. Regardless of the alternative selected, it is anticipated that the project will fall under Caltrans' proposed updated Municipal Separate Storm Sewer System (MS4) permit, which will address post-construction controls. Therefore, we recommend that the EIR/EIS reflect the concepts in the proposed permit and that the EIR/EIS be amended to state that post-construction controls (treatment) of storm water will be implemented for the project, including future expansion, and that a full range of Best Management Practices (BMPs) will be considered. Also, we urge

3. Caltrans to explicitly state the post-construction controls will be sized to address not only the flows resulting from the project as built, but also for the future expansion that is referenced in the EIR/EIS. If this is not possible, Caltrans should reserve sufficient right-of-way to accommodate the treatment controls needed for the future expansion.

California Environmental Protection Agency

Recycled Paper

Response to Elizabeth L. Haven, Assistant Deputy Director, Division of Water Quality, State Water Resources Control Board

1. As NEPA requires analysis of the No Build alternative, it was considered throughout the document, and included under each issue analysis in Chapter 3; however, the Existing Alignment Alternative was identified as the preferred alternative.

2. Although the pending Caltrans permit is not yet released for comments, Caltrans assumes requirements will be at least as stringent as the prior requirements for the area. The project completes a Strom Water Data Report (SWDR) for every phase of the project. The preliminary design for the project indicate that biofiltration devices are a possibility. As the project progresses through design, other treatment BMPs will be reassessed and incorporated if feasible. The current project would be designed to handle current runoff conditions under implementation of the proposed project. BMPs are discussed in Section 3.14.4.

3. Treatment is for the current proposed 4-lane expansion, and is not for any future expansion. The proposed project has been designed in conformance with the 2007 update to the SANDAG Regional Transportation Plan (RTP), and there are no current projections for expanding the facility to a six-lane roadway. The current project footprint would accommodate treatment controls should they be needed in the future, or would determine appropriate BMPs upon plans to expand. Section 3.14 of the text reflects this information.

Kelly Finn -2- DEC 3 2007

4. The EIR/EIS indicates that biostrips and bioswales are the BMPs of choice. However, the document should more fully describe the placement of these structures when adjacent to water bodies to ensure there is adequate protection in the event of overflow. The document vaguely indicates the runoff would be diverted to storm drain systems adjacent to water bodies, leaving it unclear whether bioswales or storm drain systems will be used most extensively in this project.

5. As Caltrans is aware, the updated MS4 permit is expected to have requirements to control the impacts of hydromodification on receiving waters due to increased erosion and energy transport. Therefore, the EIR/EIS should also commit to incorporating appropriate controls to address the impacts of hydrograph modification.

6. The EIR/EIS should address the effect of increased water velocities and timing as well as surface water levels on channel stability.

7. The EIR/EIS indicates that the final mitigation plan will address plant survival. The plan should also address the maintenance of the wetland hydrology and invasive species protection for any created or enhanced wetlands. Although plant replacement is adequately addressed, the EIR/EIS should more fully address the potential for newly created or enhanced wetlands to become degraded from changes in hydrology or impacts from invasive species.

8. The EIR/EIS lacks specificity with respect to compensation for impacts to natural resources, including wetlands. Many important considerations such as mitigation ratios and mitigation sites are deferred to future negotiations and potential land purchases. The mitigation plan should be included in this document to allow for an evaluation of the mitigation measures. Otherwise, the EIR/EIS measures are conjecture, dependent on future events, and their adequacy to compensate for impacts to natural resources cannot be determined. If planned compensatory measures cannot be undertaken, then certain permits may not be possible for this project. As such, it would seem prudent to include the mitigation plan as part of this document.

Thank you again for the opportunity to comment on this proposed project. If you have any questions or concerns regarding these comments, you may contact Bill Hereth at (916) 341-5688 or by email at bhereth@waterboards.ca.gov.

cc: Scott McGowen
Chief Environmental Engineer
Division of Environmental Analysis, MS 27
Department of Transportation
P.O. Box 942874
Sacramento, CA 94274-0001

John Robertus, Executive Officer
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4340

California Environmental Protection Agency

Recycled Paper

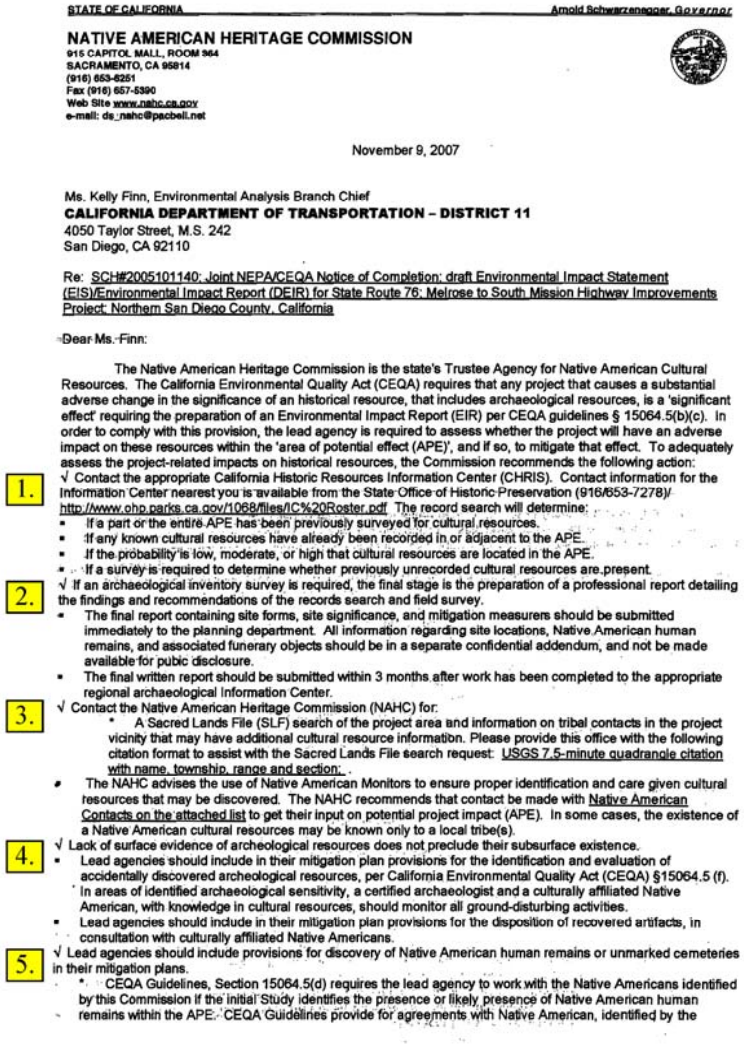
4. Once the project is complete there would be biostrips and bioswales nearly the entire length of the project on both sides of the road. This configuration captures approximately 65-70% of the water landing on the paved surfaces. Also, for the most part, any run-off treated by the biostrip would also be treated again by the bioswale. The biostrips and bioswales are reduced at the intersections and omitted across the bridges. The bioswales proposed have been sized to contain a 25-year storm with 25% of the swale depth as freeboard. If the freeboard is exhausted due to a larger storm event and therefore a larger flow rate, the water would begin to encroach on the shoulder of the paved surface. It could eventually overtop the drainage swale, however, that would take a significant localized storm event. Pipes would be located under the road at the end of individual bioswales and would be sized to accommodate the flow. Overflow into the river may occur if the system gets plugged up. Please refer to Section 3.14 for additional information.

5. Design Pollution Prevention BMPs are permanent measures to reduce pollution discharges (e.g., reduce erosion, manage non-stormwater discharges, etc.) after construction is completed. The Design Pollution Prevention BMPs that are to be incorporated, as appropriate, into the design of new facilities and reconstruction or expansion of existing facilities and include: Consideration of Downstream Effects Related to Potentially Increased Flow by looking at Peak Flow Attenuation Basins; Preservation of Existing Vegetation; Concentrated Flow Conveyance Systems by use of Ditches, Berms, Dikes and Swales, Overside Drains, Flared Culvert End Sections and Outlet Protection/Velocity Dissipation Devices; and Slope/Surface Protection Systems by use of Vegetated Surfaces and/or Hard Surfaces. As the project progresses through final design, the incorporation of these different types of post-construction treatment BMPs will be reassessed and designed into the project, if feasible. Design Pollution Prevention measures are discussed in Section 3.14.4.

6. The effects that the proposed alternatives have on the water surface elevation and flow velocities along the San Luis Rey River were addressed in the document. Within a fluvial system like the San Luis Rey River, impacts from erosion and sediment deposition are evaluated as a function of flow velocities. Runoff from the roadway is minor compared to the flows in the river. Peak time runoff from the roadway is also much shorter due to the difference in the watershed sizes between the roadway and the river. The roadway would therefore have no measureable effect on the river flow velocities. In specific locations where runoff from the roadway enters the river, energy dissipaters would be installed to avoid erosion. Section 3.13.3 has been updated to clarify this anticipated effect.

7. The attached Wetland Mitigation Plan, Appendix J, addresses the maintenance of the wetland and impacts due to invasive species. The plan includes contingency measures, measures for success, and a monitoring plan.

8. Mitigation of permanent biological impacts would include the preservation, restoration and enhancement of habitats at the Groves, Morrison, Zwierstra, Pilgrim Creek, and Singh properties. Using recommended mitigation ratios, a Wetland Mitigation Plan for the project has been prepared outlining a planting scheme, site preparation, and exotics control program, irrigation, grading requirements and success criteria. Mitigation ratios and their application to specific sites can be found on Table 3.20-6.



STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

November 9, 2007

Ms. Kelly Finn, Environmental Analysis Branch Chief
CALIFORNIA DEPARTMENT OF TRANSPORTATION – DISTRICT 11
4050 Taylor Street, M.S. 242
San Diego, CA 92110

Re: SCH#2005101140; Joint NEPA/CEQA Notice of Completion; draft Environmental Impact Statement (EIS)/Environmental Impact Report (DEIR) for State Route 76; Melrose to South Mission Highway Improvements Project; Northern San Diego County, California

Dear Ms. Finn:

The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

1. √ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf The record search will determine:
   - If a part or the entire APE has been previously surveyed for cultural resources.
   - If any known cultural resources have already been recorded in 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.
2. √ 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 measurers 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 pubic disclosure.
   - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
3. √ Contact the Native American Heritage Commission (NAHC) for:
   - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section:
   - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
4. √ 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.
5. √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
   - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the

Response to Native American Heritage Commission

1. The local California Historical Resources Information System (CHRIS) information center at San Diego State University has been contacted and solicited for data on previously recorded sites and/or studies conducted within the Phase I study footprint (record search) (Section 3.12).

2. An Archaeological Survey Report (ASR) was prepared for the proposed project, and was included in the Historic Property Survey Report (HPSR) that was approved by the California Department of Transportation (Caltrans) in January 2007. A First Supplemental HPSR was completed in October 2008. These documents are listed in Section 3.12.2. The Area of Potential Effects (APE) for the project was established in consultation with a Qualified Caltrans Archaeologist and the Project Manager and was signed on January 23, 2007. Twelve prehistoric archaeological sites, four parcels with historic buildings, and three bridges were identified within the APE (Section 3.12.2). Caltrans would depict ESAs on all project plans and would restrict entrance into and disturbance of these sites by adhering to an ESA Action Plan. Each of the sites would be avoided by all construction activity. While these sites were identified, the ASR documents Negative Findings for the project area APE and therefore, there are no site forms, site significance determinations, and mitigation measures in the ASR. A separate report including information regarding Native American human remains was not warranted. The HPSRs and ASR have been submitted to the regional archaeological Information Center at San Diego State University.

3. The Native American Heritage Commission was contacted for a sacred lands search and a list of most likely descendants. For additional information, Section 3.12, Cultural Resources, discusses the preparation of various reports and includes coordination with local Native American tribes, and lists avoidancae and mitigation measures.

4. Provisions regarding the procedures to be followed if cultural resources are discovered during construction activities are detailed in Section 3.12, Cultural Resources, of the FEIR/FEIS. These procedures, which are standard practice on all Caltrans' projects, are also included in the ECR (refer to Appendix D of the Draft EIR/EIS) that would be implemented for the proposed project.

NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.
√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
6. √ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning and implementation

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Considering the negative findings of the ASR for the proposed project, the disturbed condition of much of the interchange area due to previous construction, and the low potential for the project area to contain cultural resources, it has been determined that this project does not meet Caltrans criteria or support the use of an archaeological or Native American Monitor.

Should remains be encountered during construction, it is Caltrans policy that work in the immediate area of the finds be diverted to another location, and sufficient time and resources be allocated for an assessment of their nature and significance. In the event that cultural materials are discovered during construction they would be addressed as detailed in the FEIR/FEIS, Section 3.12, Cultural Resources and the ECR in Appendix D of the FEIR/FEIS.

5. Provisions regarding the procedures to be followed if human remains are uncovered during construction activities are detailed in Section 3.12, Cultural Resources, of the FEIR/FEIS. These procedures, which are standard practice on all Caltrans projects and are consistent with the procedures outlined in Health and Safety Code §7050.5, Public Resources Code §5097.98, and Section 15064.5(d) of the CEQA Guidelines, are also included in the ECR (see Appendix D) that would be implemented for the proposed project.

6. If cultural resources are located, they would be addressed as documented Section 3.12, Cultural Resources, of the FEIR/FEIS and in the ECR (see Appendix D) that would be implemented for the proposed project.

Native American Contacts
San Diego County
November 9, 2007

Pala Band of Mission Indians
Robert H. Smith, Chairperson
12196 Pala Mission Road, PMB 50 Luiseno
Pala , CA 92059 Cupeno
(760) 891-3500
(760) 742-1411 Fax

San Luis Rey Band of Mission Indians
Russell Romo, Chairman
12064 Old Pomerado Road Luiseno
Poway , CA 92064
(858) 748-1586

Pauma & Yuima
Christobal C. Devers, Chairperson
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
paumareservation@aol.com
(760) 742-1289
(760) 742-3422 Fax

San Luis Rey Band of Mission Indians
Carmen Mojado, Co-Chair
1889 Sunset Drive Luiseno
Vista , CA 92081
(760) 724-8505

Rincon Band of Mission Indians
Angela Veltrano, Rincon Culture Committee
P.O. Box 68 Luiseno
Valley Center , CA 92082
council@rincontribe.org
(760) 749-1051
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians
Mark Mojado, Cultural Resources
1889 Sunset Drive Luiseno
Vista , CA 92081 Cupeno
(760) 724-8505
(760) 586-4858 (cell)

San Luis Rey Band of Mission Indians
Henry Contreras, Most Likely Descendent
1763 Chapulin Lane Luiseno
Fallbrook , CA 92028
(760) 728-6722 - Home
(760) 207-3618 - Cell

Cupa Cultural Center (Pala Band)
Shasta Gaughen, Assistant Director
35008 Pala-Temecula Rd.PMB Box 445 Luiseno
Pala , CA 92059
cupa@palatribe.com
(760) 742-1590
(760) 742-4543 - FAX

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 American with regard to cultural resources for the proposed SCH#2005101140; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for State Route 76 ; Melrose to South Mission Highway Improvements; San Luis Rey Watershed area; northern San Diego County, California; lead agency: California Department of Transportation, District 11.

Native American Contacts
San Diego County
November 9, 2007

La Jolla Band of Mission Indians
ATTN: Rob Roy,Environmental Director
22000 Highway 76 Luiseno
Pauma Valley , CA 92061
lajolla-sherry@aol.com and
(760) 742-3790
(760) 742-1704 Fax

Charles Devers, Chair
Cultural Committee; Pauma & Yuima Reservation
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
(760) 742-1289
(760) 742-4543 FAX

Mel Vernon
San Luis Rey Band of Mission Indians
1044 North Ivy Street Luiseno
Escondido , CA 92026
(760) 746-8692
melvern@aol.com

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 American with regard to cultural resources for the proposed SCH#2005101140; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for State Route 76 ; Melrose to South Mission Highway Improvements; San Luis Rey Watershed area; northern San Diego County, California; lead agency: California Department of Transportation, District 11.

N C T D

November 26, 2007

Ms. Kelly Finn
District 11-Environmental Division, M.S. 242
4050 Taylor St.
San Diego, CA 92110

RE: Draft EIR for the SR-76 Melrose to South Mission Highway Improvement Project

Dear Ms. Finn:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed State Route 76 Melrose to South Mission Highway Improvement Project, which proposes to construct SR-76 as a four-lane facility with right-of-way and grading to accommodate a possible future widening when justified, in the Fallbrook area.

The North County Transit District (NCTD) currently operates fixed route bus service (Route 306) through this proposed project area, that connects downtown Fallbrook to other regional and local buses at the Vista Transit Center seven days a week.

Upon review of the DEIR, NCTD requests that the EIR address the following:

1. The EIR must address how bus stop access is being addressed around existing bus stop locations. Access to existing bus stop locations should be designed so that they are safe for pedestrians and accessible for all; the EIR must address how pedestrian safety to existing bus stops will be ensured and includes safe passage when crossing the Highway (pedestrian phases for traffic signals, crosswalks, signage, wheelchair ramps, etc.).
   a. A specific issues existing at the River Village Center, at the corner of SR-76 and S. Mission Road. Sidewalk and ADA-compliant wheelchair ramps need to be provided connecting both local bus stops to the shopping center that allow for safe passage across S. Mission Road.
2. The EIR must address how existing bus stops will be improved to meet ADA standards, or relocated to new spots where this can be accomplished.
3. In section 2.1.4, mention is made of only two pairs of existing bus stops, when there are actually four pairs (or eight individual bus stops). These are located at:
   a. Eastbound SR-76, just north of N. River Road;
   b. Eastbound SR-76, south of Via Montellano, in front of 30919;
   c. Eastbound SR-76, north of Camino Del Rey;
   d. Northbound S. Mission Road, north of SR-76, in front of the River Village Center;

NORTH COUNTY TRANSIT DISTRICT
810 Mission Avenue, Oceanside, CA 92054-2825
760-967-2828

Response to Kurt Luhrsen, Principal Planner, North County Transit District

1. Bus stops would be located in their current locations. All signalized intersections would be ADA compliant, and designed to meet current design standards, with appropriate access controls for pedestrians. Access to existing bus stops during construction would be coordinated with NCTD and included in the TMP. Section 3.10.4 reflects this information.

2. Access to existing bus stops during construction would be coordinated with NCTD and included in the TMP. Standard pedestrian packages for signalized intersections would be installed at all signalized intersections. These would include push-button crossings and wheel chair ramps. Section 3.10.4 reflects this information.

3. Caltrans would coordinate with NCTD regarding appropriate pedestrian crossings. Standard pedestrian packages would be installed at all signalized intersections. In addition, all signalized intersections would be designed to current design standards and be ADA compliant to provide safe passage for pedestrians. Section 3.10.4 reflects this information.

4. All four existing bus stops would be impacted. These would all be reconstructed in-kind and would be ADA compliant. Existing bus stops are within Caltrans right-of-way by permit. Any improvements would be coordinated through NCTD and would be the responsibility of NCTD. Sections 3.10.4 and 2.1.4 discuss bus stops.

5. Thank you for the clarification, Section 2.1.4 has been revised to identify the correct existing bus stop number and locations.

e. Southbound S. Mission Road, just north of SR-76;
f. Westbound SR-76, south of Thoroughbred Lane;
g. Westbound SR-76, south of Via Montellano, in front of 30924;
h. Westbound SR-76, north of Holly Lane.

6. 4. In section 2.1.4, regarding TDM alternatives, the DEIR states that Route 306 provides service five times daily between the Vista City Hall and downtown Fallbrook. This is incorrect; Route 306 provides this service twenty times daily.

7. 5. To improve local access to the existing transit service, new bus stops should be provided at the following locations:
   a. Eastbound SR-76, just east of E. Vista Way;
   b. Southbound E. Vista Way, just south of SR-76.

Thank you again for the opportunity to review the DEIR for this project. If you have any questions regarding my comments, please contact me at (760) 966-6546 or email me at kluhrsen@nctd.org. I would also be pleased to review any modifications once they have been generated to ensure the changes will meet the needs of the Transit District and our bus passengers.

Sincerely,

Kurt Luhrsen

Kurt Luhrsen
Principal Planner

6. Thank you for the clarification, Section 2.1 has been corrected.

7. The new bus stops you have proposed in this comment are not a part of this project. Caltrans looks forward to future coordination should NCTD propose to provide additional bus stops along SR-76.

RAINBOW
MUNICIPAL WATER DISTRICT
Committed to Excellence

November 21, 2007

Kelly Finn, Environmental Analysis Branch Chief
District 11-Environmental Division, M.S.-242
4050 Taylor Street
San Diego, CA 92110

Subject: Rainbow Municipal Water District Comments on the Draft Environmental Impact Report for State Route 76 Melrose to South Mission Highway Improvement Project

Note: Delivered the web site directed in the Draft EIR on November 21, 2007 [http://www.dot.ca.gov/dist11/contactus.htm]

Dear Ms. Finn:

On November 14th I attended the public meeting for the subject project. This was the first opportunity staff from the Rainbow Municipal Water District (District) had to observe the proposed alignments and determine the impact those alignments would have on our water and sewer infrastructure. We have
1. significant concerns regarding the SR 76 project relating to our facilities that will need to be addressed before the project begins. In addition, we have reviewed the draft environmental report for the subject project and find it fails to address several key issues.

In reviewing the entire Draft EIR we found only two vague references to existing utilities:

> Chapter 2, Section 2.1.1—paragraph four; "*A variety of utility facilities are located in the footprint of each of the build alternatives including natural gas, telephone, television, water, and both overhead and underground electricity. Overhead and underground utilities within the project limits would require relocation. Typically, the utilities would be relocated within the proposed right-of-way but as far away from traffic lanes as possible. Overhead electrical facilities are generally less than 4 kv distribution lines on direct-bury wooden poles. No electrical facilities greater that 12 kv have been identified within the project limits. Underground facilities are typically relocated to new underground locations and overhead facilities to new overhead locations.*"
>
> Chapter 3, Section 3.9.2—"*The project could underground the utility services that are currently on poles along the shoulder of SR-76. Water and sewer lines within the project limits could be moved out of the roadway to the shoulders, where feasible. Coordination with the utility companies is underway to determine where and how to move these facilities. The project proposes to relocate most utilities within the shoulder of the highway, which may require trenching longitudinally along the proposed highway right-of-way.*"

Neither of these statements addresses the potential impacts the forced relocations would have on the community, the utility companies or the environment. In addition to the financial burden that relocating

RAINBOW MUNICIPAL WATER DISTRICT
3707 OLD HIGHWAY 395 FALLBROOK, CA
760-728-1178

Response to Dave Seymour, General Manager, Rainbow Municipal Water District

1. Please see below for specific responses to the issues you have identified.

our water and sewer lines would have on our ratepayers there are significant potential environmental issues that should be taken into consideration when choosing proposed new alignments.

Accordingly, we submit the following comments regarding the project and Draft Environmental Impact Report as follows:

2. 1. **Project Timing**—According to Cal Trans staff at the November 14 meeting there are numerous District facilities that will require relocation, however; as of this date you have not decided on an ultimate project alignment so we do not know with any certainty which District facilities will be impacted. Your planners indicated there would be a designated corridor for all utilities, but again the alignment of that new easement has not been decided and I understand not all of the property has been obtained. At the public meeting Cal Trans staff indicated we would probably need to plan on starting to relocate our facilities as early as the end of 2008; without knowing which of our facilities will be impacted or where we will be required to put them there is no way we can begin the process of moving them. This is a time consuming process. Developing a preliminary design report will require months of reviewing easement documents, plans, specifications and proposed alignments. The final design project could easily take a year or more, and construction will take at least a year. Even if Cal Trans were able to tell us today where to locate our facilities there would be no way for us to meet your project schedule.

3. 2. **Cost to relocate Rainbow Municipal Water District Facilities**—In preliminary discussions with project staff they indicate the cost to relocate District facilities will most likely be our responsibility. A conservative estimates to design and reconstruct our facilities through your project area ranges from $10 million to $20 million. The District has approximately 7,400 customers. At a $10 million relocation cost each of our customers would be charged in excess of $1,350 for their share of the relocation expense; sewer customers would pay even more.

4. The facilities requiring relocation are fully functional and do not require upgrades or rehabilitation; the only reason we would have to relocate them is for the subject project. We are a small, rural water district and do not have money for this project. Raising the funds for a project of this magnitude would require passing a bond or imposing a special assessment on our customers; both would require a vote from the ratepayers. The only other option we have is to raise the water and sewer rates to cover the relocation costs. All of these options will lead to further project delays.

The residents of San Diego are already paying for this project with TRANSNET funds through a half-cent sales tax. Requiring the ratepayers of the Rainbow Municipal Water District to fund the relocation of existing facilities is unreasonable and unacceptable, and places an unfair burden of cost on our customers. We request that the cost to relocate facilities be funded as part of the SR 76 project, and be paid for by all residents of the County, not just District customers.

5. 3. **Location of Proposed Utility Easement**—The draft EIR fails to address the potential environmental impact that may result if the proposed utility line easement is located adjacent to the San Luis Rey River floodplain.

At present our water and sewer lines are protected from flooding by the existing alignment of SR 76. The proposed alignments require an as yet to be determined utility corridor for use by all utilities. In discussing potential locations of this proposed utility easement with your staff they surmised the likely location would be closer to the riverbed alignment. Relocating water and sewer lines close to the floodplain places them in jeopardy of damage in the event of flooding. In addition, the grading and raised elevation of the proposed alignment could redirect the course of

RAINBOW MUNICIPAL WATER DISTRICT
3707 OLD HIGHWAY 395 FALLBROOK, CA
760-728-1178

2. Please note that the DEIR/DEIS identified the Existing Alignment Alternative as the preferred alternative. Following approval of the Record of Decision/Notice of Delineation (ROD/NOD), Caltrans would move forward with the right-of-way process to obtain the required right-of-way. Caltrans notes your concern with regards to the design process, and Caltrans would continue to work with Rainbow Municipal Water District (RMWD) to coordinate construction schedules and work windows to facilitate any required relocation of RMWD facilities. Caltrans concurs that the relocation of utilities along the proposed SR 76 alignment would require extensive coordination with each utility servicing the corridor throughout the final design process. Caltrans would continue to coordinate with RMWD to ensure utilities can be relocated, if necessary, in anticipation of the proposed project schedule. Section 3.9 provides additional information regarding utilities.

3. It is in RMWD and Caltrans' mutual best interest to limit utility relocations to those that are absolutely necessary. Section 700 Series of the Streets and Highways Code outlines the framework for the relocation process for utilities impacted by public projects. Caltrans would continue to work with RMWD to lessen the financial impact to the RMWD ratepayers. Preliminary estimates for the RMWD's utility relocation expenses are in the range of $3-$5 million. Section 3.9 provides additional information regarding utilities.

4. Section 700 Series of the Streets and Highways Code outlines the framework for the relocation process for utilities impacted by public projects. Caltrans would continue to coordinate with RMWD regarding options to limit the financial burden that relocations would create.

5. Based on this comment, Caltrans met with RMWD staff and provided project plans on February 27, 2008 to allow RMWD to identify areas of potential impact and relocation. Caltrans would continue to coordinate with RMWD to ensure the secure relocation of RMWD facilities. Any utilities physically relocated would be as safe from flooding as they are prior to construction, and the highway improvements proposed would not materially effect the floodplain elevation. Hydraulic studies conducted for the DEIR/EIS do not indicate a measurable raising of the floodplain elevations for the preferred Existing Alignment alternative. Caltrans notes your concern regarding the floodplain rise. Section 3.13.3 discusses floodplain boundaries and water surface elevations. Text has been added to Section 3.9 to state that hydraulic studies indicate the RMWD water sewer pipelines and pump station would not be impacted by the floodplain any differently than the current condition.

the San Luis Rey River southerly from its current path, which would cause it to inundate a major sewage pumping station and sewer lines adjacent to the southern side of the current river alignment.

6. In the event of flooding the loss of water lines in that area would preclude us from providing water service to a substantial population and a number of businesses—including the loss of fire protection—and potentially endanger public health through loss of integrity of our water mains and ensuing contamination. The loss of our sewage pump station or a main sewer line would cause a spill directly into the San Luis Rey River, which has the potential to negatively impact the environment and public health.

Accordingly, we request that your draft EIR address the impact the relocation of our water and sewer pipelines and pump station into the floodplain would place on the environment.

7. 4. **Southern Alternative Alignment** —The preliminary maps for the proposed Southern Alternative Alignment shows the corridor passing directly across of one of our major sewer pump stations and sewer pipelines. Relocating the pump station would cost approximately three to four million dollars—not including the cost to acquire new land and to construct temporary bypass facilities during the construction. The Draft EIR does not address the impact on this sewage lift station or the costs associated with the relocation. We request the Southern Alternative Alignment be modified to accommodate the existing lift station, or the Draft EIR be modified to address our concerns.

We appreciate the opportunity to provide comment on this project. We do have significant concerns about the proposed project's impact on our water and sewer infrastructure, the potential expense required to relocate our facilities, and the scheduling required to accommodate your timeline. Please have the
8. appropriate person from your project team contact me at their earliest convenience to begin discussions on this matter.

Sincerely,
Rainbow Municipal Water District

Dave Seymour
General Manager

RAINBOW MUNICIPAL WATER DISTRICT
3707 OLD HIGHWAY 395 FALLBROOK, CA
760-728-1178

6. As discussed in Section 3.13, Hydrology and Floodplains, the Existing Alignment Alternative, when compared to the base flood, appears to have no significant increase in the area of the flood boundary or the water surface elevation. No rise in flood waters would result from the implementation of this alternative. Any relocations would be implemented so as to ensure no substantial rise in the floodplain elevation or loss of service would not occur.

7. Additional text has been added to Section 3.9 to identify potential impacts to the sewage station should the Southern Alignment be selected.

8. Based on this comment, Caltrans met with RMWD staff on February 27, 2008 to identify and discuss areas of potential impact and relocation. Caltrans would continue to coordinate with RMWD to ensure the secure relocation of RMWD facilities.

San Diego County Archaeological Society, Inc.

Environmental Review Committee

14 November 2007

To: Ms. Kelly Finn
Environmental Analysis, Branch Chief
California Department of Transportation
4050 Taylor Street, MS 242
San Diego, California 92110

Subject: Draft Environmental Impact Report/Environmental Impact Statement
State Route 76, Melrose to South Mission, Highway Improvement Project

Dear Ms. Finn:

I have reviewed the cultural resources aspects of the subject DEIR/EIS on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR/EIS, we agree with the impact analysis and the conclusion that no mitigation measures for cultural resources are necessary.

Thank you for including SDCAS in the public review of this project's environmental documents.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

Response to James W. Royle, Jr., Chairperson, Environmental Review Committee, San Diego County Archaeological Society, Inc.

Thank you for supporting the determinations that were made in the Cultural Resources sections of the environmental document.

Response to Eric Gibson, Interim Director, County of San Diego, Department of Planning and Land Use

ERIC GIBSON
INTERIM DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

November 26, 2007

Kelly Finn, Environmental Analysis Branch Chief
Caltrans District 11 – Environmental Division
4050 Taylor Street, M.S. 242
San Diego, CA 92110

COMMENTS ON THE CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT 11 (CALTRANS) DRAFT ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT FOR THE STATE ROUTE 76 MELROSE TO SOUTH MISSION HIGHWAY IMPROVEMENT PROJECT

The County of San Diego has received and reviewed the Draft Environmental Impact Report (DEIR)/Environmental Impact Statement (EIS) for the State Route 76 Melrose to South Mission Highway Improvement Project dated September 2007 and appreciates this opportunity to comment. In response to the document the County, as a responsible agency under CEQA Section 15381, has comments that identify potentially significant environmental issues that may have an affect on the unincorporated lands of San Diego County that should be explored in the environmental document.

County Department of Planning and Land Use (DPLU), Department of Public Works (DPW) and the Department of Parks and Recreation (DPR) staff has completed its review and has the following comments regarding the content of the above documents:

SR-76 Melrose to Mission Highway Improvement Project - 2 - November 26, 2007

GENERAL COMMENTS

1. Based on the potential impacts outlined in the DEIR/EIS for each alternative alignment, County staff recommends the existing alignment alternative (preferred alternative) be chosen to implement the proposed project.

2. The County of San Diego, Land Use and Environment Group has developed Guidelines for Determining Significance that are used as guidance for determining the significance of environmental impacts in the unincorporated portions of the County of San Diego. The Guidelines also provide mitigation options for addressing potentially significant impacts. Project impacts that could have potentially significant adverse effects to the unincorporated County or County facilities should evaluate and mitigate environmental impacts using the guidance described in the County of San Diego Guidelines for Determining Significance, available online at: http://www.sdcounty.ca.gov/dplu/Resource/3~procguid/3~procguid.html#guide. In particular, the County's Traffic Guidelines for Determining Significance are available at http://www.sdcounty.ca.gov/dplu/Resource/docs/3~pdf/Traffic_Guidelines.pdf.

CULTURAL RESOURCES

3. County staff recommends that an archaeologist and Native American monitor be on site for all earth-disturbing activities associated with the project. While it is true that the State Health and Safety Code Section 7050.5 requires action should human remains be uncovered, the area is rich in archaeological deposits and grading monitoring should be incorporated into the project as a mitigation measure.

4. On page 3-94, the DEIR/EIS states that "the following bridges are not ineligible for listing in the NRHP..." This statement is confusing and the eligibility of listing the bridges under the National Register of Historic Places should be clarified.

GROUNDWATER / GEOLOGY AND SOILS

5. One issue that was not clear in the DEIR/EIS (Section 3.15.3) was the discussion regarding groundwater. There report states that groundwater would not adversely impact the proposed project and the project would not adversely impact the area's groundwater. It seems possible that groundwater will be encountered in grading and in placement of footings for any bridges. On page 3-116 in several places it indicates that groundwater may impact foundational elements of several bridges. The EIR should clarify and provide supporting evidence that the project will not adversely

1. Thank you for your support of the Existing Alignment as the Preferred Alternative.

2. Thank you for the information on County thresholds. As the lead agency, Caltrans must utilize agency-specific CEQA guidelines; at this point in time, Caltrans has no specific significance thresholds. In addition, mitigation ratios are determined in consultation with the appropriate permitting and resource agencies, and can not be confirmed until those consultations have been conducted.

3. An archaeological monitor and a Native American monitor would conduct monitoring during construction. Based on the cultural record search and survey conducted for the project, areas of high sensitivity have been identified along the alignment. Monitors would monitor construction activities in only those areas that have been determined to have an elevated likelihood of containing buried resources. These areas are identified in the Treatment Plan, which is listed in Section 3.12.2 as a report prepared for the proposed project.

4. This clarification has been made, and the word "not" has been deleted. Section 3.12.1 summarizes the regulations regarding the eligibility for the National Registry of Historic Places.

5. Thank you very much for your comments. Based on this comment, additional text has been included in Section 3.15 to clarify the proposed project impacts associated with groundwater. While groundwater may be encountered along portions of the proposed project alignment, design features have been incorporated into the project based on site specific conditions to account for the presence of groundwater. The implementation of BMPs would minimize project impacts to groundwater. The project incorporates design features that area based on specific site conditions, including the potential presence of groundwater. Construction techniques designed to preclude the entrance of groundwater into excavations and BMPs would also be implemented to control construction activities, as well as minimize potential project impacts to groundwater.

impact groundwater and that groundwater would not adversely impact the proposed project in terms of the structural integrity of proposed improvements.

LAND USE AND PLANNING

6. The project proposes to widen SR-76 to four lanes and add bicycle lanes within a 227-foot right-of-way. The proposed improvements are consistent with the scope of road components recommended under the County's Draft General Plan Update Circulation Element Framework, which classifies this road segment of SR-76 as a 6.2 Prime Arterial (six lanes plus median) with a 122-foot minimum right-of-way. The primary difference between the County's Draft General Plan update and the Caltrans project is the proposed right-of-way. The proposed Caltrans right-of-way of 227 feet is significantly larger than the 122-foot minimum right-of-way specified by the County's road classification. The substantial difference in right-of-way would impact properties located along SR76 located within the Caltrans right-of-way.

7. Table S-1 identifies the number of homes and businesses that would be displaced by the each study alternative. The DEIR/EIS should provide a map that identifies the location of the displaced homes and businesses under each alternative. Under the preferred alternative, 7 residents (3 single family homes) and 34 employees (7 commercial properties and one church) would be displaced. Caltrans should consider whether a reduced right-of-way could be used to avoid impacts to residents and businesses.

RECREATION

7. The County and Caltrans have coordinated very closely on the SR76 and San Luis Rey River Park projects and we appreciate the opportunity to continue coordinating as it has been helpful thus far. To this end, the County and Caltrans are developing a *Cooperative Agreement* concerning the widening and realignment of State Route (SR) 76 from Melrose Drive in Oceanside to the intersection of SR-76 and Interstate 15. The agreement will outline the parties' roles and responsibilities relating to land acquisitions and transfers, construction of park improvements, access and site clean-up and provide a collaborative framework for future project implementation.

8. As the County and Caltrans continue to closely coordinate the SR-76 expansion and the San Luis Rey River Park Master Plan (Master Plan), it will be important to address the impacts of the new highway alignment and widening on future park development and planned improvements as detailed in the previously provided Master Plan, such as (but not limited to) trails, river crossings and under crossings for hikers, bikers, equestrians and

6. SR-76 is a conventional highway and the 227-foot-wide proposed footprint represents the minimum requirements for the design to meet the purpose and need. All measures were taken to minimize impacts along the right-of-way. The 122-foot-wide right-of-way recommended in this comment would not allow construction of the project to meet the stated purpose and need. It should be noted that, in the case of a state highway, Caltrans must acquire a substantially larger quantity of land than the County would for an equivalently configured roadway. This is because Caltrans purchases land as right-of-way in instances where the County would only acquire easements. It is important to note that the actual pavement width would be equivalent. Impacts to properties along the identified "preferred" alternative would be addressed during the design and right of way phases of project development. Any relocation required would be addressed in the final relocation impact report. Both the Draft Relocation Impact Statement and the Final Relocation Impact Statement are incorporated by reference into Section 3.7.2.

7. While not specifically highlighting the affected properties, Figures 2.1-2a to 2.1-3h depicts the right-of-way takes. The list of potential impacts to properties along the Preferred Alignment Alternative have been added to Section 3.7.3. Efforts to avoid and minimize impacts to the affected properties were considered and incorporated during the environmental process, as noted in Section 3.7.4.

8. Caltrans looks forward to continued coordination with the County and executing the cooperative agreement.

9. Caltrans looks forward to future coordination with the County. Impacts to planned park facilities have been identified in Section 3.3 of this FEIR/EIS.

wildlife, staging areas, and active recreational opportunities. In addition, emergency and maintenance vehicle access to the interior portions of the San Luis Rey River Park must be maintained.

10. Caltrans has indicated in meetings with County staff that Caltrans will provide many opportunities to the County to offer comments and input into design of the project. The environmental document should reflect these discussions and identify that these County concerns will be addressed by Caltrans during review of the construction drawings.

11. 9. On January 10, 2007, the County provided a detailed comment letter to Caltrans regarding the proposed project's Notice of Preparation (NOP). While Caltrans' general reply to that letter is included in the DEIR/EIS, a more detailed response to each item identified in that letter should be included in the Final EIR/EIS.

12. 10. As the construction of the Project nears completion, construction staging areas may become available for use as park and trail access staging areas or Tier B sites. The County wishes to work with Caltrans to identify the best location of these sites to ensure these areas could both adequately serve the road project and the future park. This opportunity should also be discussed in the DEIR/EIS.

13. 11. The Existing Alignment Alternative (Preferred Alternative) will bisect a County-owned parcel known as the Model Airplane Site (MAS). The draft San Luis Rey River Park (SLRRP) Master Plan selected this site (referred to as A3) as one of the few opportunities for a future active recreation node in the western section of the park. This site was chosen based on numerous selection criteria including slope gradient, flood potential and presence of non-sensitive vegetation and loss of this site creates lowered recreational value in this area of the SLRRP. Although the Existing Alignment Alternative may preclude developing the MAS as a Tier A active recreation site, the site could be developed into a multi-use staging area or trailhead. If so, a trail under crossing from the MAS to the RP interior trails should be incorporated into the design.

14. Additionally, the County recommends that land meeting the SLRRP's Tier A criteria and located within proximity to the "Model Airplane Site" be acquired and dedicated to the County for future active recreation development. A disturbed portion of the nearby Groves property has previously been discussed as a possible candidate. The county recommends the DEIR/EIS be revised to reflect that the previously disturbed portion of the Groves property is being considered as a potential active recreation site in place of the Model Airplane property. Please avoid placing any restrictions,

10. Thank you for your comments. Text in Chapter 5, Comments and Coordination, has been revised to further document discussions between Caltrans and County staff. Caltrans is committed to continued coordination with County staff during preparation and review of construction plans.

11. Caltrans acknowledges receipt of the January 10, 2007 letter. Please note that the comment period on the Notice of Preparation/Notice of Intent (NOP/NOI) extended from October 19, 2005 to November 18, 2005. Comment letters received after release of the NOP/NOI were taken into consideration during preparation of the draft environmental document. CEQA does not require detailed responses to each comment within these letters, but rather a comprehensive approach to addressing comments raised (Section 15082, Article 7). Please see Section 5.2 for a response to your letter. Additional comments will be addressed through continued coordination with County staff as noted above. These additional comments will be documented in the administrative record.

12. Caltrans looks forward to continued coordination with the County to ensure that the future highway design does not preclude options associated with the proposed park. Chapter 5 has been revised to include this opportunity for coordination between Caltrans and the County.

13. Caltrans has identified a multi-use trail crossing under the proposed highway at the north end of the County parcel, shown as Bridge #3 on Figure 3.20-4, to maintain access to interior trails proposed as part of the park. Caltrans will continue coordination with County Park staff throughout the project development process to ensure Park needs are met.

14. The text has been revised to state that the previously-disturbed portion of the Groves property, which has since been acquired as a mitigation site, would not be restricted from future active recreation use contingent on resource agency concurrence. Caltrans has coordinated with senior county park staff to determine the feasibility, and Caltrans has no objection to this being developed; however, it is up to the County to ensure the proposed facility would meet regulatory environmental commitments.

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including acquisition funding restrictions, on this portion of the Groves site that could prohibit future active recreation use.

Section 3.2 Consistency with State, Regional, and Local Plans & Programs

15. 12. On page 3-9, the document does not include a reference to the adopted *Bonsall Community Trails and Pathways Plan.* The County recommends adding the following description of the *Bonsall Community Trails and Pathways Plan* after the discussion on the *Bonsall Community Plan*:

"Bonsall Community Trails and Pathways Plan
The Bonsall Community Trails and Pathways Plan is incorporated into the Community Trails Master Plan, the implementing document of the County Trails Program. The County Trails Program and Community Trails Master Plan were adopted by the County Board of Supervisors on January 12, 2005. All trails planned as a part of the County Trails Program are considered non-motorized multi-use (hiking, horseback riding and mountain biking).

Bonsall Community Trails and Pathways Plan states in part:

The Bonsall Community Trails Plan goal is to establish and protect an enjoyable, efficient, and safe network of public riding and hiking trails. The focus of the trails is to create a interconnected "trail" system both as a recreational element, while functioning as a linear park, and to support non-motorized transportation, i.e., horseback riding, walking, hiking and bicycling.

The Bonsall area has a rural character with agriculture, estate lots, hills with steep slopes, valleys, creeks and the San Luis Rey River running through the community. The San Luis Rey River Trail South has been used by riding clubs of Bonsall since 1940 as the main equestrian trail along the south side of the San Luis Rey River. Since the early 1940's, many publications, newspaper articles, and local riding magazines have focused on the incredible equestrian experience offered by this important trail.

San Luis Rey River Trail North has a linear river park designed to start at the old Bonsall Bridge and finish at Highway 15. The trail in this linear river park meanders between Highway 76 and the San Luis Rey River. This trail, on the north side of the San Luis Rey River, will be for non-motorized transportation and hiking and will complement the community's network of public trails throughout Bonsall. It will provide connection to trails coming from Oceanside through Bonsall and to all communities east of Bonsall as a future regional trail. The Camino Del Rey Trail would connect to several private training tracks and breeding facilities and provide connections with the San Luis Rey River Trail South. Little Gopher Canyon Trail is needed to connect a large private riding club and community equestrian facilities in this part of the community as well as connect the Gopher Canyon area with the San Luis Rey River."

15. Thank you for supplying the information on the Bonsall Community Trails and Pathways Plan. Appropriate text regarding the Bonsall Community Trails and Pathways Plan has been added to Section 3.2.1.

As the San Luis Rey River Bridge Trail would accommodate the trail plan, the County can develop the San Luis River Rey Trail south upon approval of plans from resource agencies and issuance of an encroachment permit from Caltrans. The preferred alternative would not affect the Gopher Canyon Trail as it is not on the south side of the river.

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16. 13. On page 3-10, the DEIR/EIS states that part of the proposed project in the Bonsall area is under the jurisdiction of the draft *North County Multiple Species Conservation Program* (NCMSCP) subregion and that the project's "proposed alignments are not located within any areas identified for conservation." The most recent NCMSCP map (version 7), designates this area as "Pre-Approved Mitigation Area" (PAMA) based on its high biological value. The County recommends providing more clarity in the document regarding the significance of this project's location within the draft NCMSCP PAMA.

Section 3.3 Parks and Recreational Facilities

17. 14. On page 3-26, the acronym "CTMP" is used for the first time in the document. The DEIR/EIS should include a reference to the *County of San Diego's 2005 Community Trails Master Plan (CTMP)* when it is first mentioned.

18. 15. On page 3-30, the document states that both project alternatives would impact existing trails and describes mitigation measures to include "the relocation of the existing trails towards the river or their incorporation into the fill slopes, where feasible." Any trails constructed should be in conformance with the Design and Construction Guidelines in the *CTMP*. The County shall have final approval and acceptance of the trails location and construction. The project should also incorporate the trail alignments on the adopted *Bonsall Community Trails and Pathways Plan* as well as trail connections to the facilities of the SLRRP. Special consideration should also be given to the effect of project noise levels on trail users. Alternative trail routes for the actively used trails/pathways impacted during or by construction activities should be provided. A detailed phasing schedule of the project showing impacted trails (trails open and/or closed) updated regularly should also be provided to the DPR and the community.

19. Equestrian height crossing buttons should be provided at all street intersections and crosswalks. The following streets have proposed trails/pathways as shown on the adopted *Bonsall Community Trails and Pathways Plan* and may be impacted by the project:

- East Vista Way
- Little Gopher Canyon Road
- North River Road
- Dentro de Lomas Road
- Olive Hill Road
- Camino del Rey
- West Lilac
- South Mission Road

16. The project falls within an area covered under the CDFG's Natural Community Conservation Planning Program (NCCP). The project also falls within the NCMSCP and the Oceanside Subarea MHCP. These programs are comprehensive habitat conservation planning programs that address multiple species needs and the preservation of native vegetation communities. Within the project area, pre-approved mitigation areas (PAMA) and preserve areas are associated with the San Luis Rey River Linkage along the river corridor and encompass the project footprint. The San Luis Rey River Linkage extends east from the City of Oceanside boundary across the I-15 to connect with the Rice Canyon Linkages and towards the Palomar Mountain foothills. Caltrans is not a signatory to local NCCPs, but is a cooperating agency with the plans. Permitting is therefore processed through separate consultation with the resource agencies. It is likely that any measures required would be similar to those outlined under NCMSCP PAMA and MHCP regulations. Section 3.2.1 has been revised to clarify the consideration of local NCCP requirements with respect to Caltrans projects.

17. The change has been made in the Final EIR/EIS.

18. According to Trails and Pathways Map for Bonsall, approved by the San Diego County Board of Supervisors January 12, 2005, there are no existing official trails that would be impacted by the proposed project. No trail construction is proposed as part of this project; however, project construction would not preclude future placement of trails along designated corridors. Construction of future planned trails would be County responsibility. Existing informal trails and future trails in the existing transportation corridor, as well as potential noise impacts to users along these trails, is addressed in Section 3.3 of this FEIR/EIS.

19. Appropriate crossing mechanisms would be installed at intersections connecting to equestrian routes. Specific locations for equestrian crossings would be coordinated with the County during final design. Section 3.29 and Table 3.2-1 provide additional information on equestrian opportunities, and additional opportunities may be identified during final design.

20. Finally, where trails share the crossing of the San Luis Rey River or other streets, bridge designs should incorporate multi-use trails (ex. Camino Del Rey). These trail portions of the bridge designs should be reviewed by DPR. Under-crossings of bridged areas are preferred over at-grade or overpass alternatives and should be considered wherever feasible.

Figures

21. 16. Concerning Figure 3.3-3 (Preliminary Impact Analysis – Existing and Planned Trails), the *Bonsall Community Trails and Pathways Plan* shows a trail/pathway along South Mission Road and North River Road which is omitted from this figure. This trail should be shown on Figure 3.3-3.

TRAFFIC AND TRANSPORTATION

22. 17. The DEIR/EIS should clearly identify what properties/parcels would have their existing direct access points to SR-76 changed by the proposed project. The DEIR/EIS should identify what alternative access would be provided for the impacted businesses and home driveways.

23. 18. The DEIR/EIS should assess the benefit to the SR-76 corridor that would result from additional lanes being provided along I-15. The 2007 Regional Transportation Plan (RTP) Reasonably Expected scenario includes four tollway lanes along I-15 from Riverside County to SR-78. The added capacity along I-15 would aid in addressing interregional traffic, especially from Riverside County, which is impacting the SR-76 corridor as commuters attempt to avoid congestion along I-15.

24. 19. The DEIR/EIS identifies (Pg.1-5) Gopher Canyon Road as a roadway facility that parallels SR-76. The DEIR/EIS should provide traffic data that show what impact the proposed SR-76 improvement would have on Gopher Canyon Road.

25. 20. The DEIR/EIS should identify if the proposed SR-76 project will also require improvements to connecting County roads and/or the reconfiguration of County roads currently intersecting with SR-76. The DEIR/EIS should identify the extent of improvements that will be required to connecting and/or parallel County roads.

26. 21. Signal warrant analysis should be provided for all proposed traffic signals.

27. 22. Table 2.4.1 (Pg.2-12) identifies that a new freeway agreement with the County of San Diego will be needed. Early coordination between Caltrans and the County is encouraged to develop the freeway agreement.

20. Please refer to Figure 3.20-4, where an access point across the roadway is identified along the proposed alignment. Refer to the bridge labeled #3 on Figure 3.20-4. In addition, bridge #2 on Figure 3.20-4, the San Luis Rey river bridge, would accommodate the County's future implementation of the County Trails Plan, but the County would be responsible for meeting all resource agency commitments. The intersection at Olive Hill Road would accommodate equestrian crossings at grade.

21. Thank you for identifying this omission. Figure 3.3-3 has been revised to include the proposed trail/pathway along South Mission Road and North River Road.

22. Figures 2.1-3b and 2.1-3c illustrate proposed private property access along the roadway alignment. All current access along SR-76 would be maintained or alternate access would be established if necessary.

23. There would be no benefit to the SR-76 corridor due to work being completed along I-15 because, as discussed in Sections 1.3.5 and 3.10.2, trips that are using the SR-76 and SR-78 corridors are doing so primarily because of trip endings in the north-western half of San Diego County, as opposed to attempting to avoid congestion on I-15.

24. Gopher Canyon is on "parallel" to SR-76 in a broad sense in that it traverses east-west between I-15 and East Vista Way, and is not truly a parallel roadway, relative to SR-76 (Section 1.3.3). It receives mention in the DEIS to acknowledge that it is potentially a route that traffic could use, however, it is considerably further to the south and is not functionally used as an alternative to SR-76. If any changes to traffic levels along Gopher Canyon Road occur, it is anticipated that trips would decrease on Gopher Canyon Road given proposed improvements on SR-76.

25. The majority of existing County roads intersecting SR 76 would require a degree of reconstruction in order to reconnect the SR 76 once improvements are complete. Improvements to the County road system would not extend beyond the limits of the project's environmental clearance footprint and would be completed in cooperation with the County of San Diego and the City of Oceanside. Subtle adjustments of grade and with of connecting streets would occur; isolated changes of access at Holly Lane and Jeffries Ranch Road would also be reconfigured, as well as locations where the existing SR-76 roadway would remain to serve as a

frontage road (e.g., through downtown Bonsall). Design features are explained in detail in Section 2.1.

26. Caltrans has conducted signal warrant analysis and incorporated the results into the traffic analysis in Section 3.10, as well as the project design. The results will be sent to the County upon request.

27. Caltrans will coordinate with County staff to develop a revised cooperative agreement.

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Developing a freeway agreement for the entire SR-76 project (Melrose Drive to I-15) should be considered.

28. 23. The DEIR/EIS should verify that improvements to County roads that are part of the proposed SR-76 project will be built to County Public Road Standards.

29. 24. The DEIR/EIS should provide a thorough discussion of pedestrian access related to businesses that currently front SR-76. Also the DEIR/EIS should provide discussion of instances when sidewalks are provided at intersections relating to crossing times, distance to clear intersection (especially due to increased channelization width) and other pedestrian safety amenities. The DEIR/EIS should assess median refuge islands for large crossings.

30. 25. The DEIR/EIS states it is "logical" that the project terminates at South Mission Road (Pg.1-4). The DEIR/EIS should elaborate on why South Mission Road is the logical point to terminate the project. The DEIR/EIS should demonstrate that widening is not necessary to be performed at the same time as the segments east of South Mission Road. The DEIR/EIS should clearly state that SR-76 east of South Mission Road to I-15 will be improved as another Caltrans project.

31.

Existing Alignment Alternative

32. 26. The DEIR/EIS identifies (Pg.2-5) that Holly lane and Jeffries Ranch Road would be converted to cul-de-sacs in the Existing Alignment Alternative. The DEIR/EIS should discuss out-of-direction travel and increase travel time that may result from the cul-de-sacing of the two roads.

33. 27. Figures 2.1b to 2.1G show segments of the existing SR-76 that are proposed to be removed as part of the Existing Alignment Alternative. The DEIR/EIS should discuss if Caltrans will be vacating those segments of SR-76. The DEIR/EIS should discuss if the removed segments will be vacated and relinquished to the County or put towards other uses.

34. 28. Figure 2.1-2e identifies a segment of existing SR-76 that would remain in place. The DEIR/EIS should identify how this segment of existing SR-76 is intended to function after the highway realignment is completed. If the segment is to be relinquished to the County, verification that the road segment meets County Public Road Standards will be required.

35. 29. The DEIR/EIS should discuss the project's impact to access to/from the San Luis Rey River Village commercial center. The DEIR/EIS should identify

28. Caltrans highway standards exceed County road standards and minimums, therefore, any road constructed and anticipated to be transferred to the County would meet or exceed County standards. In addition, Caltrans would coordinate with the County during design to ensure any improved roadways meet standards prior to construction.

29. Section 3.10.4 has been updated to clarify that SR-76 is a conventional highway and no sidewalks are proposed as part of the project. ADA compliant crosswalks would be provided at signalized intersections.

30. The traffic data indicate that more than 30% of the traffic traveling on SR-76 turns north onto South Mission Road. This reduction in traffic east of South Mission Road indicates a current need does not exist for widening SR-76. A more detailed discussion for this logical terminus is provided in Section 1.3.2 (Corridor Traffic Demand). Traffic studies prepared for the project are also available for review for greater detail.

31. Chapter 3.29 Cumulative Impacts, has been revised to include additional text on potential future widening east of South Mission Road.

Additional information regarding the preliminary alignments and potential impacts of the SR-76 project has been added to the Cumulative Impacts section.

32. The text has been revised to reflect that Holly Lane would not be converted to a cul-de-sac. However, Jeffries Ranch Road would be converted to a cul-de-sac. The out of direction traffic associated with that conversion would be negligible due to the proximity of that current intersection to Melrose Drive. Nonstandard design features are described in Section 2.1.2.

After review of the comments, revisions to the proposed design determined that the existing bridge does not need to be replaced and access to Holly Lane from SR-76 via a right-in/right-out could be maintained.

33. The text has been revised to state that the relinquishment of any existing SR-76 roadway to the County would be covered under a revised highway agreement with the County subsequent to final Federal approval of a preferred alternative.

34. As noted above, any relinquishment of roadway segments would occur under a revised highway agreement. Relinquished roadway segments would meet both State and County standards.

35. No changes to access are proposed at the River Village Center. Left turns would no longer be permissible from the River Village Center to eastbound SR-76, but those movements would be replicated using the South Mission Road/SR-76 intersection.

how access along SR-76 and South Mission Road will change in the Existing Alignment Alternative.

36. 30. The DEIR/EIS should discuss if Via Montelleno would connect to the new cul-de-sac as shown Figure 2-1-2e.

37. 31. According to Table 3.10-7 (Pg.3-63) the SR-76/Olive Hill Road/South Mission Road intersection is projected to operate at LOS E in the Year 2030 scenario. Measures should be taken to ensure the intersection will operate at LOS D or better.

Southern Alignment Alternative

38. 32. The DEIR/EIS should elaborate on how the existing SR-76 would function in the Southern Alignment Alternative. The DEIR/EIS should identify whether the County or Caltrans would be responsible for the maintenance of existing SR-76 if the Southern Alignment Alternative were chosen.

39. 33. If the County were to become responsible for maintenance of the existing SR-76 if the Southern Alignment Alternative were chosen, the DEIR/EIS should identify/discuss what improvement would be needed to make the road in conformance with County Public Road Standards.

40. 34. The DEIR/EIS should discuss/identify what would be the cost to improve existing SR-76 to County design standards if the Southern Alignment Alternative were chosen.

41. 35. The DEIR/EIS should clarify how Old River Road would function in the Southern Alignment Alternative. Figure 2.1-3c includes a note identifying the proposed closure of Old River Road to vehicles.

Construction Impacts

42. 36. The DEIR/EIS identifies (Pg.3-67) that Traffic Management Plan (TMP) will be prepared that identifies proposed lane closure and detours. The TMP should identify if detours will involve directing traffic onto County maintained roads.

43. 37. The DEIR/EIS should verify that County and Caltrans sight distance requirements are met at all intersections and driveways along proposed SR-76 highway.

44. 38. The DEIR/EIS should identify the project's construction impacts and provide recommended mitigation measures. The DEIR/EIS should identify the estimated length of the project's construction phase.

36. The text has been revised to state that Via Montellano would connect to a future frontage road (Old SR-76) that would serve businesses in those areas. The intersection location of Via Montellano would not change.

37. Olive Hill and South Mission Road are two of the highest volume roadways that intersect SR-76, as shown on Table 3.10-2 (Section 3.10.2). Table 3.10-7 (Section 3.10.3) indicates that the roadway segment between Olive Hill and South Mission Roads would operate at LOS E during PM peak hours only. Accommodations would be made to design the roadway to provide the best level of service possible to meet the project purpose and need, given the design, environmental and right-of-way constraints.

38. Text was added to Section 2.1.3 to clarify that under the Southern Alignment Alternative, the existing SR-76 alignment would function as a county road, and the County would be responsible for its maintenance.

39. Several portions of existing County roadway will be improved upon by the project and/or existing State Highway relinquished to the County upon completion of the project. In order to facilitate this exchange, Caltrans has been coordinating with the County Streets Division. Caltrans will continue to coordinate the improvements, if any, and the relinquishments with the County and the agreement will be formalized through a Cooperative Agreement between Caltrans and the County.

40. Several portions of existing County roadway will be improved upon by the project and/or existing State Highway relinquished to the County upon completion of the project. In order to facilitate this exchange, Caltrans has been coordinating with the County Streets Division. Caltrans will continue to coordinate the improvements, if any, and the relinquishments with the County and the agreement will be formalized through a Cooperative Agreement between Caltrans and the County.

41. Old River Road would be removed and be replaced by the new SR-76 if the Southern Alignment Alternative was built. The connectivity to other local facilities would be served by the new SR-76, and the westerly end of Old River Road would then terminate into the new SR-76 near Moosa Canyon Creek.

42. The TMP would be developed in conjunction with the project design after approval of the FEIR/EIS. The TMP would identify any detours of traffic onto County-maintained roads.

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45. 39. The DEIR/EIS should identify what temporary traffic control/safety measures may be implemented during the construction phase of the project. The DEIR/EIS should discuss if construction may require a road closure and/or temporary detour of traffic onto adjacent County roads.

46. 40. The DEIR/EIS should discuss if the project's construction phase will impact access to two schools (Fig.3.3-2) located in the Bonsall community. If schools are impacted, schools should be noted in the TMP (Pg 3-67) along with homes and businesses.

47. 41. The DEIR/EIS should note that construction permits and traffic control permits from the County will be required for all work performed with the County's road right-of-way.

The County of San Diego appreciates the opportunity to continue to participate in the environmental review process for this project and appreciates the close coordination and partnership in the planning and development of the SR-76 project now and in the future. We look forward to receiving and future environmental documents related to this project or providing additional assistance at your request. If you have any questions regarding these comments, please contact Bobbie Stephenson at (858) 694-3680.

Sincerely,

ERIC GIBSON, Interim Director
Department of Planning and Land Use

cc: Dustin Steiner, Policy Advisor, Board of Supervisors, District 5, MS A500
Vince Nicoletti, CAO Staff Officer, DCAO, M.S. A-6
Trish Boaz, Chief, County Department of Parks and Recreation, MS O29
Charles Marchesano, Chief, County Department of Parks and Recreation, MS O29
Mark Massen, Park Project Manager, County Department of Parks and Recreation, MS O29
Nael Areigat, Project Manager, Department of Public Works, MS O336
Francisco "Nick" Ortiz, Department of Public Works, Transportation Division, MS 0334
Bonsall Community Planning Group
Priscilla Jaszkowiak,. Administrative Secretary, Department of Planning and Land Use, MS 0650

Reference County Project IJN 3999 07-156

43. There are several spot locations that all the various sight distance requirements are not met. Section 101.1 of the Highway design manual allows for such spot locations and accepts that they are unavoidable is some circumstances. In keeping with the guidance we have processed a Design Exception Fact sheet documenting these locations and the reasons behind the reduced sight distance.

44. The project impacts and recommended measures to minimize, avoid, and mitigate such impacts are discussed in the Avoidance, Minimization, and Mitigation Measures section for each resource. The project would take approximately 3 to 5 years to be completed (1.5-2 years per phase), as discussed in Section 3.10.

45. Section 2.1 and Section 3.10.4 of the DEIR/DEIS and the FEIR/FEIS identify preliminary measures which may be implemented during the construction phase of the project. Final measures would be identified in the TMP. The proposed staging plan would provide at least one lane at all times during construction. There may be temporary road closures, night work and temporary detours, possibly using County roads. Due in part to limited parallel routes, detours onto adjacent County roads, if necessary, would be short-term in nature.

46. The TMP would be developed in conjunction with the project design and any traffic impacts to schools would be noted in the TMP. During construction, a minimum of one lane in each direction would be maintained. Section 3.10.4 has been revised to note that access to schools would be retained during construction.

47. Thank you for this information. The text has been revised in Section 2.4 to state that Caltrans would coordinate with the County and apply for encroachment permits when necessary.

Kelly Finn, Environmental Analysis Branch Chief 25 Nov 07
District 11-Environmental Division,M.S.-242
4050 Taylor Street
San Diego, CA 92110
http://www.dot.ca.gov/dist11/contactus.htm

SR 76 Draft EIR Comments (Faxed 619-688-4237 and Emailed)

General

1. ➢ Due to **the fire** that occurred between 21 and 28 October, 2007 which impacted community review time, **I requested (on behalf of those that were impacted) that Caltrans extend the review period by 2 weeks** to accommodate the disruption suffered by the residents. This request was **flatly rejected** by Caltrans. Therefore, community comments will suffer.
2. ➢ The Communities view this project with mixed emotions. On the one hand the traffic is bad and SR 76 needs to be improved. On the other hand these improvements will encourage more traffic and development and in no time we will be worse off with more traffic, congestion and induced development. This is a no-win situation for the impacted communities.
3. ➢ Existing population and traffic and projections in the EIR and studies and publications by Caltrans and SANDAG are not consistent and give a confused picture of what is current and what is projected. If one looks at Caltrans projections over the last 20 years they have been consistently on the low side. Therefore it as safe to assume that Caltrans projections under-estimate the demand and six lanes of traffic will be required much earlier. It is mandatory that SR 76 be graded to six lanes!
4. ➢ EIR refers to studies which conclusions were based on. These documents were not readily available. I was told that they were available in the lobby of the Caltrans building. When I went there, they where not available. As I did not have access to the supporting studies I was not able to adequately review the environmental sections...
5. ➢ What 100 year flood plain analysis was used? Who generated it and when?
6. ➢ All mitigations should occur in the local area.
7. ➢ Should provisions for HOV lanes and or mass transit be provided for?

(1)

Response to Gerald Walson, President of Bonsall Area for a Rural Community

1. Caltrans understands that this has been a difficult time for many people; unfortunately it is not typical to extend comment periods based on specific events per regulations. The document was circulated as required by both CEQA and NEPA, and Caltrans is confidant that during the open comment period and at the meeting, the community was provided with ample opportunities for comment. No other requests from this area were received regarding this matter.

2. As discussed in Sections 3.4 and 3.10, the project would accommodate future traffic anticipated in approved land use plans, but would not encourage future traffic.

3. Based on traffic forecasts, a need for six lanes in 2030 may not be warranted. The SANDAG transportation model uses regionally approved forecasts of future land use. Caltrans staff and consultants used the SANDAG regional transportation model's traffic volumes as a basis for the forecasts. Based on these forecasts and as shown in the traffic section of this document, the construction of six lanes by the year 2030 is not warranted. The project would grade and construct four through lanes, with channelization at major intersections to improve operations. Should roadway widening be needed at some point in the future, it is anticipated that the right-of-way proposed for this project would be sufficient.

4. These documents are available for public review in the lobby of the Caltrans office during the public review period for the Draft EIR/EIS.

5. As discussed in Section 3.13.2, the floodplain analysis was based on a HEC-RAS floodplain analysis performed by a Caltrans Hydraulic Engineer on February 15, 2006. A Location Hydraulic Study and Floodplain Evaluation Report were also prepared for the project and used as the basis for the analysis in the EIR/EIS.

6. Thank you for your suggestion. It is the intention of Caltrans to mitigate as much as possible within the local area. As discussed in Section 3.20.4, Caltrans has purchased a number of parcels along the project corridor as potential mitigation sites. These sites are described in detail in this section, and are anticipated to provide adequate mitigation opportunities for the proposed project.

8. ➢ Why is the existing alignment improvement occurring south of the existing highway rather than North? I was told that a study to use cut material as fill material in the project dictated the location.

Summary

9. S1 There are no other major actions ... San Diego County is developing a River Park.

10. S2 Provide a facility that is compatible with future transit ... what are they and what provisions are being made?

11. S3 It is noted here and elsewhere in the EIR that that the project will construct SR 76 as a four lane facility with right-of-way and grading to accommodate future widening. However, in discussions with project personnel I have been told that grading will only be done for four lanes. Which is it, four or six? Clearly, traffic dictates that six lanes is the way to go now if not in the near future. Any talk of only grading for only four lanes is irresponsible. Should grading only accommodate four lanes, Caltrans and SANDAG will have to re-visit all the following areas.

- NEW EIR
- New environmental studies
- Funding hassle
- Land Acquisitions
- Grading
- Drainage
- Planting
- Mitigation
- New in and out access for all impacted areas
- Approval process
- Public review
- Gov. approvals
- Schedule Impact

12. Existing San Luis Rey bridge will be demolished ... Why??? - This is not a dumb idea **---it's a stupid idea.** When the SR76 bridge was built in 1995(?), we were told that that the selection of the bridge location was based on analysis where the new widened/realigned SR 76 would be placed and that a second bridge would be built along side of it to accommodate the additional lanes of traffic.
Now we are told that this bridge will be torn down and two new bridges will be built. What happened to the original plan ?

(2)

7. Provisions for HOV lanes are not provided as HOV lanes are not a common feature on conventional highways. Transit along the corridor would remain under the authority of the NCTD. Bus pads or turn-outs would be provided at specific locations, to be determined in consultation with the NCTD, to accommodate anticipated transit service along the roadway.

8. Along the alignment of the Existing Alignment Alternative the new roadway was placed to facilitate a comprehensive design. This alternative provides a safe design and an economical construction cost (such as minimizing the import or export of material required during construction) while balancing impacts to the sensitive environmental resources and the private property along the corridor. Between Melrose and South Mission, the proposed alignment is primarily located along the existing roadway alignment, but shifts north and/or south in specific locations in order to provide for more gradual curves to accommodate a higher design speed or to accommodate widening, where required. In addition to these engineering considerations, there are a number of sensitive environmental resources located along the alignment. The project has been designed to minimize impacts to such sensitive resources.

9. Thank you for noting this omission. This project has been added to the list of major actions planned in the project study area included in Section 1.

10. Please see response to Comment No. 2 in this letter.

11. As stated above, the project would grade and construct four lanes, with channelization at specific locations, but acquire sufficient right-of-way for future widening, if justified.

12. Construction on the San Luis Rey River Bridge, currently in use, began in 1998. Since that time Design Standards, particularly seismic standards for bridges, have changed. At the time the Draft EIR/EIS document was prepared, detailed bridge studies had not been completed and there was a reasonable chance that the existing bridge was no longer up to standard and was going to need to be replaced or extensively retrofit to make it seismically sound. Subsequent testing has shown that the existing structure is serviceable and therefore plans to remove it have been dropped and it would remain as the future westbound structure. One new structure would still be required to accommodate eastbound traffic. These changes are reflected in Figures 2.1-2 and 2.1-3, and in the Summary and Section 2.1.

My memory tells me that around $6M was spent to build the bridge then, along with substantial money for mitigation. A new bridge with mitigation will probably exceed $20m. Caltrans estimates were not available. This is a huge waste of money! Why can't the route be altered to use the bridge? Is Caltrans capable of planning a project 10 years down the road???

S4
The existing alignment is by far the superior route for the planned widening/alignment of SR 76.

Opposition to Southern Alignment

As noted in the EIR, the Southern alignment does not offer any advantages over the existing alignment and in fact will impose numerous irrevocable injuries to the Community of Bonsall and the environment of the San Luis Rey River basin.

Please note the following impacts of the Southern alignment to the Bonsall Community:

- **It will split the Bonsall community in half.**
- **Alignment will isolate wildlife from the river and wildlife corridor.**
- **Will be a significant safety/health hazard to the children attending the Bonsall elementary school.**
- **Bonsall school buses will not have direct access to pick up points.**
- **Will impact police, fire and medical access/response to Bonsall and Fallbrook.**
- **Alignment will subject Bonsall to substantial visual, noise and air pollution impacts.**
- **Does not provide Bonsall any local access to SR 76 or to the shopping center(s) or the Bonsall Post Office.**
- **Proposed I-15 interchange will either take out Rancho Monserate Country Club, or require a tunnel through the hills south of Rancho Monserate and will substantially impact the 400 senior owners.**
- **Most of the southern alignment is in the flood plane and will require an elevated roadway (a 7 mile bridge) and will have a substantial environmental impact which will increase the cost and schedule of the project.**
- **Will substantially impact MSCP.**

(3)

13. Thank you for your support of the Existing Alignment Alternative and your thoughts on the potential impacts associated with the Southern Alignment Alternative.

- **Will destroy the SLR golf course (Bonsall's green belt).**
- **Will seriously impact the County's creation of a SLR River Park.**
- **We have been waiting since 1978 to get SR76 built, it's more important to get it right than to suffer with a bad solution...**
- **BARC did a survey of the community several years ago and 94% of the community favored widening SR 76 along the existing right of way.**

Since this was written, the EIR has identified another issue; the Southern alignment will eliminate Old River Road which is a major local road.

14. Southern alignment likely to raise the surface elevation of the river by 3 ft. What is occurring to make this happen and what parts of the river are impacted?

15. The EIR summary states that the two directions of traffic will be separated by concrete barriers; however, in section 3.11.4 it states that metal beam barriers are recommended as they are more visually appropriate for rural settings. **PLEASE** be aware that **metal beam barriers are ugly and are eyesores.** The community does not want metal beam barriers!

16. S6 What growth inducements will an improved SR 76 have on development and traffic?

CHAPTER 1

17. **1.3.2** Corridor Traffic Demand

Existing population and traffic and projections in the EIR and studies and publications by Caltrans and SANDAG are not consistent and give a confused picture of what is current and what is projected.

Population for the local communities in total is expected to increase 130% from current estimates to the 2030 time frame. Riverside is expected to increase ever greater. Therefore, it is safe to assume that traffic will increase proportionally...

18. Traffic projections in various publications indicate that traffic (ADT) currently on SR 76 between Melrose and Mission is about 33,000 and between Mission and I-15 is about 25,000. Projections for 2030 are 65,277 and 46,000 respectively.

If one uses the population projection scaling, the projected traffic on SR 76 between Melrose and Mission is 76,000 and between Mission and I-15 is 57,500. These projections do not agree with Caltrans projections.

(4)

14. The increase in the water surface elevation is due to substantial longitudinal encroachment into the floodplain from the proposed Southern Alignment Alternative, as discussed in Section 3.13 and as shown as Encroachment #7 on Figure 3.13-2.

15. Section 3.11.4 has been revised to reflect that the potential use of metal beam barrier would be limited to areas along the alignment where additional side protection is necessary. Metal beams may be used, for example, in the approach to bridge structures, but would be limited to placement along the side of the roadway. The proposal for the barrier separating the opposing directions of traffic is one made of concrete.

16. As discussed in Section 3.4, the project would have little to no influence on growth, but would accommodate future traffic levels anticipated in approved land use plans.

17. Please see response to Comment No. 1 in this letter.

18. Please refer to response to Comment No. 1 in this letter. Caltrans utilizes SANDAG's regional model for population growth, including increases in the number of households, other land use based on currently approved general plans, and demographic changes, as part of the development of travel forecasts.

19. If one looks at Caltrans projections over the last 20 years they have been consistently on the low side...
Therefore it as safe to assume that Caltrans projections under estimate the demand and six lanes of traffic will be required much earlier. Clearly, it is mandatory that that SR 76 be graded to six lanes.

20. How much traffic are the Indian casinos generating?

21. Accidents rates post-2004 appears to have increased. Why?

22. 1.3.8 The San Luis Rey River is a major wildlife corridor in North San Diego County.

23. 1.4 What impact would a State Scenic Highway have on the project as this is being pursued?

24. 1.4.2 TransNet Ordinance indicates that "direct and indirect impacts to sensitive plants and animal populations, and to the movement of wildlife corridors, should be mitigated in order to produce and on site "net benefit" to species and to the movement of wildlife..."
What are the net benefits and where are they located?

Chapter 2

25. 2.1.1 A variety of utility facilities are located.... add sewer.
Fifth, the HDM advises.... need to add utility poles.

26. 2.1.2 Why it the existing San Luis Rey River bridge being demolished?

27. 2.1.3 The South Mission Road bridge is noted to be 124 feet wide yet the lanes and shoulders appear to add up to 132 feet?

28. Figure 2.1-2f shows that access to the Bonsall Village is via Thoroughbred Lane and traffic exiting the village and the development to the North exiting to Olive Hill Road via a newly constructed road north of the village. I assume these road alignments are the jurisdiction of the County. Has the County agreed to these new road alignments?

Chapter 3

29. 3.2.1 The plan also discusses agricultural ... as a prominent land use and recommends that agricultural land be protected. Any ideas how to how this can be accomplished?

30. 3.4 Growth
What growth inducements will an improved SR 76 have on development and traffic?

(5)

19. Please see response to Comment No. 1 in this letter.

20. Project traffic models were based on the SANDAG regional transportation model and were conducted using standard methodology. The regional forecasting model does account for casino traffic generated by the following casinos situated along SR-76: La Jolla, Pala, Pauma, and Rincon. The average daily traffic (ADT) projections for the years 2008, 2020, and 2030 have therefore been included in the forecast models used for the EIR/EIS. Specific ADTs forecast for individual casinos are summarized below:

Casino	2005	2011	2030
La Jolla	0	2,600	3,950
Pala	8,771	7,550	14,371
Pauma	4,200	4,000	10,978
Rincon	8,417	8,417	8,417

21. The accident rate has increased because there have been more accidents between Olive Hill Drive and South Mission Road in that time period. Caltrans is not able to make any specific assumptions as to the reason behind this increase.

22. Thank you for your opinion regarding wildlife corridors. The San Luis Rey River corridor has been identified as a critical linkage within San Diego County in Section 1.3.8. More detailed information regarding wildlife corridors can be found in section 3.20 of this document.

23. Scenic highway designation would not be precluded by the project as designed.

24. The TransNet ordinance, "net benefit" requirement is still being defined by the SANDAG Board and has not been finalized. Caltrans is addressing wildlife fencing, reducing roadkill, wildlife corridors and movements because those items were specifically called out in the ordinance. Caltrans is maintaining wildlife connectivity by including wildlife crossings to facilitate animal movements between open spaces and wildlife corridor fencing to minimize animal fatalities on SR-76. Wildlife corridor fencing and wildlife crossings are shown on Figures 2.1-2a-h and Figure 3.20-4.

25. Section 3.9 has been updated to provide additional information regarding utilities located within the proposed project area.

26. Please see response to Comment No. 12 in this letter.

27. The 124-foot width was based on an older planning study, and as you state, was incorrectly calculated. The correct calculation should be 130 feet; Section 2.1.3 has been updated to reflect the current design.

28. Caltrans has revised the project design to provide a new signalized intersection with SR-76 at Thoroughbred Lane. This new intersection avoids the need for the proposed road located behind the post office, which has been removed from the proposed project design. The new proposed signalized intersection at Thoroughbred Lane has also resulted in removal of the connection between the old highway to South Mission Road across from the River Village shopping center. Any roads to be constructed or improved that are the jurisdiction of the County would be addressed through a cooperative agreement during final design.

29. The burden to accomplish goals within community plans is the responsibility of the specific jurisdiction, not Caltrans.

30. Please see response to Comment No. 16 in this letter.

31. 3.8.2 Table 3.8-1 what races are included in the make up of 26.6% total minority for Bonsall? If one adds the 84% for whites and 26.6% for total minority, one gets 106.6% ???

32. Table 3.4-1 WHERE IS IT ???

33. Table 3.8-4 The housing unit numbers are wrong.

34. 3.9 SDG&E is currently collecting funds to place lines underground. Since utility poles will have to be moved in the realignment of SR 76 all utility poles should be placed underground along SR 76.

35. 3.10.1 "Caltrans, as assigned by FWHA, directs that full consideration should be given to the state accommodation of pedestrians and bicyclists during the development of federal aid highway projects." What protection is Caltrans providing to separate the bicyclists/pedestrian lane from - vehicular traffic while not precluding emergency parking? I have been told that no protection will be provided. At a minimum "Botts' dots" should be installed.

36. Table 3.10-1 Are LOS's determined by visual observation?

37. Table 3.10-3 It appears that in 2030 after the project is completed the LOS at all intersections are worse off? Are 4 lanes or 6 lanes assumed in the results?

38. Table 3.10-6 column Actual/Fatal Accidents, is this saying that in the 3 yr period there were only 9 fatal accidents?

39. 3.28.2 / Table 3.28-1 The projected projects reflect a small portion of the developments over the next 20 yrs. Depending on rezoning of land allowed by the County the area east of I-15 along SR 76 will most likely result in 15,000 to 30,000 residences. What development was assumed for the Southwest Riverside area? This area is also slated for more large developments.

40. It appears that the projected ADT's reflect what is in the pipe line and does not anticipate what is coming. Developers are/will submit General Plan Amendments that grossly increase dwelling. The EIR grossly underestimates the traffic that is coming...

Gerald R Walson
President of Bonsall Area for a Rural Community
30545 Via Maria Elena
Bonsall, CA 92003

(6)

31. The minority total consists of: Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, and Hispanic and Latino. The percentages for minority may not equal 100% because some individuals may report more than one race.

32. The reference in the Draft EIS/EIS was incorrect, and there is no table included in this section. The reference has been removed from the Table of Contents.

33. The data were derived from the U.S. Census Bureau, Census 2000. This data source, which is conducted every ten years, represents the most comprehensive data collection of demographics of U.S. residents, and is used throughout Section 3.8 to provide consistency in the analysis.

34. The decision to underground utilities is the responsibility of the utility owner; however, Caltrans would coordinate with the various utility owners to facilitate required utility relocations.

35. Bott's dots are not proposed for this project and are not standard practice as they do not meet the standard for Type 3 bicycle facility in the design guidance. The paved shoulder along the proposed roadway alignment would accommodate pedestrian, equestrian, and bike traffic. No separate striped bike lanes would be provided along this segment of SR-76. Under Vehicle Code Section 21200, bicycle riders have all the rights and responsibilities of vehicle drivers.

36. Level of Service (LOS) is based on ranges of volume/capacity ratios established by Caltrans. It is a qualitative measure describing the operational conditions of traffic on transportation facilities.

37. Table 3.10-3 compares the predicted opening day and future year intersection Level of Service (LOS), along the Existing Alignment Alternative. To compare build vs. no build intersection LOS values, one would need to compare Table 3.10-3 with 3.10-5. This comparison shows that the project as proposed would improve LOS in 2011 and 2030 compared to conditions under the no build alternative. The number of lanes assumed at each intersection was based on the proposed opening day geometry of four lanes, as shown on Figures 2.1-2a through 2.1-2g and Figures 2.1-3a through 2.1-3g.

38. Table 3.10-6 data are based on reports filed by the CHP For the purposes of comparing similar routes in the state; the data is tracked as rates of certain types of accidents per million vehicle miles rather than individual accidents. Please note, however, that a fatal accident is an accident where one or more persons were fatally injured. Therefore, an accident in which 3 people were fatally injured is reflected as one accident.

39. Table 3.28-1 includes only projects listed for the purposes of assessing cumulative impacts to specific resources. Forecasted future traffic volumes are based on the growth forecasts of the respective Metropolitan Planning Organizations. In the case of Riverside County, future growth is based on regional modeling prepared by the Southern California Association of Governments (SCAG). In the case of San Diego County, SANDAG modeling is employed. Regional future traffic forecasting takes into account the land uses anticipated by the land use designations in the General Plans of the various local governments. The rezoning actions referred to in the letter generally implement these General Plan land use designations.

    Substantial development is anticipated in southwestern Riverside County by SCAG forecasting. For example, daily trips on I-15 at the San Diego County/Riverside County line are anticipated to increase for current levels of 130,000 daily trips to a 2030 volume of 250,000 daily trips. Increases in traffic consistent with County-designated land uses are assumed for areas along SR-76 east of I-15.

40. The SANDAG transportation model uses regionally approved forecasts of future land use. Caltrans staff used the SANDAG regional transportation model as a basis for the forecasted traffic volumes.

CALIFORNIA INDIAN LEGAL SERVICES

Escondido Office
609 South Escondido Boulevard, Escondido, CA 92025 ✦ Phone 760/746-8941 ✦ Fax 760/746-1815
www.calindian.org ✦ contactCILS@calindian.org

BISHOP
EUREKA
ESCONDIDO

Michele Fahley, Staff Attorney
760/746-8941, Ext. 121
mfahley@calindian.org

OAKLAND
SANTA ROSA
WASHINGTON, D.C.

November 26, 2007

VIA ELECTRONIC MAIL

Kelly Finn, Environmental Analysis Branch Chief
District 11-Environmental Division, M.S.-242
4050 Taylor Street
San Diego, CA 92110

Re: Comments on DEIR For the State Route 76 Melrose to South Mission Highway Improvement Project

Dear Ms. Finn:

These comments are submitted by California Indian Legal Services on behalf of the San Luis Rey Band of Luiseño Mission Indians ("San Luis Rey Band" or "Tribe"), regarding the State Route 76 Improvement Project ("Project"). The San Luis Rey Band is a San Diego County Tribe whose traditional territory includes the current cities of Oceanside, Carlsbad, Vista, Escondido and Bonsall, among others. The San Luis Rey Band is concerned about the preservation and protection of cultural, archaeological and historical sites within the area affected by the proposed Project.

1. The San Luis Rey Band is concerned about the protection of unique and irreplaceable cultural resources and sacred sites which may be damaged or destroyed by the proposed project. The Band is also concerned about the proper and lawful treatment of Native American human remains and sacred items likely to be uncovered in the course of project development, should the project move forward. The EIR/EIS identifies numerous sites within the Project area.

2. The San Luis Rey Band is not opposed to the Project generally, but is fervently opposed to any plans that may damage or destroy any potentially important cultural or sacred sites and human remains that may be located within the project boundaries. In addition, based on the Band's ancestral ties to the project area, it is very likely that there are resources that have not been located in previous surveys or data recovery programs, or that are visible on the surface. As such, if the
3. project cannot be avoided, the Band requests that the California Department of Transportation continue to meet and consult with Band members up to the grading process and with the tribal monitors during the grading phase to ensure that these valuable resources are protected at every possible stage.

Response to Michele Fahley, Staff Attorney, California Indian Legal Services, Representing the San Luis Rey Band of Luiseño Indians

1. Caltrans is cognizant of your concerns regarding the protection of important cultural resources within the project area and their lawful treatment. We are also pleased to read that the San Luis Rey Band is not opposed to this project. Please note that there is not any plan associated with this project which outlines intent to damage or destroy important cultural or sacred sites and/or human remains. This project was designed to avoid all known historic properties/historical resources within the project area; Section 3.12 of the FEIR/EIS outlines the avoidance design process. The cultural resource plan applicable to this project is the 2006 *Treatment Plan for Buried Cultural Resources, State Route 76 Widening and Realignment Project near Bonsall* (Treatment Plan). Among other important topics, the Treatment Plan details the procedures that would be followed should buried cultural resources be encountered during construction. Adherence to this plan would ensure that all applicable State and Federal laws and Caltrans policies are followed.

2. Although confident that all of the surface sites within this project's APE have been identified (the SHPO concurred with this determination), Caltrans agrees with your statement regarding the possibility of there being buried cultural resources within this project's footprint. To properly plan for this occurrence, geomorphological and historic studies were conducted and, based upon these studies, the aforementioned Treatment Plan was prepared. A copy of the Treatment Plan was provided to Mark Mojado of the San Luis Rey Band and his comment were solicited and considered during its development. The Treatment Plan identifies the types of resources that could be encountered, ranks the project area in terms of its potential to contain buried resources, identifies measures that would be implemented to identify buried resources during construction, and outlines the procedures that would be followed in the evaluation of any buried cultural resource that is encountered.

3. With respect to continued coordination, District 11 personnel would continue to follow all applicable State and Federal laws as well as any relevant Caltrans guidance and/or policy. The Treatment Plan and Chapter 5 of this document outline the history of, and the plan for, Native American involvement on this project. It states that consultation commenced with the initiation of the Phase I survey and continued throughout the Section 106 process. Representatives of the Pechanga, Pala, Pauma, La Jolla, Rincon, San Pasqual, Soboba and San Luis Rey Bands were invited to participate in this process. All preliminary excavation work conducted for

Comment Letter to Kelly Finn
Re: State Route 76 Improvement Project
November 26, 2007
Page 2

I. Alternatives to the Proposed Project

4. Given the fact that there are numerous already known sites within the Project area and the likelihood that other sites exist within the area, the Band urges CalTrans to adopt the No Build Alternative. There are no mitigation measures which can adequately protect and preserve these invaluable sites.

If the No Build Alternative is not possible, the Band requests that CalTrans avoid all areas containing cultural resources. If avoidance is not feasible, the Band would request that specific mitigation measures be included in the Final EIR/EIS as requirements prior to CalTrans obtaining a grading permit or other required permits in order to reduce the impacts that will occur to, and destroy, these irreplaceable resources.

II. Requested Mitigation Measures

5. There are numerous documented archaeological sites located in the area and as well as sites that may exist which are not documented, and therefore, formal protections must be established to protect any cultural resources or Native American human remains that may be uncovered during the construction of the projects. In order to protect additional cultural resources and Native American human remains that may be uncovered during the development of the project, as explained below, the following measures are required.

The San Luis Rey Band requests these mitigation measures be added to the Final EIS/EIR.

6. ***A. Complete Avoidance is the Preferred Method of Preservation under the CEQA***

First, the language of both the statute and the governing regulations make it clear that ***avoidance of archaeological sites is the preferred method of preservation.*** This means that the project should be redesigned to allow for minimum impacts on the sites, by low-impact use of the land at issue. *See* CEQA Guidelines § 15126.4(b)(3) (agencies should avoid effects on historical resources of archaeological nature); Calif. Pub. Res. Code § 21083.2(b) (preference that unique archaeological resources be preserved in place).

7. Furthermore, any plan to destroy any important or sacred sites, or areas containing human remains, that may be on the property is inconsistent with the proper respect that is due to the San Luis Rey Band based on the beliefs, traditions and religious practices of the Luiseño people. As the
8. project areas encompasses the Band's traditional territory, the San Luis Rey Band considers the ceremonial and cultural items — and any Native American human remains which may be uncovered in the course of development— to belong to their ancestors. In addition, because the
9. project will impact specific areas where sacred sites or human remains may be located, avoidance is the only option that will protect these resources if the project moves forward.

this project was monitored by Native American representatives. Mark Mojado of the San Luis Rey Band was included and he was afforded the opportunity to review all reports, including the Treatment Plan as noted above. As the Treatment Plan notes, if prehistoric sites are encountered, representatives of the Native American community would participate in any archaeological excavations. In addition, archaeological and Native American monitors would be present during construction within areas identified as having a high likelihood of containing cultural resources.

4. As noted in the Draft EIR/EIS and again in this Final EIR/EIS, the Existing Alignment Alternative has been identified as the Preferred Alternative. Because none of the known sites within the project's APE would be impacted, it was not necessary to identify any impact related mitigation measures. With respect to measures that would ensure that known historic properties would be avoided and fully protection, Section 3.12 of the FEIR/EIS notes that all of the historic properties within this project's APE would be designated as Environmentally Sensitive Areas (ESA's) on all project plans and would be avoided by all construction activity. We are confident that this would adequately protect and preserve these prehistoric sites. For any sites encountered during construction, the Treatment Plan state that if a newly discovered historic property is found, and if it is not practicable to modify the project to avoid destroying or damaging the site, Caltrans would consider other non-avoidance measures to mitigate any impacts. A program of archaeological data recovery excavations may be one such mitigation measure.

5. As noted above in a previous response, the Treatment Plan details how buried cultural resources encountered during construction would be treated and mitigated, if necessary.

6. All of the known historic properties within the APE are being avoided. If a newly discovered historic property were encountered during construction, Caltrans would determine if it is practicable to modify the project in order to avoid destroying or damaging the site.

7. As noted in a previous response above, no plan is in place which details the conscious decision to destroy any historic property.

8. Thank you for this insight.

9. As noted in a previous response above, no plan is in place which details the conscious decision to destroy any historic property.

10. The law specifically lays out several options for the avoidance of archaeological sites. The CEQA Guidelines include the following methods, among others, for the "preservation in place" of archaeological sites: (1) planning construction to avoid the sites, (2) incorporating sites into parks, greenspace, or other open space, or (3) deeding a permanent conservation easement. *See* 15126.4(b)(3)(B). These methods would be well-suited to protect the project area. The San Luis Rey Band strongly urges CalTrans to avoid any and all impacts on these irreplaceable resources.

B. Additional Mitigation Measures are Required to Ensure the Project is in Compliance with the CEQA.

If CalTrans does not adopt the No Build Alternative, and cannot avoid the resources described above, the only way to reduce the impact on the resources is to adopt strict mitigation measures. Given the locations of the known sites and the cultural richness of the area, additional protections are needed to ensure that the CEQA is followed. The San Luis Rey Band therefore formally requests that several elements be added to the Final EIR and the conditions of approval for this project, to ensure that this project is handled in a manner consistent with the requirements of the law and which respects the Band's religious and cultural beliefs and practices. The following measures must be included in both the mitigation plans and the conditions of approval for the Project if avoidance is not feasible.

1. Native American Monitors and Pre-Excavation Agreement

11. The San Luis Rey Band requests that CalTrans be required to enter into a pre-excavation agreement with the Band prior to obtaining a grading permit. This agreement will contain
12. provisions to address the proper treatment of any cultural resources or Native American human remains inadvertently uncovered during the course of the project. Should any Native American human remains be uncovered during the development, the San Luis Rey Band will likely be designated the "Most Likely Descendant" (MLD) by the Native American Heritage Commission, as this is their traditional territory, as recognized by the Commission. Thus the interest of the San Luis Rey Band in the project area and their desire to protect any cultural resources or Native American human remains that are uncovered has been confirmed by the state Commission.

13. The pre-excavation agreement should be entered into prior to any ground-disturbing activities for this project. The agreement will outline, to the satisfaction of the San Luis Rey Band, the roles and powers of the Native American monitors and the archaeologist. Such an agreement is necessary to guarantee the proper treatment of cultural resources or Native American human remains displaced during the project development.

14. The Tribe requests that the Pre-Excavation Agreement be added as a requirement to obtain any required permits for the Project.

10. Thank you for pointing out these avoidance options. As noted above, all of the known historic properties within the APE are being avoided; therefore, such avoidance measures are not included in the proposed project. If a newly discovered historic property is encountered during construction, Caltrans would determine if it is practicable to modify the project in order to avoid destroying or damaging the site.

11. It is not Caltrans policy to enter into pre-excavation agreements such as the one you are requesting. We are therefore unable to incorporate this as a mitigation measure. The implementation of the Treatment Plan, which again calls for Native American coordination, would ensure that any historic property discovered during construction is given its proper and legal treatment. We have consulted the San Luis Rey Band regarding the known and unknown sites in the project area to ensure avoidance, when possible. A copy of the Treatment Plan was provided to Mark Mojado of the San Luis Rey Band and his comments were solicited and considered during its development.

12. When environmental studies were being conducted for this project, it became necessary to designate a Most Likely Descendant (MLD). This was done according to State Law and the Native American Heritage Commission (NAHC) designated Henry "Skip" Contreras of the San Luis Rey Band as the MLD. This individual would continue as the MLD for the upcoming stages of the project.

13. As noted above, it is not Caltrans policy to enter into pre-excavation agreements such as the one you are requesting. Monitoring, in accordance with the Treatment Plan, would occur during construction in areas identified as highly sensitive.

14. Caltrans is unable to condition the other permits required for this project as you are requesting. However, the Treatment Plan is in place and would be followed if prehistoric sites were uncovered during construction.

2. Other Studies to Determine the Status of the Sites Within the Project Area

15. There are several sites identified in the Cultural Resources section of the EIS/EIR, which were previously documented within the project area and numerous sites are located in the area immediately adjacent to the project. There is a distinct possibility that additional cultural resources or Native American human remains may be uncovered during the ground-disturbing activities of the projects. The San Luis Rey Band requests that further studies and consultation with the Band regarding additional sites in the project area be conducted before allowing such ground-disturbing activities to proceed.

3. Archaeologist

16. Given the cultural richness of the area, the mitigation measures and conditions of approval should require an archaeologist on site near the area of the known archaeological sites within the project boundaries. An archaeologist should be available should additional cultural resources be uncovered during the course of the development.

Because of the sensitivity of the cultural resources at issue, the archaeologist should be subject to the approval of the San Luis Rey Band.

45. Ongoing Participation of the San Luis Rey Band

17. The Tribe also requests that the lead agency consult with the Tribe regarding the sites located in the project area. The San Luis Rey Band requests that CalTrans continue to work with the Band as a partner, on a government-to-government basis, for the length of the project. The San Luis Rey Band acknowledges its ongoing relationship with CalTrans, and believes that maintaining this relationship is the most effective way to guarantee the protection of their invaluable cultural resources and CalTrans' compliance with the law.

C. Any and All Cultural Items or Native American Human Remains Uncovered During the Development Should be Returned to the San Luis Rey Band.

18. To ensure the proper treatment of any cultural resources or Native American human remains that are uncovered during the course the development, the San Luis Rey Band formally requests that CalTrans agree to return these items to the Tribe if any are discovered. Any plans to curate any such items would blatantly disregard the respect due to these cultural resources. Instead, any such items or remains should be returned to the San Luis Rey Band. This project is located within the traditional and aboriginal territory of the Band. The San Luis Rey Band considers all cultural items found in this area to belong to their ancestors rather than to CalTrans. This request should be included in the Final EIS/EIR.

The San Luis Rey Band appreciates this opportunity to provide comments on the State Route 76 Project. While the Band hopes CalTrans either adopts the No Build Alternative or avoids any sensitive areas described herein, at minimum the Band requests that CalTrans adopt the

15. The reasonable and good faith identification effort has been concluded on this project and further studies are not planned. The SHPO has concurred with our identification determination. We have consulted the San Luis Rey Band regarding the known and unknown sites in the project area to ensure avoidance, when possible. A copy of the Treatment Plan was provided to Mark Mojado of the San Luis Rey Band and his comments were solicited and considered during its development.

16. Caltrans agrees that it is necessary to have an archaeologist available during construction. This archaeologist would monitor construction activity in those areas that have been determined to have an elevated likelihood of containing buried resources, as discussed in the Treatment Plan. Please note that it is not Caltrans policy to provide Native American groups (or any non-Caltrans entity) with approval authority when it relates to employing Caltrans staff or Caltrans contractors and/or subcontractors. Caltrans is therefore unable to implement this request.

The Treatment Plan notes that the archaeological monitor would meet the qualification standards that are specified in Volume 2 of Caltrans' Environmental Handbook, which is in accordance with Caltrans policy. They would possess the knowledge and experience necessary to identify archaeological resources, human remains, and their depositional contexts, and have a familiarity with monitoring procedures.

17. Caltrans has coordinated closely with the Native American community during the course of this project's development and District 11 would continue to engage this community as required by State and Federal law and Caltrans policies and/or guidelines. District 11 has consulted with the Sa Luis Rey Band regarding the known and unknown sites in the project area. A copy of the Treatment Plan was provided to Mark Mojado of the San Luis Rey Band and his comments were solicited and considered during its development.

Caltrans is unable to enter into a government-to-government partnership with the San Luis Rey Band as these types of partnerships are possible only with federally recognized Tribes. District 11 would, however, continue to coordinate with the San Luis Rey Band as we have in the past and we therefore look forward to continued success and understanding.

Comment Letter to Kelly Finn
Re: State Route 76 Improvement Project
November 26, 2007
Page 5

mitigation measures requested above to reduce the unavoidable impacts that will occur to these important resources.

We look forward to working with CalTrans to guarantee that the requirements of the CEQA are rigorously applied to this project. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,

CALIFORNIA INDIAN LEGAL SERVICES
Michele Fahley
Michele Fahley
Attorneys for the San Luis Rey Band

cc: Carmen Mojado, Secretary of Government Relations

18. With respect to non-ceremonial and non-funerary associated cultural items, Caltrans is unable to agree to this request as it is Caltrans policy to curate recovered material at an appropriate repository in according with 36 CFR Part 76, *Curation of Federally owned and Administered Archaeological Collections*, and the Office of Historic Preservation's *Guidance for the Curation of Archaeological Collections*. Per Caltrans policy, if human remains, that are likely Native American, are encountered during construction, we would confer with the Most Likely Descendant, whom for this project is Henry "Skip" Contreras of the San Luis Rey Band, on the respectful treatment and disposition of the remains. As noted in response to Comment No. 12 in this letter, the MLD determination was made by the Native American Heritage Commission. Section 3.12.2 summarizes the steps that would be taken if Native American Human remains were encountered.

Response to Jim Bowen, Secretary, Fallbrook Community Planning Group

"Jim"
<jbowen85@roadrunner.com
>
11/26/2007 01:25 PM

To <Kelly_Finn@dot.ca.gov>
cc "Sanacore , Chuck" <eieiooo@roadrunner.com>, "Russell , Jim" <RussellFarms@tfb.com>
Subject DEIR for SR 76

The Fallbrook Community Planning Group had on its agenda for November 19, 2007 one project submitted by your staff, the extension of the four-lane segment of SR 76 to Mission in Bonsall. The attachment is an appropriate segment of the minutes for that meeting. I have deleted sections of the minutes which only apply to other projects considered that night.

Jim Bowen, secretary, for Jim Russell, Chair

FALLBROOK COMMUNITY PLANNING GROUP
Regular Meeting
Monday, November 19, 2007, 7:00 PM, Live Oak School, 1978 Reche Road, Fallbrook
MINUTES

Meeting called to order at 7:00 PM by Chair Jim Russell, who led the assembly in the Pledge of Allegiance. 13 members were present, Bill Bopf, Jim Bowen, Anne Burdick, John Crouch, Eileen Delaney, Tom Harrington, Ron Miller, Jim Oenning, Mary Jane Pfeil. Ike Perez, Jim Russell, Chuck Sanacore, and Paul Schaden. Harry Christiansen and Carolyn Major were excused.

Announcements:

Jim Russell noted that the Director of DPLU and the Deputy Director in charge of the 2020 Update have both resigned from SD County Staff, so the 2020 Plan due for completion in 2010 is in disarray. The new acting directorate is re-evaluating the project status and for starters plans for a new land use map and a new completion schedule..

1. Open Forum. Opportunity for members of the public to speak to the Planning Group on any subject matter within the Group's jurisdiction but not on today's agenda. Three minute limitation. Non-discussion and non-voting item.

Sheila Walson spoke regarding the recent firestorms and possibility of wind causing trees to impact electrical transmission lines.

2. Approval of the minutes for the meeting of October 15, 2007. Voting Item.

John Crouch moved to accept the minutes as presented. His motion was approved unanimously.

> (The only minute included in this file is the discussion and recommendations of the Fallbrook Community Planning Group regarding Agenda Item #__, DEIR for State Highway 76. Minutes for all agenda items have been deleted from this file.).

7. Comments on the Draft Environmental Impact Report (DEIR) to widen and realign the 5.8 mile section of State Route 76 from Melrose Drive to South Mission Road. The project proposes a four-lane conventional highway with right-of-way and grading for possible future widening when justified. Environmental Analysts Kelly Finn 619-688-0229 & Debra Soifer 619-688-3106. Copies of the DIER available at the Fallbrook Library. Comments on the DEIR mailed to Kelly Finn, Environmental Analysis Branch Chief, District 11 – Environmental Division, M.S.-242, 4050 Taylor Street, San Diego, CA 92110. Comments via e-mail to http://eee.dot.ca.gov/dist11/contactus.htm. Deadline for comments 26 November 2007. **Circulation Committee**. Community input. Voting item. (10/15)

Chuck Sanacore presented an overview of the report including their analysis of two proposed alignments. The first and preferred route is along the present alignment of SR 76. The second alignment stays along the south side of the river until it crosses aat the South Mission Road intersection. The EIR shows that this southern route is significantly more expensive than the preferred choice, largely due to much greater cost of land

acquisition. The Circulation Committee recommended the northern route subject to a request that the final EIR incorporate traffic analyses on Olive Hill, Mission Road through Fallbrook, northerly and easterly to Hwy I-15 and that the Fallbrook Community Planning Group have an opportunity to review those analyses.

Rua Petty noted that the RMWD will have to make major changes to their infrastructure at their expense. Chuck Sanacore mentioned that the analysis mentioned two possible cases for each of the routes, grading for 4 lanes and building those four lanes or grading for six lanes and initially building four lanes. In the long term the second choice is less expensive and to be preferred. Otherwise much work including land purchase will be duplicated in the foreseeable future. He also mentioned that the report stated the relatively new 2 lane bridge will be demolished and replaced with two 3-lane bridges. The bridge costs included more money for mitigation of "environmental problems" than for actual construction. The subject of barriers, solid concrete vs. metal, was discussed. Chuck Sanacore moved that the FCPG comments include:

1. A. Our recommendation of the northerly alignment.
2. B. Our recommendation that Caltrans use the alternate of purchasing and grading for six traffic lanes, and build 4 lanes initially.
3. C. Perform traffic prediction analyses at Olive Hill Road and at South Mission, including up Mission to Fallbrook and easterly to Hwy I-15.
4. D. We prefer the solid concrete traffic barriers.
5. E. We believe that the traffic may have been underestimated; in this event, recommendation B is even more important.

This motion was approved by all members, 13 aye votes and none opposed.

1. Thank you for your support of the Preferred Alternative.

2. Caltrans would acquire the appropriate amount of right-of-way to accommodate future widening, if justified.

3. Traffic forecasting performed by Caltrans staff included forecasts and analyses at Olive Hill and South Mission Road. The project's study area does not include South Mission Road, past 200 feet north of its intersection with SR-76. The portion of SR-76 east of the South Mission Road intersection would be addressed in a future study for a proposed SR-76 East project, extending from South Mission Road to I-15.

4. As part of the proposed project, a concrete median barrier would separate traffic traveling in opposing directions.

5. The SANDAG transportation model uses regionally approved forecasts of future land use. Caltrans staff and consultants used the SANDAG regional transportation model's traffic volumes as a basis for the forecasts. Based on these forecasts and as shown in the traffic section of this document, the construction of six lanes by the year 2030 is not warranted. The project would build four through lanes, with channelization at major intersections to improve operations. Should roadway widening be needed at some point in the future, it is anticipated that the right-of-way proposed for this project would be sufficient.

w tucker
<wktucker@znet.com>
11/30/2007 11:03 AM

To Mark Phelan <Mark_Phelan@dot.ca.gov>, susanne_glasgow@dot.ca.gov
cc
Subject SR 76 widening

Mark and Susanne,

Thank you for taking the time to discuss the plans for widening SR 76 with me at the community meeting in Bonsall. As I mentioned, the primary concern that the Fallbrook Land Conservancy has is potential impact to the Bonsall Preserve. We have partially constructed a birdwatching boardwalk that is a Rotary Club and Boy Scout project, and would like to see it preserved, if possible. Also, it would be very helpful if a small unpaved parking area (~4 -5 cars) could be set aside somewhere in the area, perhaps at the end of the proposed frontage road cul-de-sac near where S. Mission Road will connect to SR 76.
Thank you,
Wallace Tucker, Chairman
Fallbrook Land Conservancy

Response to Wallace Tucker, Fallbrook Land Conservancy

1. The existing SR-76 is going to be converted to a frontage road through the Bonsall area and the new SR-76 built to the South. As part of the original proposal, consideration was given to extending that frontage road over to South Mission. This extension impacted the Bonsall Preserve along the southerly and easterly edge. After review of all the options and comments, that plan has been revised and a new signalized intersection at Thoroughbred Lane has been proposed, eliminating the need for extending the frontage Road as far east as South Mission, as shown in Figure 2.1-2.The text has been revised to clarify that the removal of the planned road extension would reduce impacts to the Bonsall Preserve property and avoid impacts to the boardwalk.

2. Please see response to Comment No. 1 in this letter. Because the proposed frontage road would not extend to South Mission Road, the opportunity for a parking area does not arise.

DLA PIPER

DLA Piper US LLP
401 B Street, Suite 1700
San Diego, California 92101-4297
www.dlapiper.com

Karen M. ZoBell
karen.zobell@dlapiper.com
T 619.699.3474
F 619.764.6674

OUR FILE NO. 354885-1

November 9, 2007

Kelly Finn
Senior Environmental Planner/ Branch Chief
Division of Environmental Analysis
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110

Re: SR 76 DEIR/EIS
Tabata Project
County TPM 20729RPL2
APN No. 126-230-27

Dear Ms. Finn:

We represent Noboru Tabata and Evelyn Tabata, as Trustees of the Tabata Family Trust dated January 13, 1983 ("Tabata Trust"), in connection with their ownership and development of approximately 33.03 acres of real property in the County of San Diego ("County") on the east side of State Route ("SR") 76 between Camino del Rey and South Mission Road within the Bonsall Community Regional Planning Area (the "Tabata Project"). The Tabata Project is also identified as APN No. 126-230-27 and County TPM 20729RPL2, Log No. 03-02-010.

The Tabata Trust has been diligently and continuously processing the Tabata Project with the County for over 4 years. In coordination with the County, the Tabata has been through several design cycles and spent hundreds of thousands of dollars on consulting, engineering, planning, environmental and other expenses to develop a mutually agreeable project design. We believe we are approaching the time when the Tabata Project will go before the appropriate hearing body for consideration and approval. 1.

We are in receipt of the SR 76 Melrose to South Mission Highway Improvement Project Draft Environmental Impact Report/EIS Statement ("DEIR/EIS") dated September 25, 2007. Although we have not completed our comprehensive review of the DEIR/EIS, we note that the DEIR/EIS describes the Tabata Project as a "future use" and that the Project proposes dividing the 33.03 acres into three single family residential parcels. DEIR/EIS, p. 3-3. The DEIR/EIS does not accurately state, however, that the Tabata Project has a referral from the Board of Supervisors to redesignate the property Office/Professional in connection with the General Plan 2020 update. In addition, the DEIR/EIS states "[I]implementation of the Existing Alignment Alternative would not adversely affect the . Tabata Bonsall [Project]." DEIR/EIS, p. 3-6. However, based upon our engineer's preliminary review of the graphics, it is our impression that the Existing Alignment Alternative (The Preferred Alternative) would take the portions of the Tabata Project which are the most optimal for development and which in fact may be developed by the time CalTrans proceeds with construction and would divide, render useless and eliminate access to the remaining portions of the Tabata Project.

Response to Karen M. ZoBell, Partner, DLA Piper US LLP

1. Caltrans uses current approved land use and zoning maps to determine information for the land use analysis and proposed land uses within the EIS/EIS. General Plan 2020 has not yet been approved, and therefore cannot be used as a basis for land use analysis.

DLA PIPER

Kelly Finn
November 9, 2007
Page Two

From the scale of the graphics we are unable to determine conclusively the affect of the Existing Alignment Alternative (The Preferred Alternative) on the Tabata Project. Therefore, in order for us to provide a public comment to the DEIR/EIS which allows us to analyze the SR 76 Project, including without limitation the impacts on the environment and the limits of construction, we request that you send to us the digital files for the alignments tied to physical objects fixed in space so that our engineer can accurately overlay the alignments on the Tabata Project and asses all impacts.

2. Please send the files electronically to my e-mail address. Please include this letter in the Official Record for the SR 76 Project.

Very truly yours,

DLA Piper US LLP

Karen M. ZoBell
Partner

Admitted to practice in California

KMZ:lac/bmc

cc: Norobu Tabata and Evelyn Tabata, Trustees
Lee Vance
Wayne Pasco
Jim Harris

SD\1773939.1
354885-1

2. Please note that these were sent to Vance and Associates and the Tabata Family Trust on November 26, 2007.

Stacco Brothers
Post Office Box 248
San Luis Rey, CA 92068-0248
(760) 941-0589

October 29, 2007

Kelly Finn
Senior Environmental Planner, Branch Chief
Division of Environmental Analysis
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110

Re: Draft Environmental Impact Report/Statement
KP 12.1/21.1 (PM 7.5/13.1) San Diego County

To whom it may concern:

We have reviewed the typical cross sections for slope analysis as well as the proposed right of way as shown on various aerial photographs throughout the above referenced report/statement and can see where your taking for right of way will include our homes. We will accept our home relocation.

As our Mother was Native American, our family has been on this land from the beginning, therefore we will accept the establishment of new residences higher up away from State 76 as your mitigation.

Sincerely,

Michael Stacco

Clem Stacco

Response to Michael and Clem Stacco

Any compensation legally due, would be addressed during the Right-of-Way acquisition process after the Final Environmental Document has been approved.

November 15, 2007

From: **Carl R. Kikerpill**
Stephen M. Batcheller
Time Out Holdings, LLC
825 College Blvd. Suite 102-330
Oceanside, CA 92057

Re: **Time Out Holdings, LLC**
31 Acres - San Luis Springs Estates
3 Parcels-APN's 170-020-20, 21 & 22
Unincorporated San Diego County, CA
4 pages of Comments to Draft EIR/EIS

To: **Attn: Kelly L. Finn, Chief; R/W MS310 - Comment Sheet**
Department of Transportation
District 11, Environmental Division, MS 242
4050 Taylor Street, # M.S. -310
San Diego, CA 92110-9653

Comments to Department of Transportation- SR 76 Draft EIR/EIS – Sept. 2007

1. **Time Out Holding, LLC Property / farm operation & Stacco Residence's / Farm combined 81 acres has full unrestricted direct access rights to SR 76.**
   a. These properties currently are entitled with direct paved East & West full unrestricted access onto SR 76- Mission Road. The Proposed SR 76 redesign would provide only limited eastbound access to our properties constituting a "take" of our current property rights to our 3 parcels & farming operation totaling 31 acres and the Stacco Family Residences and Farm operation totaling 50 acres that currently exists. This would affect our access & property value as a concrete barrier is being proposed in the center median adjacent to our existing access road, as explained in meetings with Mark Phelan/Carl Savage at Caltrans with Carl Kikerpill and Land Planning Consultant –Bryan Menne. They indicated our properties are to be restricted to Right in / Right out entry in the Caltrans proposed design.
   b. We as owners prefer to keep our entry at its current location and have an un-signalized or signalized(to Eastbound only) controlled entry and exit turn pocket acceleration/deceleration lane 3 way "T" Intersection directly to and from the westbound north side and eastbound south side of proposed SR 76, that we currently are entitled with to our 3 properties, and that it shown on the EIR.
   c. To restrict access to our properties from the westbound SR 76 will cause our access to decrease and be restricted by diverting us with a permanent detour as follows: Westbound exit would need to travel Eastbound to a U-Turn (not currently designed, planned or shown in this EIR) at East Vista Way signal and require a backtrack of an extra .93 mile trip; and Eastbound entry would need to travel Westbound to a U-Turn (not currently designed, planned or shown in EIR) at Proposed Singh Rd. signal and require a backtrack of an extra 1.24 mile trip. Should the

Response to Carl R. Kikerpill and Stephen M. Batcheller, Time Out Holdings, LLC (November 15, 2007 letter)

1. The proposed project would limit access to the parcel to "right-in/right-out" only. A median barrier would prohibit left turn movements. Any compensation, legally due, would be addressed during the right-of-way acquisition process after the Final Environmental Document has been approved.

2. With the current design for the preferred alternative, the access point for the Time Out Holdings parcel is not being proposed for relocation and would remain in its current location. The proposed improvements to SR-76 will result in a four-lane conventional highway with a median. Highway design standards would not allow a median break at this location. Intersection spacing requirements and signal warrants preclude signalized intersection.

3. The roadway would be designed to meet current design standards. Westbound access to all parcels between Melrose Drive and East Vista Way would require drivers to execute a legal U-turn at Melrose Drive. In a similar manner, drivers exiting properties on the south side of SR-76 would be required to execute a legal U-turn at East Vista Way. U-turns at Singh Access Road would be prohibited. This clarification is shown on Figure 2.1-2b. Any compensation, legally due, would be addressed during the right-of-way acquisition process after the Final Environmental Document has been approved.

Draft EIR/EIS Comments-Time Out Holdings, LLC- Nov. 15, 2007- page 2

Proposed SR 76 Caltrans design require this and "take" our westbound SR 76 property access rights away because of the "Limited Access Highway" State Caltrans Design Standards being imposed, then we would require to be compensated for the lost property value & restricted access, addition provisions are necessary and must be provided to provide safe entry & exit for our slow moving heavy equipment, farm trucks, and semi-tractor trailer, labor & residential access, and compensated at a minimum with items #2 & 3 below being completed with provisions for semi-tractor trailer U-Turn provisions similar to proposed Singh Rd.-as weight limits exist on Melrose Drive.

2. **Right In / Right Out Turn Pockets with Acceleration & Deceleration paved lanes needed for safe entrance of Time Out Holding, LLC Property farm operation & Stacco Residence's / Farm combined 81 acres & shown in EIR.**
   - 4. a. A widened paved entry & exit lane and grading allowance should be provided and shown in the EIR as the minimum that's needed for a safe entry onto the higher speed design, "Limited Access Highway" being proposed by Caltrans, to replace the "take" of existing direct full access to east & west currently entitled to these owners to their properties.
   - 5. b. Our entry also should be shown in the EIR on Figure 2.1-2b and 2c- Proposed Existing Alignment Alternative and also on figure 2.1-3b and 3c – Proposed Southern Alignment Alternative (similar to access provided to Singh Property & Residence west of us).

3. **U-Turn lane Provisions on SR-76 at East Vista Way and proposed Singh Road at Signaled intersections need to be shown in the EIR.**
   - 6. a. To compensate the extra .93 mile extra trip permanent detour inconvenience of the "take" of the direct west access exit rights from the Time Out Holding's & Stacco properties due to the Proposed Caltrans SR 76 design, it should at a minimum provide an eastbound U-Turn lane at East Vista Way Signal for its traffic to make a westbound trip.
   - 7. b. To compensate the extra 1.24 mile extra trip permanent detour inconvenience of the "take" of the direct east access approach entry rights to the Time Out Holding's & Stacco properties due to the Proposed Caltrans SR 76 design, it should at a minimum provide a westbound U-Turn lane at the proposed Singh Rd. eastbound Signal for its traffic to make a eastbound trip.
   - 8. c. At the Caltrans Community meeting in Bonsall on 11/14/07- Carl Savage & Mark Phelan indicated that the proposed Singh Rd. shown in this Draft EIR may not be included in the future EIR, as

4. The at-grade ingress and egress being proposed at the Time Out Holding driveway is designed in accordance with the driveway standards in the Highway Design Manual/Local requirements and serves as a functional replacement to the existing dirt driveway in place today. The proposed project would require minor grading beyond the State right-of-way in order to reconnect the driveway to the new highway. Access and grading details associated with this connection would be part of the right-of-way process.

5. The driveway location with a right-in/right-out has been added to Figures 2.1-2 and 2.1-3.

6. Please see response to Comment No. 3 in this letter.

7. Please see response to Comment No. 3 in this letter.

8. Please see response to Comment No. 3 in this letter. The access road at Singh is currently proposed. Given existing traffic information, the new road does not warrant a signal. However, a left and right in and a right out are proposed at this location. If a signal is determined to be warranted at this location based on new traffic information, U-turns would continue to be prohibited at this location.

Draft EIR/EIS Comments-Time Out Holdings, LLC- Nov. 15, 2007- page 3

it is not showing as "warranted" for a signal or intersection in current studies. This removal of proposed Singh Rd. would further damage the value of our property access by further increasing restrictions to an easterly entrance and cause an additional 1.27 mile distance away, resulting in a permanent 2.55 mile detour round return trip to the Melrose Drive signal back to our existing entry, and restrict us from U-Turns with semi-tractor trailer's. This added burden would be an undue, onerous physical & financial impact to our properties.

9. d. Without these Right in In/Right Out with Acceleration & Deceleration lanes and U-Turn lanes at signals in close proximity to our entry, the new "Limited Access Highway" design that Caltrans / The Department of Transportation proposes would severely restrict our access & devalue our property. In addition, this excessively onerous detour would reduce our ability to market the property, reduce salability of our existing Residential & farm uses and proposed Residential Estate uses, and add unsafe access conditions to our existing farming operations & residential uses. If this proposed Singh Rd. is deleted, then only a restricted left turn controlled turn pocket westbound access crossing directly in front of our properties over SR 76 and Right in / Right Out with acceleration & deceleration lanes at our property entrance would be acceptable. Anything less would constitute a severe restriction to our existing entitled access; property rights & a severe financial impact to the value of our properties.

4. Provide Equestrian / pedestrian Trail Connection under proposed SR 76 at Wildlife / Drainage Culvert to drainage area and Proposed Open Spaces at Jeffries Ranch TTM & San Luis Springs Estates-Time Out Holdings, LLC.

10. a. Proposed Culvert under Highway 76 (fig.3.30-4) should be increased from approx. 54" box culvert wildlife corridor(per Mark Phelan-Caltrans) to approximately 10' – 12' high culvert or con-span arch to accommodate, include and align with the current terminus of County Parks Master Plan -San Luis Rey River Trail and drainage /Proposed trail link on 3-25 thru 30 & Figure 3.3-3- "Existing & Planned Trails"(shown south of SR 76) and provide a safe under-crossing of SR 76 to our proposed 10 foot wide equestrian /pedestrian/bike trail connection / wildlife corridor provided in our Conceptual Site Plan. This is just west of the San Luis Springs Estates /Farm and the Stacco Residence's /Farm existing shared entry, to conform to planned trails and link to San Diego County existing unofficial regional trails north of SR 76 at County /City of Oceanside Boundary Line.

9. Please see response to Comment No. 3 in this letter.

10. The proposed culvert size is 2.4m (7 ft.) high by 4.27 m (14 ft.) wide and is not large enough for equestrian use. The intent of the crossing is to facilitate wildlife movement from one open space to another, not to facilitate a connection for human and equestrian use from a proposed development to the trail network proposed by the County's Trail Program. The placement of the preferred alternative does not preclude any trails in the Community Trails Master Plan from being built. If developer funds were contributed to facilitate in the size of this crossing, beyond the minimum wildlife crossing requirement, Caltrans would consider it as part of the final design plans, with concurrence from the resource agencies. Please refer to Figure 3.20-4 for wildlife crossings.

Draft EIR/EIS Comments-Time Out Holdings, LLC- Nov. 15, 2007- page 4

11. b. San Luis Springs Estates/Farm property is proposing a 10' equestrian/ pedestrian trail linkage to connect to the proposed under-crossing culvert shown on this Draft EIR in the Marron Parcel, and to connect to the North side "Unofficial Existing Trails, and a potential regional trail connection to the Beach or County Master Plan in the future. We request it be sized larger to 10 to 12 foot high and serve as a wildlife corridor purpose as well for future County needs for Pedestrian/Equestrian/ Bike trail use and should be noted on the EIR Wildlife corridor impacts Figure 3.20-4, and Figure 11-Informal Trails.

12. 5. **Domestic waterline extension-** We request to include a waterline extension from the northern Property line of Stacco Property down to the entry for Time Out Holdings, LLC/ Stacco Residence in the SR 76 Road Improvement Plans, as Time Out Holdings, LLC has a Proposed Tentative Tract Map for Estate Lots prepared and ready for submittal in December 2007, which will be coordinated with our request through the Rainbow Municipal Water District.

13. 6. **EIR- Figures 2.1-2b, 2.1-2c- Proposed Existing Alignment Alternative & Figures 2.1-2f, 2.1-3b & 3c- Proposed Southern Alignment Alternative** does not show our Entry or grading for Time Out Holding,LLC /Stacco Property joint use Entry road, culvert / trail connection. It should be designed, planned for & shown in the EIR. (similar to access provided to Singh Property, residence & farm operation just west of us).

14. 7. **EIR- Figures 3.19-2-Noise Receptor Site Existing Alignment Alternative-** does not show or provide for any Existing Residential & Farm Entry access & grading for Time Out Holding,LLC /Stacco Property joint use Entry road and culvert / trail connection. It should be designed, planned for & shown in the EIR.

15. 8. **Figure 3.21-1a Jurisdictional Waters**- Graphic over estimates the Waters of the State in our entry area and shows excessive coverage in hillside & disturbed graded dirt road entry to our 3 parcels. Portions of the area westerly of our graded road entry & cut hillside should be deleted and is mostly incorrect.

16. 9. **Distribution List**-please correct our mailing address on 7-6 per our new above address for all future correspondence.

Thank you for your consideration of our concerns & impacts.
Sincerely,

Carl R. Kikerpill & Stephen M. Batcheller
Time Out Holdings, LLC

11. Please see response to Comment No. 10 in this letter.

12. Caltrans cannot include upgrades and improvements to a municipal or private water service into the construction plan sets without the written request from the Water District and a written commitment to provide all the necessary and appropriate funding for design, construction and inspection. The current design does not preclude the Water district or the end user from installing a water facility at a later date under an encroachment permit.

13. The driveway location with a "right-in/right-out" has been added to Figures 2.1-2 and 2.1-3. Requirements for design and components addressed by the proposed project are addressed in response to Comment No. 4 in this letter.

14. The design used to conduct noise analysis utilized contours and generalized grading and may not show all access details. The entry access road is shown on Figures 2.1-2 and 2.1-3. Requirements for design and components addressed by the proposed project are addressed in response to Comment No. 4 in this letter.

15. The graphic correctly reflects jurisdictional waters along the alignment. The wetland delineation was conducted by a qualified biologist using the appropriate delineation methodology per the ACOE (Waters of the US) and the CDFG (Waters of the State). The exhibit shows both waters of the US and waters of the State, which include creeks and other seasonal drainages.

16. The change of address has been made and is shown on the Distribution List in Chapter 7 of this Final EIR.

Time Out Holdings, LLC
825 College Blvd, Suite 102-330
Oceanside, CA 92057

November 20, 2007

From: **Carl R. Kikerpill**
Stephen M. Batcheller
Time Out Holdings, LLC
825 College Blvd. Suite 102-330
Oceanside, CA 92057

Re: **Time Out Holdings, LLC**
31 Acres - San Luis Springs Estates
3 Parcels-APN's 170-020-20, 21 & 22
Unincorporated San Diego County, CA

To: **Attn: Kelly L. Finn, Chief; R/W MS310 - Comment Sheet**
Department of Transportation
District 11, Environmental Division, MS 242
4050 Taylor Street, # M.S. -310
San Diego, CA 92110-9653

Additional Comments to Dept. of Trans.- SR 76 Draft EIR/EIS – Sept. 2007

1. **The Fire & Medical Emergency Vehicles direct access and safe response time to Time Out Holding, LLC & Stacco Properties Residence's & Farm's existing full unrestricted direct access entry to SR 76 will be compromised by the proposed Caltrans design concrete barrier in the center median.**

1. a. The proposed "Limited Access Highway" design being imposed would eliminate our westbound entry/exit across SR 76 and will increase the response time for emergency vehicles. This adds an extra 1.24 mile U-Turn detour to proposed Singh Rd. to our entry from the North County Bonsall Fire Station 5 which is currently at 3.3 miles / critical 5 minutes safe threshold driving distance, resulting in an unsafe emergency response time. The other
2. design alternative by Carl Savage/ Caltrans- deleting the proposed Singh Rd. would further compromise safety & response time by adding a 2.55 mile U-Turn to Melrose Drive & our entry.
3. b. Medical Emergency Vehicles responding from Tri Cities Medical Center would have these U-Turn distances added and increased unsafe response times of another 1.24 or 2.55 mile detour when coming from East Vista Way added to their existing 9.4 mile/ approx. 20 minute trip to the existing entry of the Time Out Holdings, LLC & Stacco Properties farms & residences.
4. c. We prefer to keep our access entry at its current location & have an un-signalized or one directional one-half signalized intersection (to Eastbound only) controlled curb entry and exit turn pocket acceleration/ deceleration lanes on both sides constructed (same as your District 12, Pacific Coast Hwy. intersection @ Monarch Bay Plaza, in Dana Point) and shown on the EIR, to retain our current safe response time to our existing entry.

Sincerely,

Carl R. Kikerpill & Stephen M. Batcheller
Time Out Holdings, LLC

Response to Carl R. Kikerpill and Stephen M. Batcheller, Time Out Holdings, LLC (November 20, 2007 letter)

1. Westbound access to all parcels between Melrose Drive and East Vista Way would require drivers, including emergency response vehicles, to execute a legal U-turn at Melrose Drive. In a similar manner, drivers existing properties on the south side of SR-76 would be required to execute a legal U-turn at East Vista Way. U-turns would be prohibited at the proposed Singh Access Road. The County requires a response time of 10 minutes, 90 percent of the time for ambulance service. The National Fire Protection Association Standard 1710 requires a 4 minute response, 90 percent of the time. Emergency response times would remain acceptable with implementation of the proposed project.

2. U-turns would be prohibited at the proposed Singh Access Road, resulting in all emergency vehicles to access properties along SR 76 as described under response to Comment No. 1 in this letter. The County requires a response time of 10 minutes, 90 percent of the time for ambulance service. The National Fire Protection Association Standard 1710 requires a 4 minute response, 90 percent of the time. Emergency response times would remain acceptable with implementation of the proposed project.

3. Please see response to Comment No. 1 in this letter.

4. Caltrans notes your preference, and would point out that the access point for the Time Out Holdings parcel is not being proposed for relocation and would remain in its current location. The proposed project would limit access to the parcel to "right-in/right-out" only. A median barrier would prohibit left turn movements.

VANCE AND ASSOCIATES
224 SEEMAN DRIVE
ENCINITAS, CA 92024
760-436-4593
vanceplan@cox.net

November 26, 2007

Ms. Kelly Finn
Senior Environmental Planner, Branch Chief
Division of Environmental Analysis
California Department of Transportation
4050 Taylor Street
San Diego, CA 92110

Re: SR 76 DEIR/EIS Tabata Project County TPM 20729RPL2 APN No. 126-230-27

Dear Ms. Finn:

I represent Noboru Tabata and Evelyn Tabata, as Trustees of the Tabata Family Trust dated January 13, 1983 ("Tabata Trust"), in connection with their ownership and development of approximately 33.03 acres of real property in the County of San Diego ("County") on the east side of State Route ("SR") 76 between Camino del Rey and South Mission Road within the Bonsall Community Regional Planning Area (the "Tabata Property"). The Tabata Property is also identified as APN No. 126-230-27.

The Tabata Trust has been diligently and continuously processing a 3 lot subdivision (the "Tabata Project") with the County for over 4 years (County TPM 20729RPL2, Log No. 03-02-010). In coordination with the County, the Tabata Project has been through several design cycles and spent hundreds of thousands of dollars on consulting, engineering, planning, environmental and other expenses to develop a mutually agreeable project design. We are approaching the time when the Tabata Project will go before the appropriate hearing body for consideration and approval.

Our development team has reviewed the SR 76 Melrose to South Mission Highway Improvement Project Draft Environmental Impact Report/EIS Statement ("DEIR/EIS") dated September 25, 2007. This letter constitutes our public comment to the DEIR/EIS.

By letter dated November 9, 2007, our attorney requested from you the digital files for the alignments tied to physical objects fixed in space (3D audo – CAD.DWG format version 2005 on current Caltrans database) so that our engineer can accurately overlay the proposed SR 76 alignments on the Tabata Project and assess all impacts. We cannot formulate a realistic analysis of the impacts of any SR 76 alignment without receiving these digital files and reserve the right to submit further comments after we have received the digital files. 1.

1. Project Alternatives.

(A) Reasonable Range of Alternatives. Both the National Environmental Policy Act ("NEPA") and the California Environmental Quality Act ("CEQA") require that an EIR and EIS evaluate a 2.

Response to Vance and Associates, Representing the Tabata Family Trust dated January 13, 1983

1. Per your request, plans were sent on November 26, 2007. Please note that the public review period for the Draft EIR/EIS has ended. The public will have the opportunity to comment on the Final EIR/EIS when it is published.

2. NEPA requires that an EIS consider a range of feasible alternatives that could accomplish the proposed action's purpose and need. CEQA requires that an EIR address only those alternatives that are feasible, meet the project objectives, and evaluate the comparative merits of the alternatives (Guidelines sec. 15126.6). If alternatives have been considered, but rejected through the feasibility screening process, both NEPA and CEQA require a discussion of the reasons of their elimination (40 C.F.R. 1502.14(a); Guidelines sec. 15126.6(c)). The two build alternatives and the no build alternative reviewed in this document constitute a reasonable range of alternatives. Through the NEPA 404 process, the resource agencies have concurred with the existing range of alternatives. As discussed in Chapter 2 of this document, Caltrans initially considered a broader range of alternatives, many of which proved to be more costly and impactive upon further study. Alternatives studied for the SR-76 project in addition to the Existing and Southern Alignment Alternatives include the Split Facility, Wetland Avoidance and the Groves variations, as discussed in Section 2.3, Alternative Considered but Eliminated from Further Discussion.

Ms. Kelly Finn November 26, 2007

"reasonable range" of alternatives. However, the DEIR/EIS provides an analysis of only one alternative (the Southern Alignment Alternative) to the Preferred Alternative (the Existing Alignment Alternative). Although Transportation System Management and Transportation Demand Management "alternatives" are briefly described in the Alternatives section, they are more properly described as mitigation measures. See DEIR/EIS, pp. 2-8. We request an explanation of why Caltrans believes an analysis of just one alternative to the Preferred Alternative constitutes a "reasonable range" of alternatives.

(B) Modification to Avoid Tabata Development Area. As described above and in our November 9, 2007 letter to you, while the Tabata Property currently is cultivated as a productive agricultural use, the Tabata Trust has been processing a 3 lot subdivision with the County of San Diego for almost five years. In addition, the resource agencies have identified portions of the property which may be valuable mitigation land or open space. In connection with GP 2020, the Board of Supervisors and County Department Planning and Land Use staff have indicated their belief that portions of the Tabata Property could be suitable for the Office/Professional designation under the General Plan update (GP2020). The SR 76 EIR Existing Alignment Alternative (the Preferred Alternative) would be constructed directly through the portions of the Tabata Property which are the most suitable for development under the County development regulations. It appears that if Caltrans moved the Existing Alignment Alternative to the east the Tabata Property would be left with two remainder areas suitable for development bifurcated by the proposed extension of the Thoroughbred Lane off ramp. This minor redesign would straighten out the curve and reduce the land use impacts to the Tabata Trust. If such a redesign were to result in a suitably sized area on either side of Thoroughbred Lane the Tabata Trust would be prepared to discuss the disposition of the balance of their ownership on terms beneficial to Caltrans. We request an analysis of a minor redesign of the alignment to move SR 76 to the east to permit economically viable development of the Tabata Property on the west side of SR 76.

2. Affected Environment.

Land Use. The DEIR/EIS describes the Tabata Project as a "future use" and states that the Tabata Project proposes dividing the 33.03 acres into 3 single family residential parcels. DEIR/EIS, p. 3-3. The DEIR/EIS does not accurately state, however, that the Tabata Project has a referral from the Board of Supervisors and County Department of Planning and Land Use staff has expressed support to redesignate portions of the Tabata Property to the Office/Professional designation in connection with the General Plan 2020 update. In addition, the DEIR/EIS states: "[I]mplementation of the Existing Alignment Alternative would not adversely affect the ...Tabata Bonsall [Project]." DEIR/EIS, p. 3-6. However, based upon our engineer's preliminary review of the graphics, and due to constraints and setback requirements including habitat, floodway and fire buffer, it is our impression that the Existing Alignment Alternative (The Preferred Alternative) would take those portions of the Tabata Project which are the most suitable for development and which in fact may be developed by the time CalTrans proceeds with construction and would divide, render useless and eliminate access to the remaining portions of the Tabata Project. The DEIR/EIS should be revised to analyze this land use effect.

3. Physical Environment.

Hydrology and Flood Plains. Effective January 25, 2005, San Diego Regional Water Quality Control Board Order #R9-2007-0001 ("Board Order") will mandate a new hydromodification analysis with any project. It is our understanding the Board Order will require a design that leaves every basin the same hydrologically as it was before development of any project. The DEIR/EIS should include an analysis of how the requirements of the Board Order will be satisfied.

3. After identifying the various environmental constraints and community impacts, Caltrans has determined that the roadway alignment could not be moved to accommodate this request. Existing land use mapping, as illustrated in Figure 3.1-1, reflects the current vacant/undeveloped condition of the parcel. Caltrans uses current approved land use and zoning maps, as well as projects currently under environmental review, to determine information for the land use analysis and proposed land uses within the EIS/EIS. General Plan 2020 has not yet been approved, and therefore cannot be used as a basis for land use analysis. Although a tentative map has been filed with the County, the project has not yet been approved and SANDAG 2006 data characterize both parcels owned by the Tabata Family Trust as being vacant/undeveloped. Therefore, the evaluation cannot incorporate analysis of the proposed project until such a review has been initiated. Section 3.1.3 has been revised to indicate that the Tabata parcel may be affected by implementation of the Preferred Alternative.

4. As noted above, Caltrans uses the most current approved plans to conduct land use analysis. Because General Plan 2020 has not yet been approved, Caltrans is unable to use it as a basis for land use analysis within the EIR/EIS. Please note that Section 3.1.3 has been revised to indicate that the Tabata parcel may be affected by implementation of the Preferred Alternative.

5. Any compensation legally due, would be addressed during the Right-of-Way acquisition process after the Final Environmental Document has been approved.

6. Caltrans is cognizant of Order 2007-001 and expects the reissuance of the statewide permit to be consistent with this order. Caltrans is currently evaluating all activities to ensure that hydromodification is included and remains an important component of any design. Some of the current design practices employed by the Design division that take into account hydromodification include: ensuring that downstream velocities post-project are similar to pre-project, maximizing vegetation in all open areas to slow down the flow before discharging onto a conveyance or water body, utilization of various BMPs designed to reduce or prevent the discharge of sediment and other pollutants. For design of the proposed project, designers are working closely with the hydraulics department to assess drainage areas and ensure there are no negative impacts downstream of the project footprint.

Ms. Kelly Finn November 26, 2007

Conclusion.

We look forward to working with you as the Caltrans SR 76 project progresses. Please include this letter in the Official Record for the SR 76 Project.

Very truly yours,

VANCE AND ASSOCIATES

Lee Vance
Principal

cc: Norobu Tabata and Evelyn Tabata, Trustees
Karen Zobell
Wayne Pasco
Jim Harry

1606 Hackamore Road
Oceanside, CA 92057
20 November 2007

Kelly Finn, Environmental Branch Chief
District 11 – Environmental Division M.S. – 242
4050 Taylor Street
San Diego, CA 92110

Ms. Finn,

I've examined much of the EIR currently displayed at the local library in Oceanside recently and will now comment on some items of interest to me. I would appreciate your input on any or all of them.

Chapter 2, Project Alternatives Sect. 2.l.2 Existing Alignment Alternatives (The Preferred Alternatives)

1. 9th dot beginning "Jeffries Ranch Road would be converted to cul-de-sac due to the complex motorist movement to access SR 76 and close proximity to Melrose Drive. Vehicle access to the highway would be provided via the connections from Old Ranch Road, Appaloosa Way, and Spur Avenue to Melrose Drive."
This decision, if exercised, could jeopardize inhabitants of Jeffries Ranch, Woodland Estates and other developments which make up the community. An additional 44 homes has been planned and
2. approved. Naming three streets as access is not a valid nor an accurate statement; those streets empty eventually into Melrose which would be the one and only access or egress to or from Jeffries Ranch and associated areas. Approximately 850 homes are now built and 44 more planned. To seal off an
3. area of that magnitude with only one egress and ingress is not compatible with fire code regulations. Two routes in and out an area is minimum. Highway 76 is the only route for fire apparatus to service Jeffries Ranch and adjacent areas for fire services. If Jeffries Ranch Road is made a cul-de-sac, it
4. would violate fire safety codes. Jeffries Ranch Road must afford at least a right in and right out.

Chapter 5, Comments & Coordination

5. Under 5.2 - second dot says "North County Fire Protection District" comments were in regards to access to businesses and residences . . . . as discussed in Chapter 3, Section 3.ll Traffic & Transportation and Bicycle Facilities . . . . .
Chapter 3, Section 3.ll is totally about aesthetics; not one word regarding fire protection.

6. Under General Information a Nov. 14, 2007 meeting was called out. The people in Jeffries Ranch I've spoken with as well as me received no notice of this meeting.

Thank you for your attention.

Sincerely,

Joan Brubaker

Response to Joan Brubaker

1. The current Jeffries Ranch Road access point is lightly used and with the construction of a median safety barrier, this volume is anticipated to decrease further. A controlled access plan developed with the City of Oceanside has shown this access point as closed. Caltrans has conducted extensive traffic studies of the corridor based on existing and predicted traffic volumes and has determined that Jeffries Ranch would be most effectively and safely accessed via the existing roads, such as Old Ranch Road, Appaloosa, and Spur. The ingress and egress point at Jeffries Ranch Road is proposed to be closed and constructed as a cul-de-sac. The residents of Jeffries Ranch Road would not be jeopardized as the cul-de-sac would be designed to allow emergency access if necessary. The County requires a response time of 10 minutes, 90 percent of the time for ambulance service. The National Fire Protection Association Standard 1710 requires a 4 minute response, 90 percent of the time. Emergency response times would remain acceptable with implementation of the proposed project.

2. Per the Oceanside Fire Marshall, the minimum number of ingress and egress points to a development similar to Jeffries Ranch would be two. The streets off Melrose are distinct points of access of a major City street and each is identified as a separate egress point, per the fire regulations. In addition, emergency response vehicle access would continue to be provided off SR-76 via a gate locked with a City Fire Dept Lock, resulting in no change to existing emergency vehicle access.

3. As noted above, the proposed project would conform to fire codes and regulations.

4. The current Jeffries Ranch Road access point is lightly used and with the construction of a median safety barrier, this volume is anticipated to decrease further. A controlled access plan developed with the City of Oceanside has shown this access point as closed.

5. The change has been made to Chapter 5 in response to the letter in the Final EIR/EIS. The text should refer the reader to Section 3.10.

6. As you have noted, the November 14, 2007 Public Meeting was called out on the General Information Page of the Draft EIR/EIS. This meeting was noticed in the North County Times, a paper of general circulation in northern San Diego County.

11/26/2007 16:25 FAX 7607239020 DR. HENDERSON 001/002

Drs. C. Greg & Dori Henderson
5497 Triple Crown Dr.
Bonsall, CA 92003

November 26, 2007

California Dept. Of Transportation
District 11
4050 Taylor St., #MS-310
San Diego, CA 92110-9653

Attn: R/W MS310, Mark Falen

TRANSMITTED VIA FAX: (619)-688-3695

Gentlemen:

Re: State Route 76 Corridor
SR76 DEIR EIS, Page 63

1. For clarity, it looks like you are coming right off Olive Hill Drive through almost the middle of the Fire District property, going very tightly behind the shopping center through the vacant lot on the corner of Thoroughbred Road and Mission.. Also ,there appears to be an entrance into the center across that same vacant lot from Thoroughbred WITHOUT CONNECTING TO TRIPLE CROWN DRIVE. Your proposal looks to answer most of the objections that I have heard over the last couple of years. For example:

1. Connecting to Triple Crown Drive at the cul-de-sac end, which would increase traffic and congestion in our housing tract, especially for the people who were going to make short-cuts to the shopping center.

2. 2. Also, the angle of the road hugging the back of the shopping center eliminates the problem of the road running right behind the homes on the East side of Triple Crown Drive. It looks as though this proposal won't even affect our neighbors across the street, George Hill & Cindy Kindt. If it is going to affect them, we need to address that issue with sound walls.

3. From the drawing, you have avoided connecting to Triple Crown Drive and thereby avoided the wildlife-sensitive areas which have experienced recent changes in migration. Since the fires, our back yard, which the stream goes through, has been inundated by 100 times the wildlife that has been there since we moved in six years ago. The gnat catchers get so thick sometimes that you can't tell the birds from the hedges. We've picked up additional owls, a new family of hawks, hundreds of hummingbirds, one in particular that is only known to be native to Florida. We've had a run on frogs by the hundreds plus racoons and opossums. My personal feeling is that you

Response to Drs. C. Greg and Dori Henderson

1. Based on the design of the circulation element in the Bonsall area, Caltrans has determined that a new signalized intersection with SR-76 would be provided at Thoroughbred Lane. This new intersection avoids the need for the proposed road located behind the post office, which has been removed from the proposed project design. The new proposed signalized intersection at Thoroughbred Lane has also resulted in removal of the connection between the old highway to South Mission Road across from the River Village shopping center. Figures in this document have been revised to reflect these changes in the proposed design of the project.

2. As noted above, the proposed road identified in this comment has been removed from the project, therefore there are no anticipated impacts to the identified homes. Please see response to Comment No. 1 in this letter.

3. Thank you for your support of the proposed project.

have done a better job than originally proposed and have actually created the best possible proposal for the citizens living and working in the area and managed to accommodate the recent changes in wildlife migration.

If there are any future proposed changes please notify the Fox Run residents as soon as possible.

Thank you for giving us the opportunity to give some input.

Yours truly,

Dr. C. Greg Henderson

Dr. Dori Henderson

DuMonte and Joan Voigt
3688 Lancewood Way
Fallbrook, CA 92028

Attn: R/W MS310
California Department of Transportation
District 11
4050 Taylor St. MS-310
San Diego, Ca 92110-9653

Date: November 25, 2007

Subject: SR-76 Improvement

Thank you for hosting the CalTrans SR 76 improvement forum on Wednesday, November 14, 2007, at the Bonsall Community Center. It was the most informative and personal meeting I have attended on the SR-76 project. This forum provided a communication link to address private property, business locations, and traffic flow issues to knowledgeable CalTrans personnel on the SR-76 project. I was asked to address my concerns, in writing, on the staff recommended Existing Northern Alternative route.

1. I have followed the progress of the SR-76 improvement project and this forum was the first time project details were graphically displayed in such detail. The Existing Northern Alternative Route, as presented, will have a significant impact on existing property owners i.e. noise levels,boundary adjustments, jammed-up traffic flow from I-15 to Vista Way, and increased hazardous discharges resulting from the number of signals proposed by the present northern alternative.

2. I believe a ***modified*** northern route which retains the present SR-76 as a frontage road (similar to the frontage road on the north side of 78 in San Marcos, Vista, and Oceanside) and adding 4 improvement lanes adjacent to existing SR76 from I-15 to west of Olive Hill is an alternative which solves many community concerns and helps to maintain the rural character of Bonsall and Fallbrook.

3. The present northern route proposes 5 traffic signals. The ***modified*** route suggested above would significantly reduce the number of signals, which would smooth traffic flow, reduce traffic noise, minimize impact to existing properties, and maintain community character.

4. I strongly suggest CalTrans reconsider including a frontage road in the Northern Alternative Route from west of Olive Hill to I-15. This approach may have some additional costs but would have a favorable impact on the other "critters" in the area.

Very truly yours,

DuMonte Voigt

.cc: Bill Horn, District 5 Supervisor
Jim Russell, Chairman, Fallbrook Community Planning Group

Response to DuMonte and Joan Voight

1. Impacts anticipated under the proposed project alternatives are identified in the various sections of Chapter 3 of this document. Please see Sections 3.19, 3.7, 3.10, and 3.17 for a discussion of impacts associated with noise, relocations, traffic, and hazardous waste/materials.

2. The proposed project extends from Melrose Drive to South Mission Road. A separate project is being pursued by Caltrans that would provide improvements between South Mission Road and I-15. Because of the constrained SR-76 corridor, a parallel facility is not proposed. The rural community character of the project area has been an important consideration in design of the project. Where possible, the existing SR-76 roadway would be maintained as a frontage road to enhance community access, such as through the area of downtown Bonsall.

3. The modified route suggested in this letter would potentially reduce the number of signals required over the proposed segment; however, associated impacts to environmental sensitive resources would increase compared to the proposed project alignment. The project corridor is constrained both by development and community facilities, as well as environmental resources, such as the San Luis Rey River and associated wetland and riparian habitats, sensitive upland habitat such as coastal sage scrub, listed threatened and endangered riparian and upland species, and highly sensitive cultural resources. In addition, engineering constraints make it difficult to modify the alignment as suggested, including large slopes located adjacent to the roadway. Therefore, while perceived traffic improvements may occur under this modified alignment, impacts to a number of other sensitive resources could be potentially increased.

4. The proposed project extends between Melrose Drive and South Mission Road. A separate project is being pursued by Caltrans for improvements to SR-76 between South Mission Road and I-15. The proposed alignment would extend south of the existing roadway through downtown Bonsall. In this location, the existing SR-76 roadway would serve as a frontage road, enhancing access to community facilities.

MICMERICA@aol.com
11/27/2007 10:21 AM

To mark.phelan@dot.ca.gov
cc
Subject Bonsall Village Center

Hi Mark,

Just wanted to follow up on our meeting on Nov 7th and to thank you for all your help.

I believe that the issues set forth are basically two:

1. 1. The center needs 2 viable points of ingress and egress both of which need to be positioned so as to enhance convenient and immediate access without forcing customers and tenants to drive around the whole building in order to get to the center.

2. 2. The proposed street at the rear of the center is probably redundant and would greatly impact the US Post Office. In particular, reducing the available space where Post Office trucks unload at the rear of the center would choke off our anchor tenant, and severely impair their ability to function. If this precipitates a move on behalf of the Post Office, the financial consequences for the center would be disastrous.

I believe that some of the alternatives suggested by Peter Pozzuoli could, with a little more study, be viable. Our goal is always to achieve a mutually acceptable solution.

Please let me know your thoughts and what the nest steps might be to achieving this end.

Warm Regards,

Mike Merica
MERLIN PROPERTIES

Response to Mike Merica, Merlin Properties

1. We have reviewed the design of the circulation element in the Bonsall area and decided that the most practical solution is to provide a new signalized intersection with SR-76 at Thoroughbred Lane. This new intersection avoids the need for the proposed road located behind the post office, which has been removed from the proposed project design. The new proposed signalized intersection at Thoroughbred Lane has also resulted in removal of the connection between the old highway to South Mission Road across from the River Village shopping center. Figure 2.1-2f in this document has been revised to reflect these changes in the proposed design of the project.

2. As discussed in response to Comment No. 1 in this letter, the center's current access points would not be moved. The existing SR-76, in this area, would become a frontage road to the new SR-76 proposed to the south and access would be via a signalized intersection at Thoroughbred Lane.

Name: Cathleen Orchard

Email: catho59@hotmail.com

City: Bonsall, 760-631-7719

Comments: I support the routing of the improved SR 76 along the existing footprint of the highway, to the north of the river. A commercial zone already exists there. In order to maintain the rural nature of Bonsall there seems little justification to undermine both sides of the San Luis Rey. Preservation of the river, as well as community elements such as the golf course and the elementary school, is in the best interest of the community as a whole.

Response to Cathleen Orchard

Thank you for your insight and your support of the Existing Alignment Alternative.

Below is the result of your feedback form. It was submitted by
() on Friday, November 23, 2007 at 18:30:32

Name: Pete Penseyres

Email: cyclovet11@yahoo.com

City: Oceanside

Comments: This is a comment on the EIR for the Hwy 76 expansion/extension from Melrose to South Mission Road.
The EIR does not address how bicyclists will be able to trigger traffic lights at intersections that cross Hwy 76 or within left hand turn pockets from Hwy 76 onto cross streets.

1. There are several traffic lights along this highway which are currently "broken" for cyclists, in that cyclists cannot trigger a green light. There are two locations where CalTrans has installed pedestrian style push buttons for cyclists that require them to dismount and then block right turning motorists to trigger a straight through signal. This is unacceptable. Cameras are used for all new traffic signals in Oceanside and have been installed at one Highway 76 crossing (Olive Hill/Camino Del Rey). These cameras reliably detect cyclists and should be used on all traffic signals on the this Highway 76 project. A committment to this effect should be included in the EIR.

Response to Pete Penseyres

1. Thank you for your input. Caltrans recognizes that under Vehicle Code Section 21200, bicycle riders have all the rights and responsibilities of vehicle drivers, and that executing a left turn from the left-turn pocket, like a motorized vehicle, is for many cyclists the preferred method of making this transition onto a cross street. While loop detectors are proposed at the intersections along SR-76, they are often not typically sensitive enough to respond to the presence of a bicycle. As a result, the current design includes push button crossings for bicycles and pedestrians. Installation of visual detectors are not currently proposed because they are not a typical feature of bikeways located along conventional highways. However, as you correctly stated, video detectors are currently installed at the intersection of SR-76 and Olive Hill Road. Caltrans is aware of a new law, AB1581 Traffic Actuated Signals, which was recently signed by Governor Schwarzenegger, and would require all new and replaced traffic signals to detect bicycle and motorcycle traffic. This bill will take effect when Caltrans adopts uniform standards, specifications, and guidelines for the detection of bicycle and motorcycle traffic. At this future time, video detection would be considered.

Mark
Phelan/D11/Caltrans/CAGov
11/26/2007 08:52 AM

To "Berkley, Susan" <SBerkley@pbsj.com>
cc allan.kosup@dot.ca.gov, ast@sandag.org, "Absher, Kristine" <KAbsher@pbsj.com>, Kelly Finn/D11/Caltrans/CAGov@DOT
Subject Re: SR 76 Public inquiry report: KSDM Web site

Q1 PUBLIC INQUIRY 1

1. WE STRONGLY OBJECT TO ANY CLOSING OF JEFFERIES RANCH ROAD. WE NEED TWO EXITS/ENTERANCES AND I DON'T MEAN MELROSE WHICH SHOULD NEVER OPEN ALL THE WAY ALL THAT WOULD DO IS SPEED UP THE TRAFFIC JAMMES. WE WERE LEAD TO BELIEVE THAT JEFFERIES WOULD STAY OPEN I KNOW I HAVE NO REASON TO BELIEVE THAT YOU WOULD
2. PLAY FAIR, BUT PLEASE THINK ABOUT IT. AND BY THE WAY, HAVE YOU BEEN ON 76 FROM 2:30
3. PM TO 6:00 PM? Talk about a traffic mess. You are least 5 years two late in expanding the road and still you delay action. YES NORTH COUNTRY IS TRULY AN ORPHAN CHILD. COULD IT BE THAT WE
4. HAVE NO SUPPORT FROM LOCAL COUNTY SUPERVISOR?

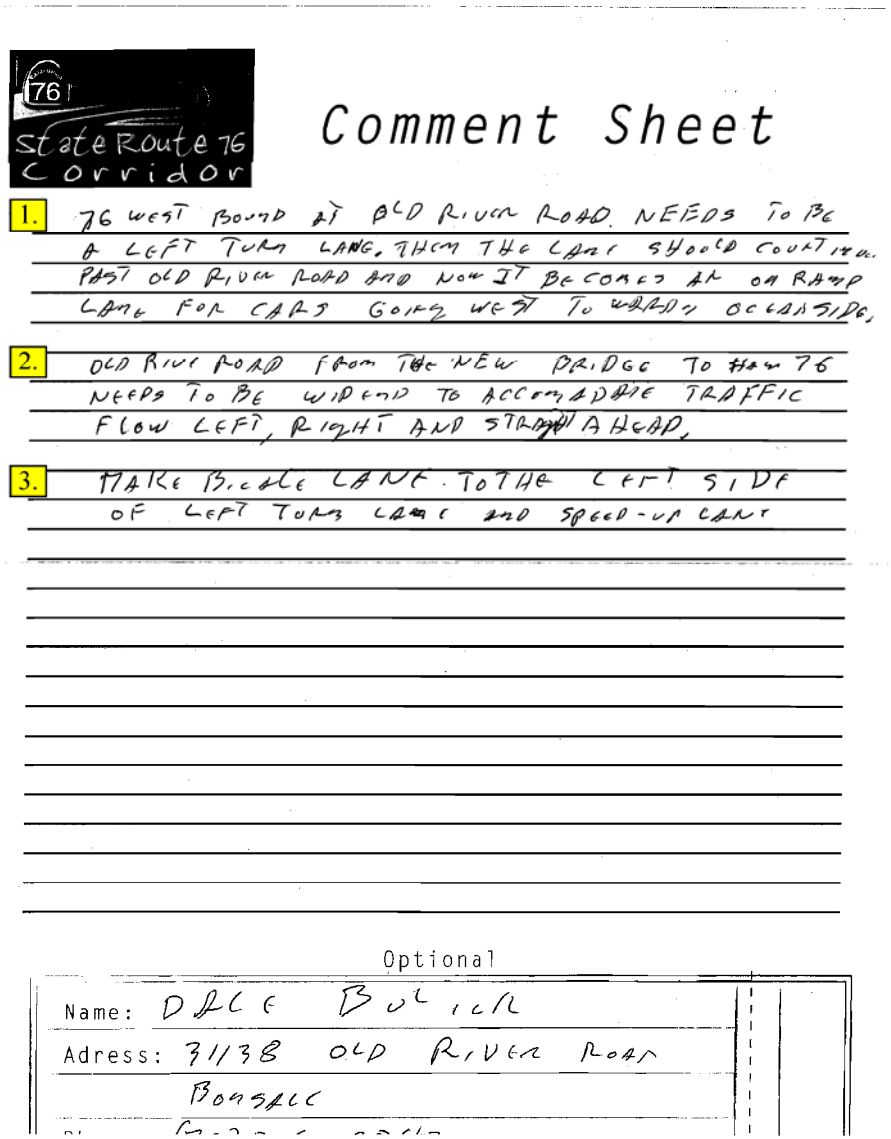
Response to Public Inquiry, Keep San Diego Moving Website

1. The current Jeffries Ranch Road access point is lightly used and with the construction of a median safety barrier, this volume is anticipated to decrease further. A controlled access plan developed with the City of Oceanside has shown this access point as closed. Caltrans has conducted extensive traffic studies of the corridor based on existing and predicted traffic volumes and has determined that Jeffries Ranch would be most effectively and safely accessed via the existing roads, such as Old Ranch Road, Appaloosa, and Spur. As a result, the ingress and egress point at Jeffries Ranch Road is proposed to be closed and constructed as a cul-de-sac.

2. The traffic issues existing along SR-76, as noted, demonstrate the need for implementation of the proposed project.

3. Please refer to the Project History in Section 1.4 of this Final EIR/EIS. As discussed, the project historically served relatively low volumes of travel trips. In 1999, improvements were proposed, but due to high project costs, low traffic demands and concern for environmental impacts, the project was dropped from consideration. Additional recent development along the corridor has increased demand for improvements, however, and brought the proposed project back to the forefront. The project is currently programmed into the 2030 SANDAG RTP (2007) and is moving forward to implementation.

4. Caltrans is not in a position to comment on the local government.



76 State Route 76 Corridor

Comment Sheet

1. 76 WEST BOUND AT OLD RIVER ROAD NEEDS TO BE A LEFT TURN LANE, THEN THE LANE SHOULD CONTINUE PAST OLD RIVER ROAD AND NOW IT BECOMES AN ON RAMP LANE FOR CARS GOING WEST TO WARDS OCEANSIDE.

2. OLD RIVER ROAD FROM THE NEW BRIDGE TO HWY 76 NEEDS TO BE WIDENED TO ACCOMODATE TRAFFIC FLOW LEFT, RIGHT AND STRAIGHT AHEAD.

3. MAKE BICYCLE LANE TO THE LEFT SIDE OF LEFT TURN LANE AND SPEED-UP LANE

Optional

Name: DALE BULICK

Adress: 31138 OLD RIVER ROAD

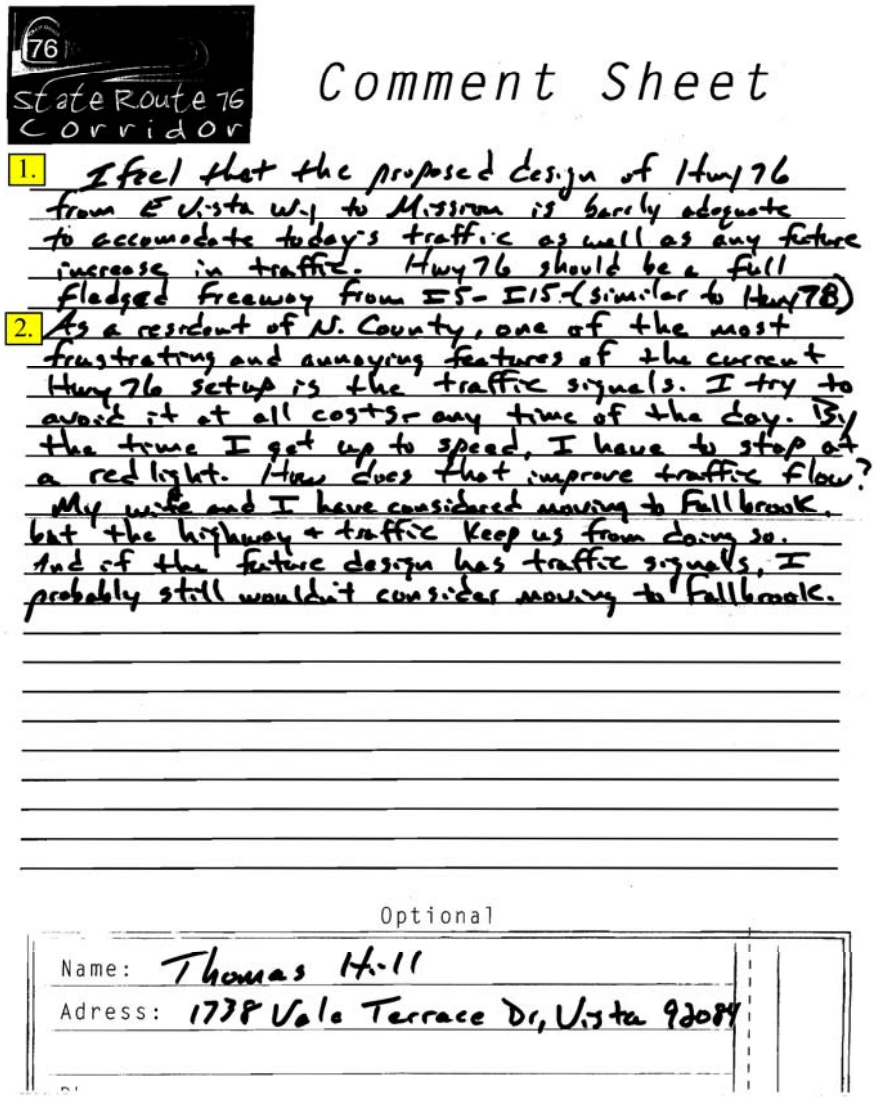
BONSALL

Response to Dale Bulick

1. Westbound SR-76 at Old River Road/East Vista Way includes a left turn in its current configuration.

2. Left, right and through movements can currently be made from westbound Old River Road onto SR-76. The proposed intersection would maintain those left, right and through movements. No improvements along Old River Road beyond the intersection improvements at SR-76 are anticipated.

3. The paved shoulder along the proposed roadway alignment would accommodate pedestrian, equestrian, and bike traffic. No separate striped bike lanes would be provided along this segment of SR-76. Under Vehicle Code Section 21200, bicycle riders have all the rights and responsibilities of vehicle drivers.



76
State Route 76 Corridor

Comment Sheet

1. I feel that the proposed design of Hwy 76 from E. Vista Way to Mission is barely adequate to accomodate today's traffic as well as any future increase in traffic. Hwy 76 should be a full fledged freeway from I-5 - I-15. (similar to Hwy 78)

2. As a resident of N. County, one of the most frustrating and annoying features of the current Hwy 76 setup is the traffic signals. I try to avoid it at all costs - any time of the day. By the time I get up to speed, I have to stop at a red light. How does that improve traffic flow? My wife and I have considered moving to Fallbrook, but the highway + traffic keep us from doing so. And if the future design has traffic signals, I probably still wouldn't consider moving to Fallbrook.

Optional

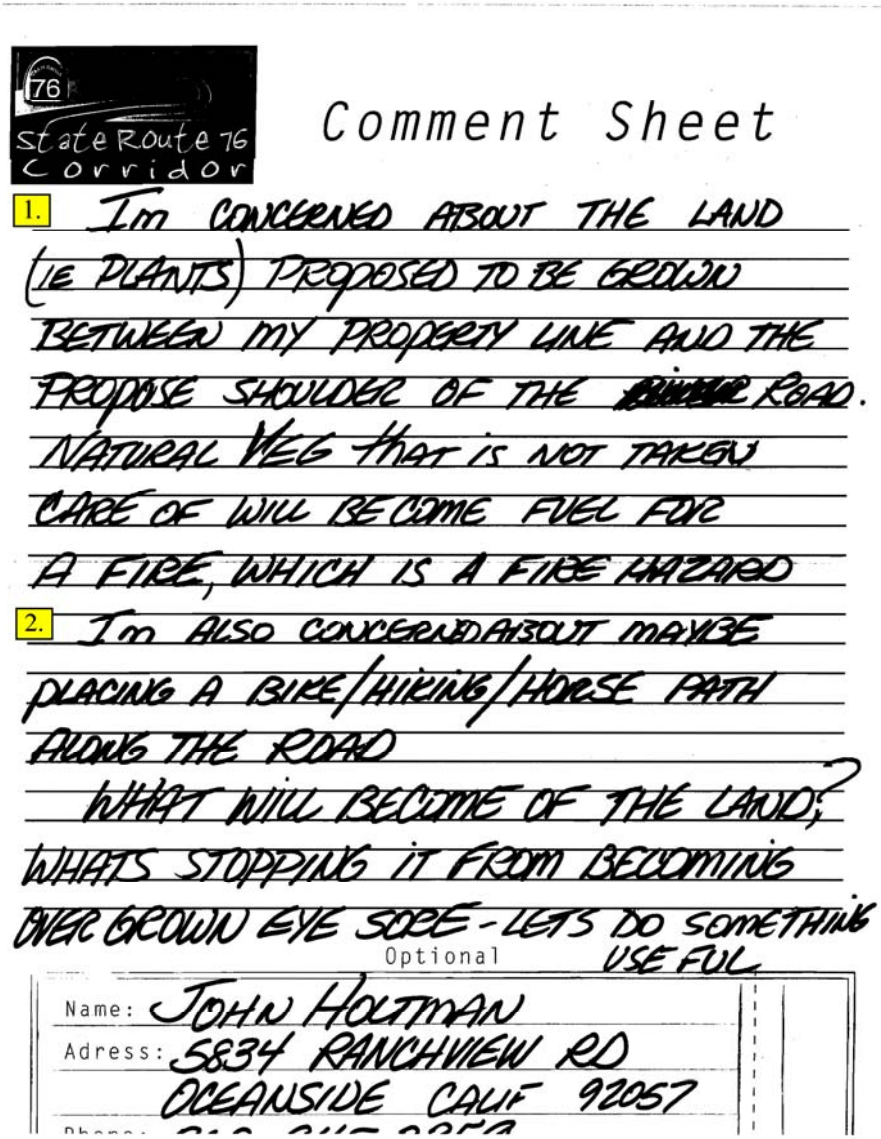
Name: Thomas Hill

Adress: 1738 Vale Terrace Dr, Vista 92084

Response to Thomas Hill

1. The traffic models for SR-76 are based on SANDAG projections, which indicate that four lanes would be adequate to accommodate 2030 traffic levels. Please note that in addition to this, Caltrans is pursuing a project from South Mission Road to I-15. Ultimately the entire corridor would therefore be improved. Both future intersections and roadway between intersections have been studied and determined to operate at an adequate level on opening day (2011) and in the future (2030). In areas where congestion is expected to be more acute, additional capacity such as dual turn lanes, an additional through lane, right turn pockets, signal interconnections, and other measures were added to facilitate traffic flow along the route.

2. Thank you for your comments regarding congestion along SR-76. Implementation of the proposed project would enhance traffic operations along the roadway and reduce travel time along the segment.



76 State Route 76 Corridor

Comment Sheet

1. Im CONCERNED ABOUT THE LAND (IE PLANTS) PROPOSED TO BE GROWN BETWEEN MY PROPERTY LINE AND THE PROPOSE SHOULDER OF THE [redacted] ROAD. NATURAL VEG THAT IS NOT TAKEN CARE OF WILL BECOME FUEL FOR A FIRE, WHICH IS A FIRE HAZARD

2. Im ALSO CONCERNED ABOUT MAYBE PLACING A BIKE/HIKING/HORSE PATH ALONG THE ROAD

WHAT WILL BECOME OF THE LAND? WHATS STOPPING IT FROM BECOMING OVER GROWN EYE SORE - LETS DO SOMETHING USE FUL

Optional

Name: JOHN HOLTMAN

Adress: 5834 RANCHVIEW RD
OCEANSIDE CALIF 92057

Phone: [illegible]

Response to John Holtman

1. In some areas near the Jeffries Ranch development, irrigated non-invasive ornamental landscape is being considered, similar to landscaping west of Melrose. Regular maintenance at specified intervals would be provided to ensure that the accumulation of dead or diseased plant material that can act as fuel during wildfires does not occur.

2. The paved shoulder along the proposed roadway alignment would accommodate pedestrian, equestrian, and bike traffic. No separate vegetated area would be provided for these types of traffic, therefore there would be no opportunity for blight due to this use.

State Route 76 Corridor

Comment Sheet

1. Please reconsider Holly Lane.

At least give us a right turn in from Bonsall + a right turn out to Vista/Osi de.

We are willing to submit a petition of property owners that are against the closing.

Business on hill –

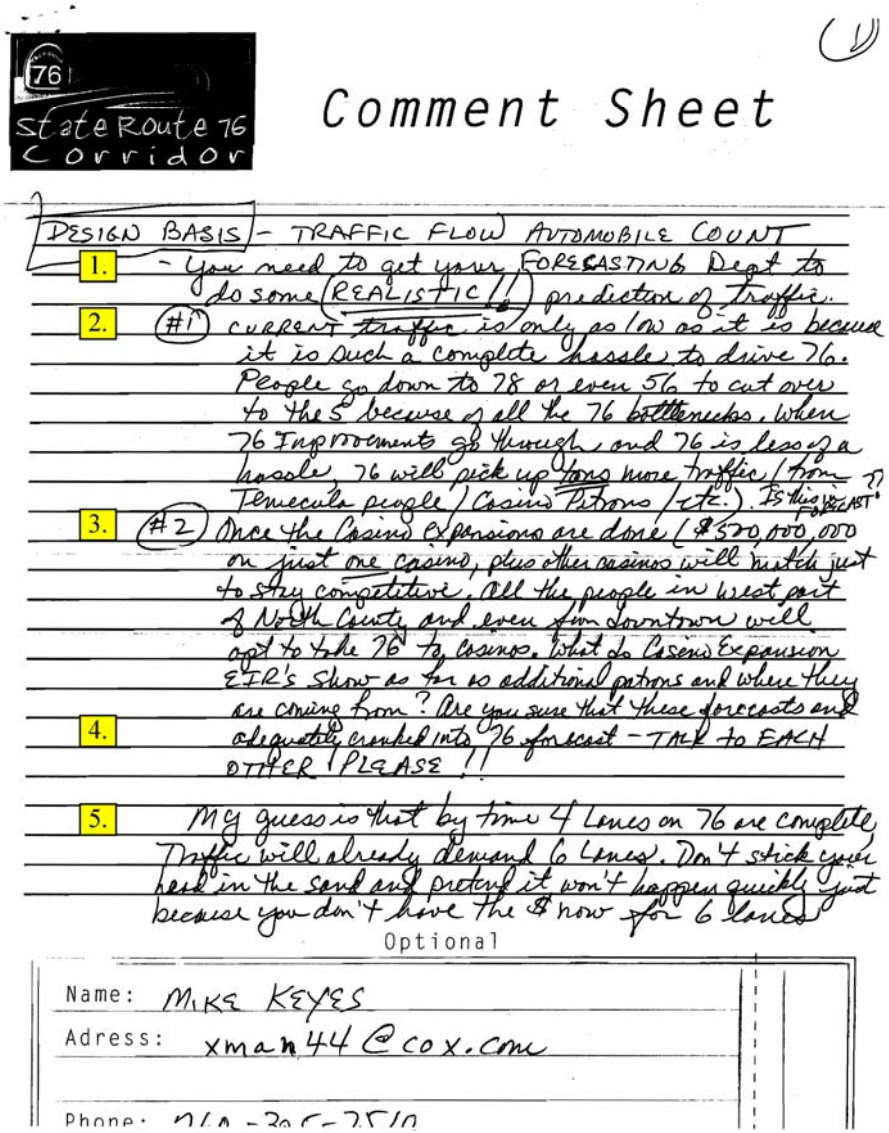
Vista Tree Farm,
Rainbow Worm Farm,
Silhouettes of the Desert Nursey
Aspen Fire Wood
Cachacero flower growers.
San Luis Rey Equine Clinic

Optional

Name: Ken & Patti Humphreys
Adress: 4300 Holly Lane
Bonsall, Ca. 92003

Response to Ken and Patti Humphreys

1. After review of the comments, revisions to the proposed design determined that the existing bridge does not need to be replaced and access to Holly Lane from SR-76 via a right-in/right-out could be maintained. Left turn ingress or egress would not be possible. Relevant figures have been modified to reflect this change.



76 State Route 76 Corridor

Comment Sheet

DESIGN BASIS - TRAFFIC FLOW AUTOMOBILE COUNT

1. - You need to get your FORECASTING Dept to do some (REALISTIC!!) predictions of Traffic.

2. (#1) CURRENT traffic is only as low as it is because it is such a complete hassle to drive 76. People go down to 78 or even 56 to cut over to the 5 because of all the 76 bottlenecks. When 76 Improvements go through, and 76 is less of a hassle, 76 will pick up tons more traffic (from Temecula people / Casino Patrons / etc.). Is this FORECAST??

3. (#2) Once the Casino Expansions are done ($570,000,000 on just one casino, plus other casinos will match just to stay competitive. All the people in west part of North County and even from Downtown will opt to take 76 to casinos. What do Casino Expansion EIR's show as far as additional patrons and where they are coming from? Are you sure that these forecasts are adequately combined into 76 forecast - TALK to EACH OTHER PLEASE!!

4.

5. My guess is that by time 4 Lanes on 76 are complete, Traffic will already demand 6 Lanes. Don't stick your head in the sand and pretend it won't happen quickly just because you don't have the $ now for 6 Lanes

Optional

Name: MIKE KEYES

Adress: xman44@cox.com

Phone: N/A - 305 - 7510

Response to Mike Keyes

1. The traffic forecasts used for the traffic analysis for the proposed project are based on real numbers, since the SANDAG transportation model uses regionally approved forecasts of future lane use. Caltrans staff used the SANDAG regional transportation model as a basis for the forecasted traffic volumes.

2. Thank you for your thoughts regarding traffic along SR-76, SR-78, and SR-56. Because SANDAG transportation models have been used to conduct traffic analysis for the project, as noted above, Caltrans is confident that an improved SR-76 would accommodate future traffic levels. Trip diversion based on the improved ability to transverse SR-76 once the project is completed was accounted for as part of the modeling and traffic forecasting processes.

3. With respect to information contained in other environmental documents, Caltrans would refer you to the environmental documents prepared by the various Native American groups.

4. Project traffic models were based on the SANDAG regional transportation model and were conducted using standard methodology. The regional forecasting model does account for casino traffic generated by the casinos situated along SR-76 including La Jolla, Pala, Pauma, and Rincon.

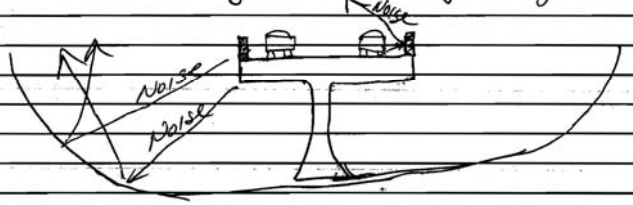
5. The approved traffic study for the project indicates that a 4-lane facility would meet 2030 demands. If future demand exceeds current projections, SANDAG could choose to update future versions of the RTP to include widening of the facility to 6 lanes. Following guidance from State and federal agencies, Caltrans has proposed design features to accommodate any potential future widening so as not to create any future impacts on the San Luis Rey River corridor.

(2)

Comment Sheet

More # now for 6 Lanes but a lot cheaper than only doing 4 now and almost immediately getting careful of complaints to cause rapid push to open up to 6 Lanes

6. NOISE ABATEMENT Tire Noise from current bridge over San Luis Rey River just east of E. Vista Way is focussed by the geometry



of the bridge sides and the geometry of the river valley itself so it is noisy on Au Bon Climat Ct and Montrachet

Please incorporate:

① Sound deadening surface over concrete sides of bridge to absorb sound (rather than having concrete reflect the noise). Doesn't need to be any higher than concrete sides will be, but make it ABSORB sound.

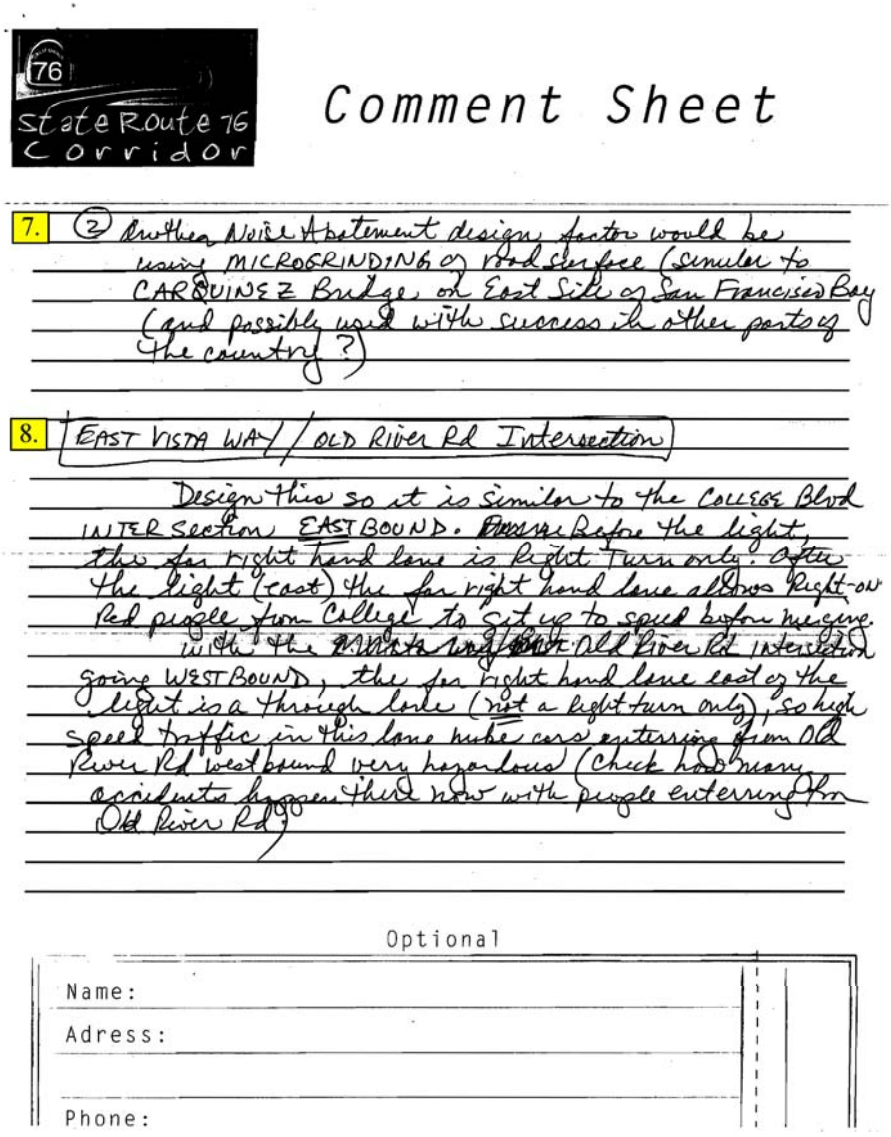
Optional

Name:

Adress:

Phone:

6. Section 3.19, Noise, identified noise levels of 61 dBA at locations along Au Bon Climat Court and Montrachet under implementation of the Preferred Alternative. A noise impact is defined as occurring if the predicted noise level would exceed existing conditions by 12 dBA or would exceed the Noise Abatement Criteria (NAC). The NAC is defined as 67 dBA. The difference between the existing and future noise levels at these locations is 4 dBA and does not exceed the NAC; therefore no noise abatement is proposed. The requested sound deadening measures can not be implemented as part of the proposed project because they are not approved safety devices. Bridge sides would be constructed an additional four inches over standard heights; this would enhance noise attenuation.



76
State Route 76
Corridor

Comment Sheet

7. (2) Another Noise Abatement design factor would be using MICROGRINDING of Road Surface (similar to CARQUINEZ Bridge on East Side of San Francisco Bay (and possibly used with success in other parts of the country?)

8. EAST VISTA WAY / OLD RIVER Rd Intersection

Design this so it is similar to the COLLEGE Blvd INTERSECTION EASTBOUND. Before the light, the far right hand lane is Right Turn only. After the light (east) the far right hand lane allows Right-on Red people from College to sit up to speed before merging with the ~~[illegible]~~ Old River Rd intersection going WESTBOUND, the far right hand lane east of the light is a through lane (not a right turn only), so high speed traffic in this lane rubs cars entering from Old River Rd westbound very hazardous (check how many accidents happen there now with people entering from Old River Rd)

Optional

Name:

Adress:

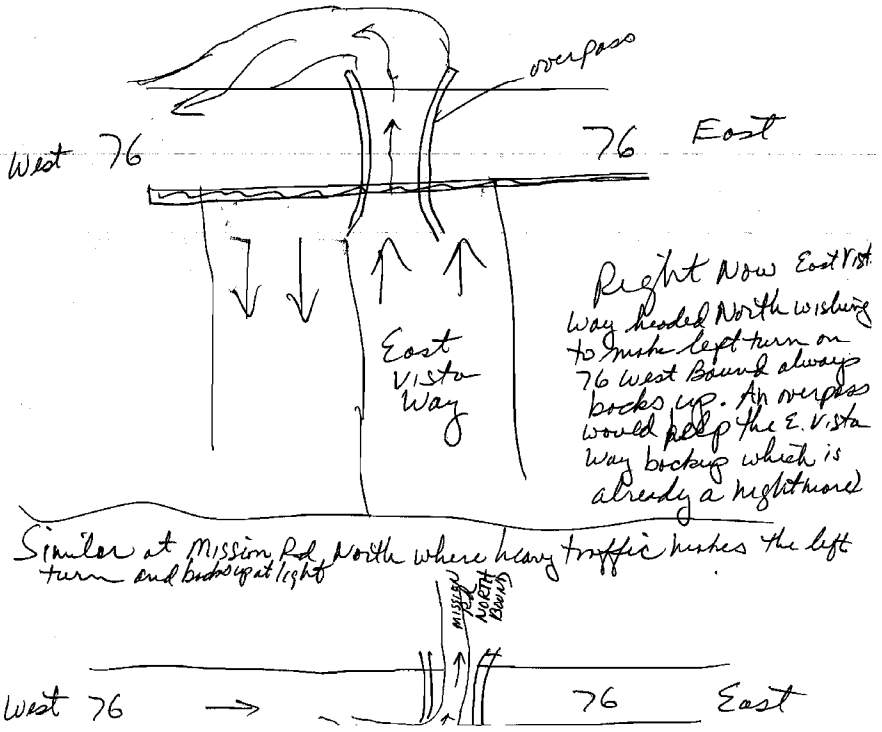
Phone:

7. Microgrinding is a standard retrofit measure to improve uneven surfaces of aging roadways. The proposed roadway would be a new structure that would not be enhanced by microgrinding, therefore it is not proposed as part of the project.

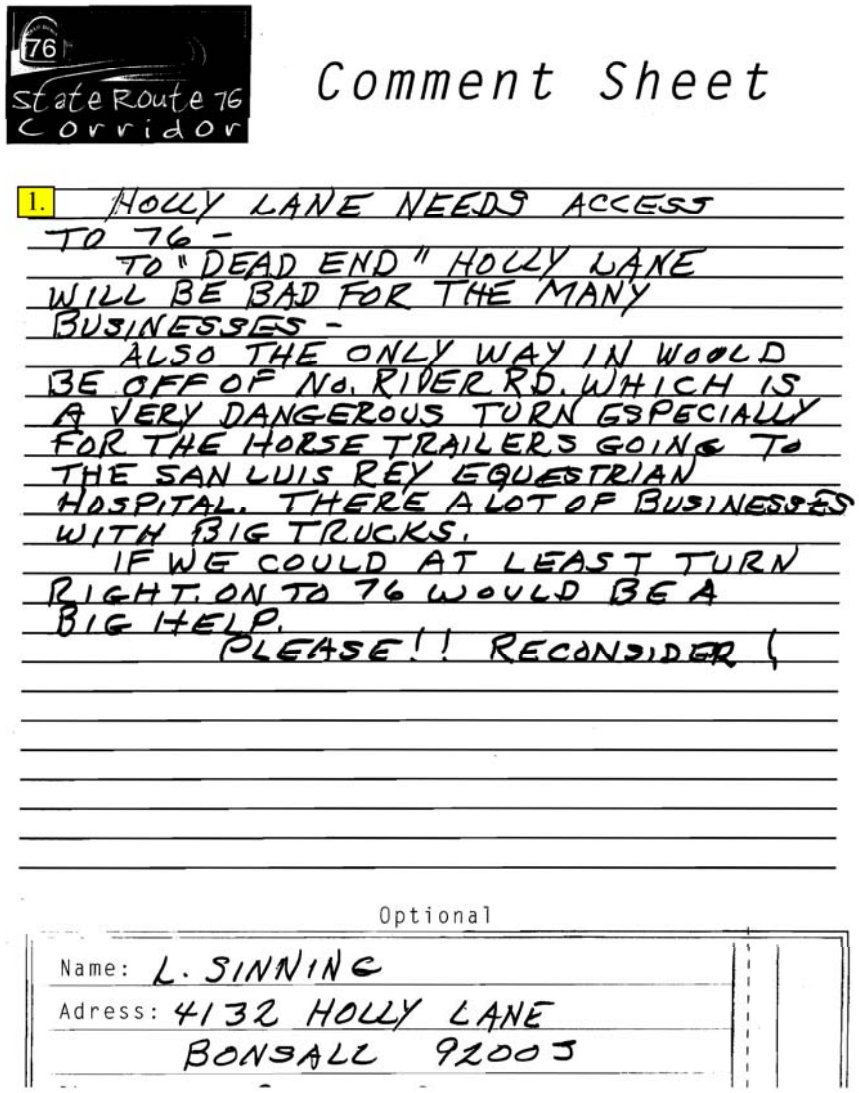
8. Both the existing accident data (TASAS) and existing and projected traffic counts were used in determining the geometry of proposed intersections. Traffic turning from Old River Road to westbound SR-76 is very light in comparison to traffic turning on to SR-76 from College. In addition, the East Vista Way/Old River Road intersection with SR-76 is signalized and the right turn referred to only occurs when a turn is made against a red light. When turning right on red, the driver may only proceed when it is safe to do so. To ensure this can be done safely, an adequate line of sight has been provided for safety. The outer lane on SR-76 at East Vista Way is a channelization lane and does not go through to the next intersection. It tapers back to a 2-lane facility just beyond the intersection. The third lane at the intersection is intended to supply additional capacity at the intersection to allow more cars through on a green light.

OVERPASSES
9.

Since ultimate goal is moving traffic as smoothly as possible, why not include overpasses to avoid back up at Red Lights for those wishing to enter off Rte 76 from MAJOR intersections (i.e. E. Vista Way making left onto 76 West) (and Left Turn from Rte 76 heading North on Mission Rd.)



9. Overpasses and access ramps are not necessary on this project to meet the purpose and need. In addition, constructing overpasses such as those you are referring to is appropriate when traffic volumes exceed those existing or forecast along this route. Moreover, the construction of overpasses and access ramps would not only increase the costs dramatically but would also create a larger footprint and, increasing impacts to the surrounding environment.



76
State Route 76 Corridor

Comment Sheet

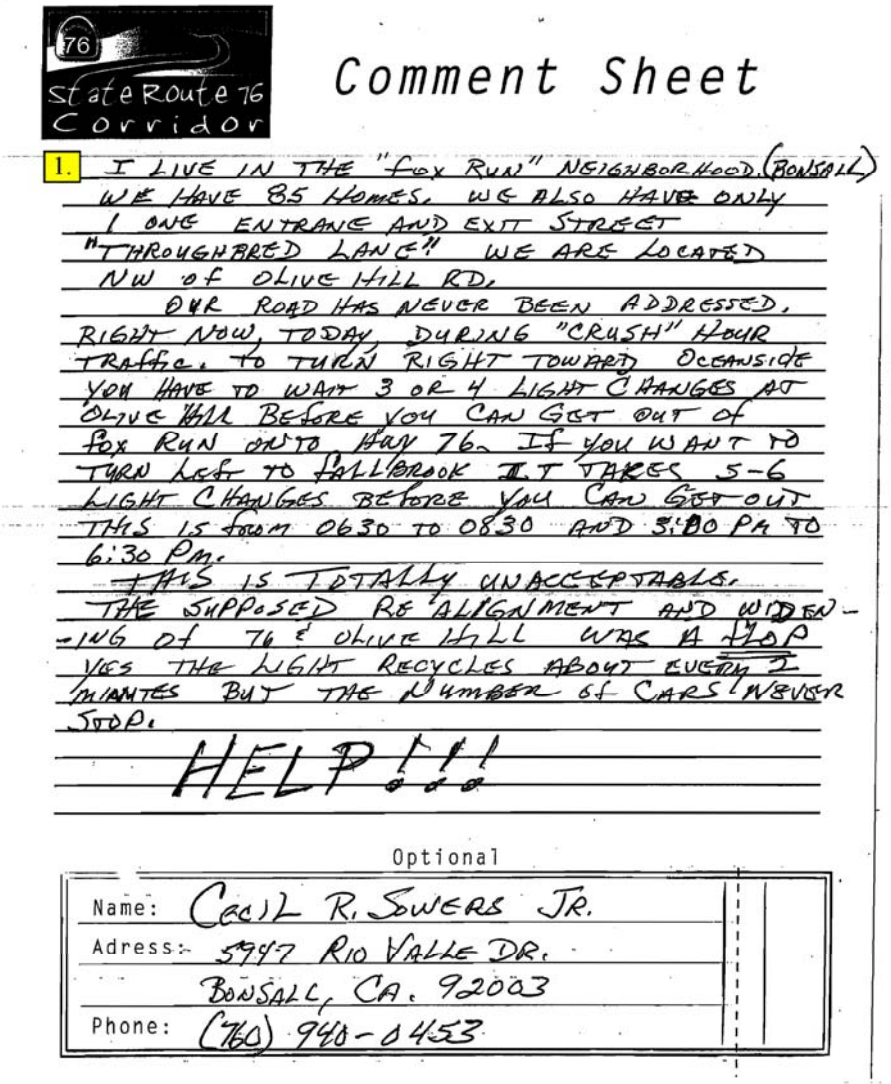
1. HOLLY LANE NEEDS ACCESS TO 76 -
TO "DEAD END" HOLLY LANE WILL BE BAD FOR THE MANY BUSINESSES -
ALSO THE ONLY WAY IN WOULD BE OFF OF No. RIVER RD. WHICH IS A VERY DANGEROUS TURN ESPECIALLY FOR THE HORSE TRAILERS GOING TO THE SAN LUIS REY EQUESTRIAN HOSPITAL. THERE A LOT OF BUSINESSES WITH BIG TRUCKS.
IF WE COULD AT LEAST TURN RIGHT ON TO 76 WOULD BE A BIG HELP.
PLEASE!! RECONSIDER (

Optional

Name: L. SINNING
Adress: 4132 HOLLY LANE
BONSALL 92003

Response to L. Sinning

1. After review of the comments, revisions to the proposed design determined that the existing bridge does not need to be replaced and access to Holly Lane from SR-76 via a right-in/right-out could be maintained. Left turn ingress or egress would not be possible. Relevant figures have been modified to reflect this change.



76 State Route 76 Corridor

Comment Sheet

1. I LIVE IN THE "Fox Run" NEIGHBORHOOD. (BONSALL) WE HAVE 85 HOMES. WE ALSO HAVE ONLY 1 ONE ENTRANCE AND EXIT STREET "THROUGHBRED LANE!" WE ARE LOCATED NW of OLIVE HILL RD.
OUR ROAD HAS NEVER BEEN ADDRESSED. RIGHT NOW, TODAY, DURING "CRUSH" HOUR TRAFFIC. TO TURN RIGHT TOWARD OCEANSIDE YOU HAVE TO WAIT 3 OR 4 LIGHT CHANGES AT OLIVE HILL BEFORE YOU CAN GET OUT of FOX RUN ONTO HWY 76. IF YOU WANT TO TURN LEFT TO FALLBROOK IT TAKES 5-6 LIGHT CHANGES BEFORE YOU CAN GET OUT THIS IS FROM 0630 TO 0830 AND 3:30 PM TO 6:30 PM.
THIS IS TOTALLY UNACCEPTABLE. THE SUPPOSED RE ALIGNMENT AND WIDEN-ING of 76 & OLIVE HILL WAS A FLOP YES THE LIGHT RECYCLES ABOUT EVERY 2 MINUTES BUT THE NUMBER of CARS NEVER STOP.

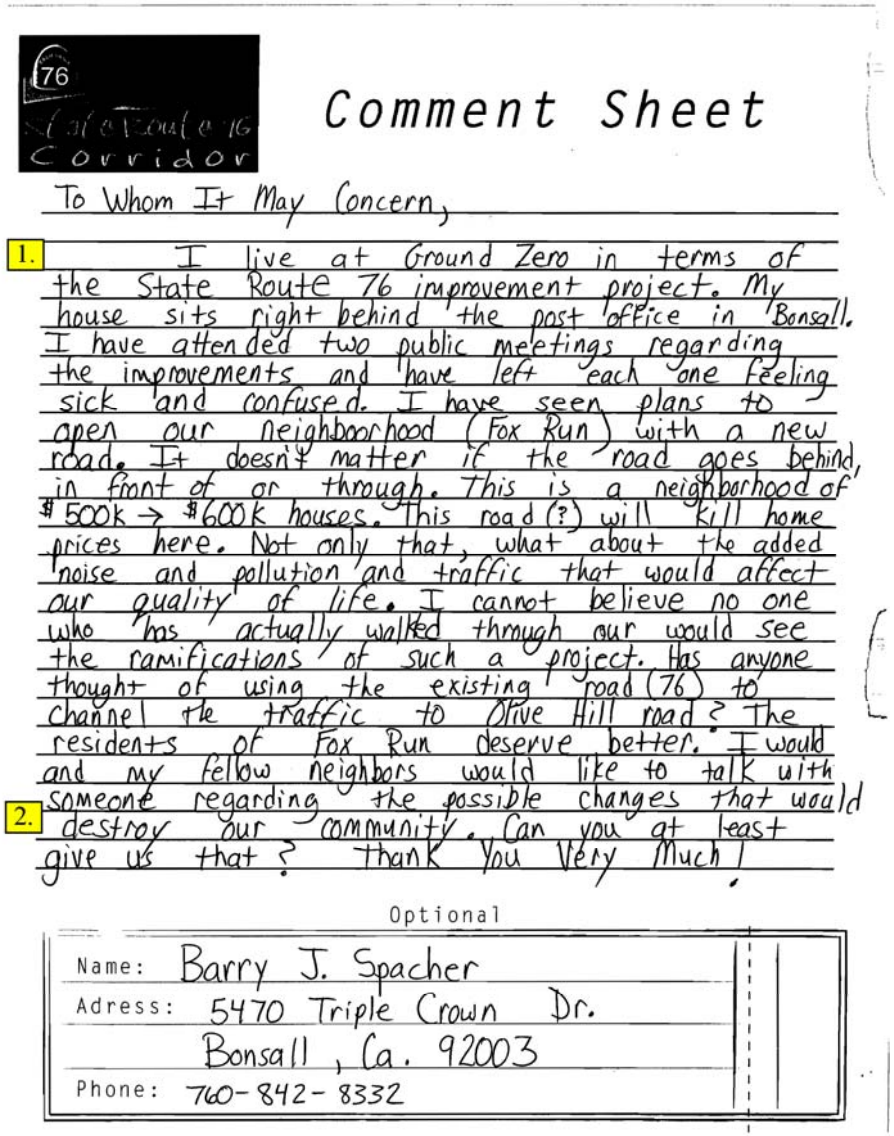
HELP!!!

Optional

Name: CECIL R. SWERS JR.
Adress: 5947 RIO VALLE DR.
BONSALL, CA. 92003
Phone: (760) 940-0453

Response to Cecil R. Sowers, Jr.

1. Thank you for your comments. Based on this and other comments, the project has been revised and a new signalized intersection at Thoroughbred Lane has been proposed, providing access from Thoroughbred Lane to SR-76 directly and eliminating the need for extending the frontage road as far east as South Mission. It is anticipated that the time and the number of cycles necessary to access SR-76 would be reduced. Figure 2.1-2 has been revised to clarify the location of the proposed frontage road.



76 Corridor

Comment Sheet

To Whom It May Concern,

1. I live at Ground Zero in terms of the State Route 76 improvement project. My house sits right behind the post office in Bonsall. I have attended two public meetings regarding the improvements and have left each one feeling sick and confused. I have seen plans to open our neighborhood (Fox Run) with a new road. It doesn't matter if the road goes behind, in front of or through. This is a neighborhood of $500k → $600k houses. This road (?) will kill home prices here. Not only that, what about the added noise and pollution and traffic that would affect our quality of life. I cannot believe no one who has actually walked through our would see the ramifications of such a project. Has anyone thought of using the existing road (76) to channel the traffic to Olive Hill road? The residents of Fox Run deserve better. I would and my fellow neighbors would like to talk with someone regarding the possible changes that would
2. destroy our community. Can you at least give us that? Thank You Very Much!

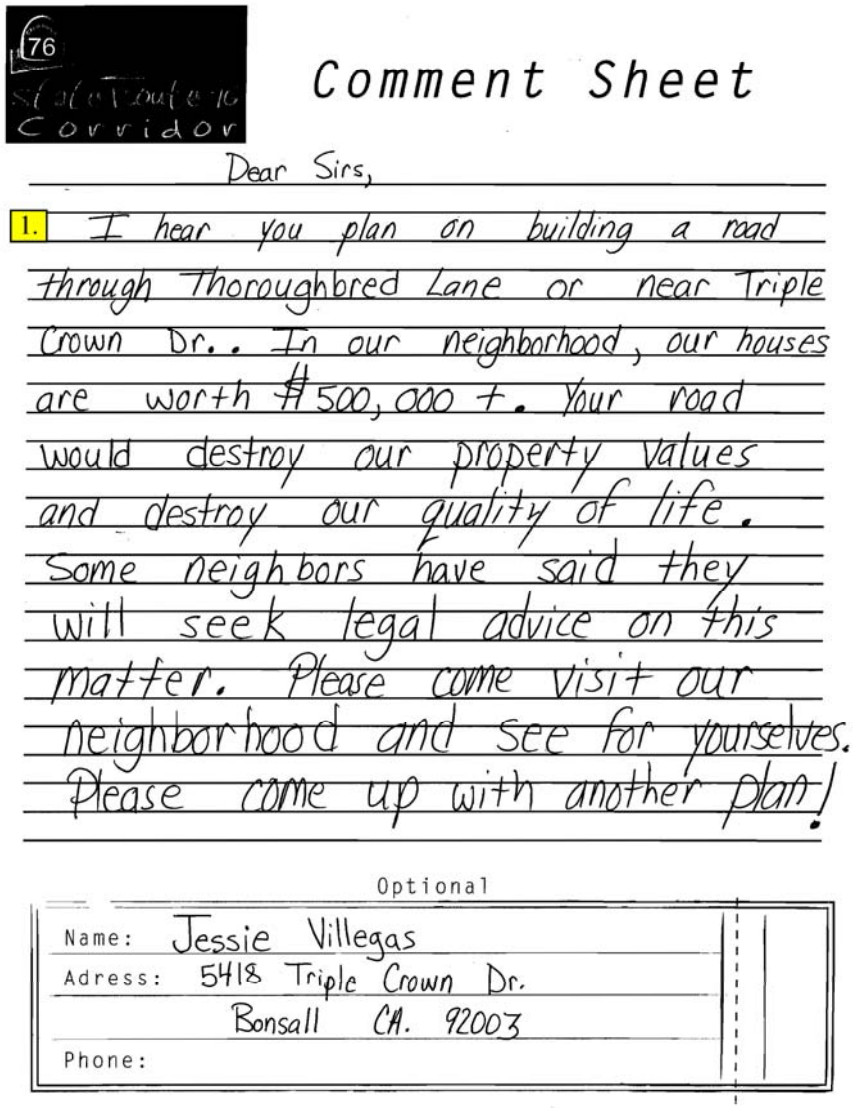
Optional

Name: Barry J. Spacher
Adress: 5470 Triple Crown Dr.
Bonsall, Ca. 92003
Phone: 760-842-8332

Response to Barry J. Spacher

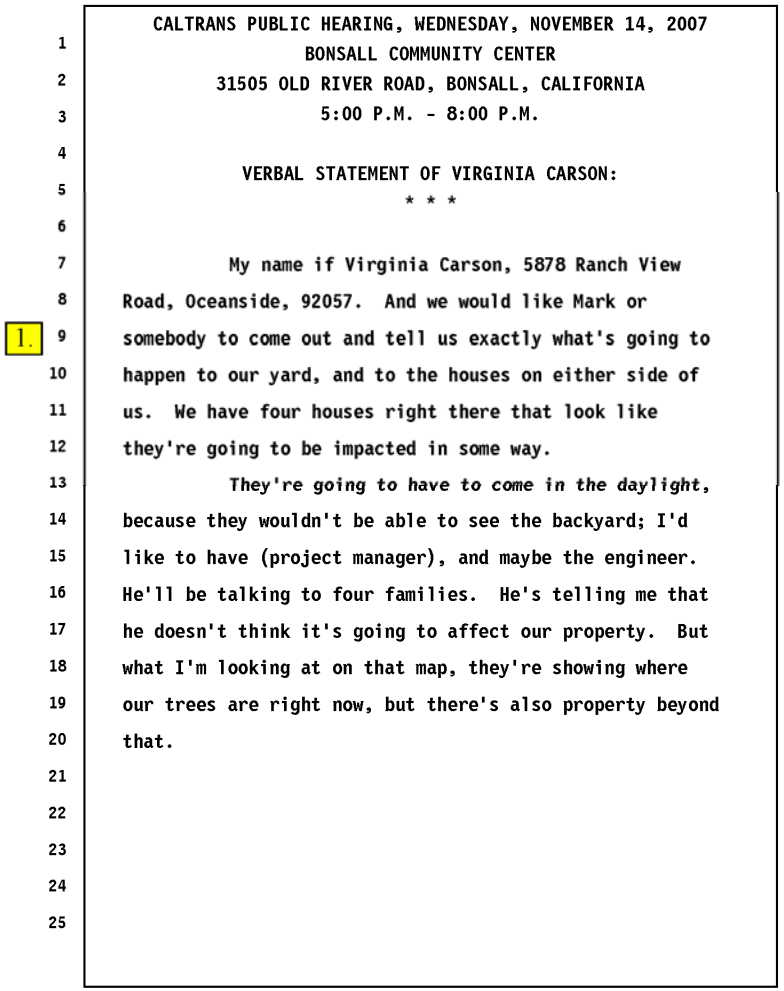
1. We have reviewed the design of the circulation element in the Bonsall area and decided that the most practical solution is to provide a new signalized intersection with SR-76 at Thoroughbred Lane. This new intersection avoids the need for the proposed road located behind the post office, which has been removed from the proposed project design. The new proposed signalized intersection at Thoroughbred Lane has also resulted in removal of the connection between the old highway to South Mission Road across from the River Village shopping center. Figures in this document have been revised to reflect these changes in the proposed design of the project.

2. If you feel it is necessary to contact Caltrans in relation to the affect this project would have on the community, please refer to the contact section of www.keepsandiegomoving.com.



Response to Jessie Villegas

1. We have reviewed the design of the circulation element in the Bonsall area and decided that the most practical solution is to provide a new signalized intersection with SR-76 at Thoroughbred Lane. This new intersection avoids the need for the proposed road located behind the post office, which has been removed from the proposed project design. The new proposed signalized intersection at Thoroughbred Lane has also resulted in removal of the connection between the old highway to South Mission Road across from the River Village shopping center. Figures in this document have been revised to reflect these changes in the proposed design of the project.



CALTRANS PUBLIC HEARING, WEDNESDAY, NOVEMBER 14, 2007
BONSALL COMMUNITY CENTER
31505 OLD RIVER ROAD, BONSALL, CALIFORNIA
5:00 P.M. - 8:00 P.M.

VERBAL STATEMENT OF VIRGINIA CARSON:
* * *

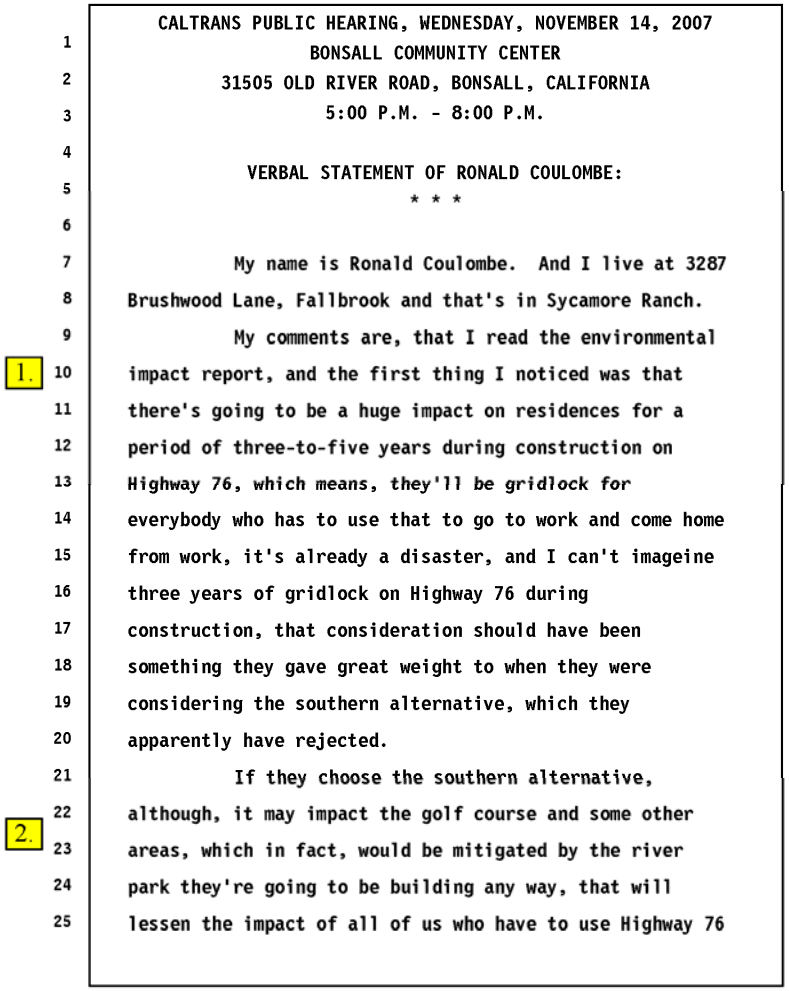
My name if Virginia Carson, 5878 Ranch View Road, Oceanside, 92057. And we would like Mark or somebody to come out and tell us exactly what's going to happen to our yard, and to the houses on either side of us. We have four houses right there that look like they're going to be impacted in some way.

They're going to have to come in the daylight, because they wouldn't be able to see the backyard; I'd like to have (project manager), and maybe the engineer. He'll be talking to four families. He's telling me that he doesn't think it's going to affect our property. But what I'm looking at on that map, they're showing where our trees are right now, but there's also property beyond that.

CALTRANS PUBLIC HEARING 1

Response to Virginia Carson

1. The proposed project design has been revised to avoid impacts to properties on Ranch View Road. Figures within this document have been updated to clarify the roadway location.



CALTRANS PUBLIC HEARING, WEDNESDAY, NOVEMBER 14, 2007
BONSALL COMMUNITY CENTER
31505 OLD RIVER ROAD, BONSALL, CALIFORNIA
5:00 P.M. - 8:00 P.M.

VERBAL STATEMENT OF RONALD COULOMBE:
* * *

My name is Ronald Coulombe. And I live at 3287 Brushwood Lane, Fallbrook and that's in Sycamore Ranch.

My comments are, that I read the environmental impact report, and the first thing I noticed was that there's going to be a huge impact on residences for a period of three-to-five years during construction on Highway 76, which means, they'll be gridlock for everybody who has to use that to go to work and come home from work, it's already a disaster, and I can't imageine three years of gridlock on Highway 76 during construction, that consideration should have been something they gave great weight to when they were considering the southern alternative, which they apparently have rejected.

If they choose the southern alternative, although, it may impact the golf course and some other areas, which in fact, would be mitigated by the river park they're going to be building any way, that will lessen the impact of all of us who have to use Highway 76

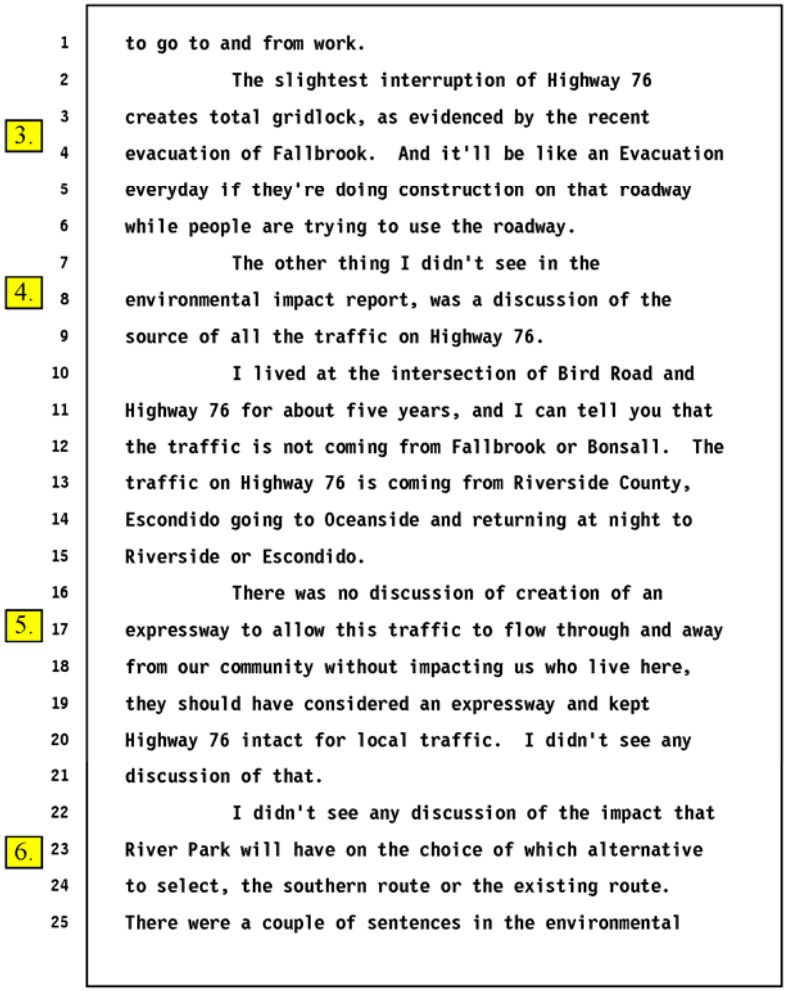
CALTRANS PUBLIC HEARING 2

Response to Ronald Coulombe

1. Numerous impacts were considered in identifying the Existing Alignment Alternatives as the Preferred Alternative, including construction impacts. However, for reasons discussed in Section 2.2 (Preferred Alternative), Caltrans has identified the Existing Alignment Alternative as preferred.

   During construction, efforts would be made to minimize disruptions to traffic, as discussed in Section 3.10.4. For each phase of construction, Caltrans would develop a Transportation Management Plan (TMP) that would detail the steps taken to minimize construction related disruptions, such as the planning of detours, staging of the work, use of night work, etc. Also, community outreach programs would be developed so information about the construction can be widely and quickly shared. During construction the number of lanes would not be reduced and when there is the need for full or partial closures, these closures would be done with sensitivity to traffic.

2. The impacts to the San Luis Rey Golf Course and Country Club associated with the Southern Alignment Alternative were a major consideration in selecting the Existing Alignment Alternative as Preferred. It is a major community resource that was identified for avoidance.



to go to and from work.

The slightest interruption of Highway 76 creates total gridlock, as evidenced by the recent evacuation of Fallbrook. And it'll be like an Evacuation everyday if they're doing construction on that roadway while people are trying to use the roadway.

The other thing I didn't see in the environmental impact report, was a discussion of the source of all the traffic on Highway 76.

I lived at the intersection of Bird Road and Highway 76 for about five years, and I can tell you that the traffic is not coming from Fallbrook or Bonsall. The traffic on Highway 76 is coming from Riverside County, Escondido going to Oceanside and returning at night to Riverside or Escondido.

There was no discussion of creation of an expressway to allow this traffic to flow through and away from our community without impacting us who live here, they should have considered an expressway and kept Highway 76 intact for local traffic. I didn't see any discussion of that.

I didn't see any discussion of the impact that River Park will have on the choice of which alternative to select, the southern route or the existing route. There were a couple of sentences in the environmental

CALTRANS PUBLIC HEARING 3

3. All efforts would be taken to minimize construction delays along SR-76 with implementation of measures such as a TMP. Please see response to Comment No. 1 of this letter.

4. The residential and commercial land uses in northern San Diego County area generate the majority of the vehicle trips on this portion of SR-76. Approximately 20-30% of the vehicle trips are being generated from southwestern Riverside County. This information was taken from SANDAG's Trip Generation Model.

Sections 1.3.1 and 1.3.2 discuss vehicle trips. Section 1.3.5 states that the largest contributing factor to queuing and congestion stems from local trip generation.

5. Improvement of SR-76 to a conventional highway would meet the project purpose and need, as identified in Section 1.2 of this FEIR/EIS. An expressway is not warranted along the project corridor, as it would remove all driveway access and require a larger project footprint to accommodate additional facilities such as on/off ramps. This additional footprint would increase impacts to known sensitive environmental resources along the route.

6. The County of San Diego would be responsible for any impacts from construction of the San Luis Rey River Park and the impacts would be disclosed in the EIR for that project. The proposed SR-76 project does not preclude park planning, and potential impacts to planned park facilities are identified in Section 3.3 and 3.29 of this FEIR/EIS. Caltrans has been coordinating with the County regarding park sites within the project limits. The County has been involved in planning and development of the proposed project; and a concurrence letter dated September 14, 2007 has recently been received by Caltrans from the County. This coordination is summarized in Chapter 5, Comments and Coordination.

impact report that just made reference to the River Park and I just spoke to the River Park people and they told me that they are in the process of doing an environmental impact report for their park. It seems logical, that the expansion 76 in the River Park, are a joint project and the environmental impacts of both of those projects should be considered together, because a problem of that might be referenced in the EIR report on 76, may not be a problem at all, because the River Park may have a solution for it.

So I think the environmental impact report is deficient in that, it did not give adequate consideration to the impact the River Park will have on the choice of alternatives.

Again, I think that they should be diverting this traffic going to Oceanside and the 5-Freeway away from our community, not through our community, like they intend to do.

I understand that the project terminates at Mission Road. And if they choose the existing alternative, I'm concerned that it would be a foregone conclusion that the remainder of the expansion of 76 and the 15 will be on the existing road, that will take this traffic immediately past the community in which I live, Sycamore Ranch, 200 homes there, and will destroy the

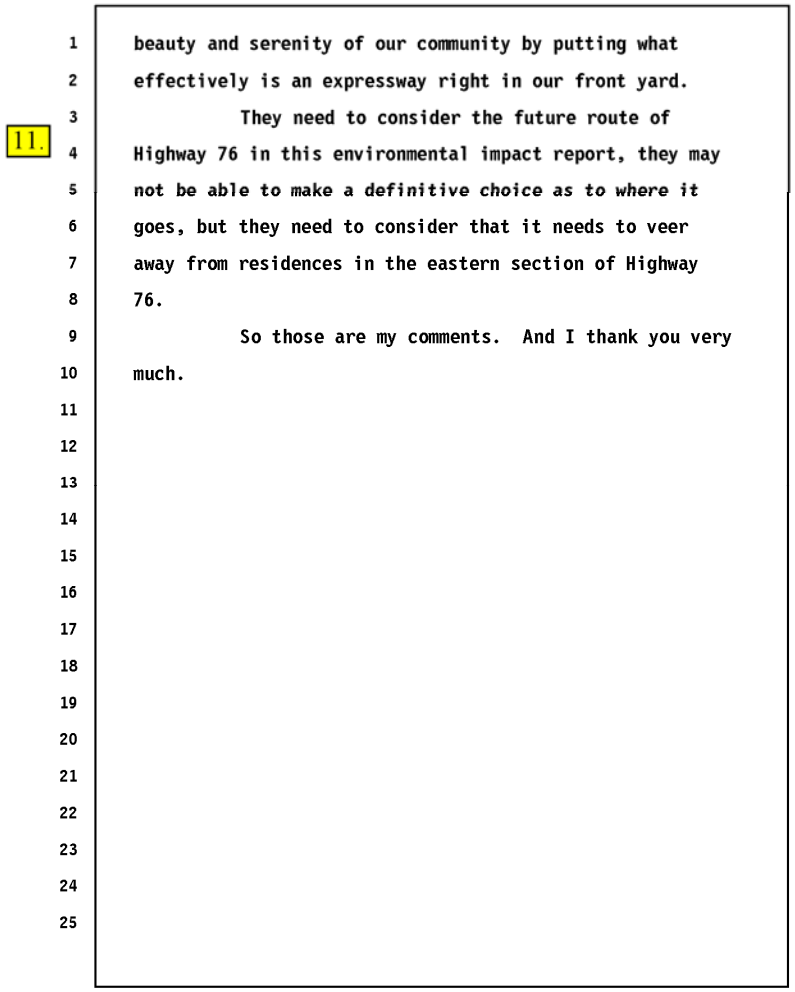
CALTRANS PUBLIC HEARING 4

7. The two projects each are identified as an independent projects with a specific purpose and need; the proposed project would fulfill a transportation need, while the park objective is to provide an open space park system that balances recreation and preservation/restoration/interpretation of the San Luis Rey River's sensitive resources. The two will proceed through the environmental process as separate projects, as noted above, coordination with the County has been on-going. This coordination is summarized in Chapter 5, Comments and Coordination.

8. The environmental document is sufficient, and due consideration to potential park impacts in Sections 3.3 and 3.29, as well as in Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f). Caltrans has coordinated with the County to minimize and avoid impacts to the Park, as identified in this FEIR/FEIS.

9. Under evaluation of the proposed project alternatives, careful consideration was given to the community of Bonsall. Section 3.2 analyzes project consistency with the Bonsall Community Plan. In addition, the Preferred Alternative would follow an existing roadway alignment to the extent possible. This alternative was selected as Preferred because it would minimize impacts and maintain the rural community character of Bonsall. In addition, a frontage road through portions of downtown Bonsall would be provided where possible to enhance local access. Diverting traffic around the community is not a viable alternative for meeting the project Purpose and Need.

10. The Existing Alignment Alternative does not prelude the consideration of any possible alternatives on the 76-East project. Caltrans considered logical termini and independent utility for the proposed SR-76 project to be South Mission Road based on traffic patterns, including origins and destinations. The project that would continue improvements to SR-76 east of South Mission Road to the Interstate 15 interchange would construct any connections necessary while considering a range of alignment alternatives. A more detailed discussion of potential connections between the proposed project and the SR-76 East project is included in Section 3.29 of this document. The impacts of the proposed SR-76 project east of South Mission Road would be disclosed in the environmental document for that project; however, impacts to the natural and social environments would be minimized or avoided to the extent possible.



beauty and serenity of our community by putting what effectively is an expressway right in our front yard.

They need to consider the future route of Highway 76 in this environmental impact report, they may not be able to make a definitive choice as to where it goes, but they need to consider that it needs to veer away from residences in the eastern section of Highway 76.

So those are my comments. And I thank you very much.

CALTRANS PUBLIC HEARING 5

11. The proposed project addresses the improvement of the SR-76 corridor between Melrose Drive and South Mission Road; impacts associated with other projects would be addressed in separate environmental documents, as discussed above. No predetermined alternative has been identified for the portion of SR-76 extending from South Mission Road to I-15. Section 3.29 discusses anticipated impacts from a cumulative perspective, as well as potential connections between the proposed project corridor and the SR-76 East project.

CALTRANS PUBLIC HEARING, WEDNESDAY, NOVEMBER 14, 2007
BONSALL COMMUNITY CENTER
31505 OLD RIVER ROAD, BONSALL, CALIFORNIA
5:00 P.M. - 8:00 P.M.

VERBAL STATEMENT OF JOHN CROUCH:
* * *

John Crouch, 1615 East Mission Road, Fallbrook. And I think the northern road is preferable until about a quarter of a mile west of Olive Hill Road, from that point to the east, it's an absolute disaster.

Thank you.

CALTRANS PUBLIC HEARING 6

Response to John Crouch

Thank you for your preference of the Existing Alignment Alternative. Please note that the project has been redesigned in the area noted in your letter. These changes are reflected in Section 2.1

CALTRANS PUBLIC HEARING, WEDNESDAY, NOVEMBER 14, 2007
BONSALL COMMUNITY CENTER
31505 OLD RIVER ROAD, BONSALL, CALIFORNIA
5:00 P.M. - 8:00 P.M.

VERBAL STATEMENT OF FRANK HOPKINS:
* * *

Frank Hopkins, 1816 Via Entrada, Fallbrook, California, 92028, lived there nine years. I was involved in fixing the 76 back in '74 with Horn, Issa and their commitment. I see that commitment falling everyday. I do like the plan, the northerly plan, finally getting a plan, but I'm very disappointed that it's being prolonged for two more years over this designated time by Caltrans, by the County and by the State having it done by 2007, you know, people die on this road everyday.

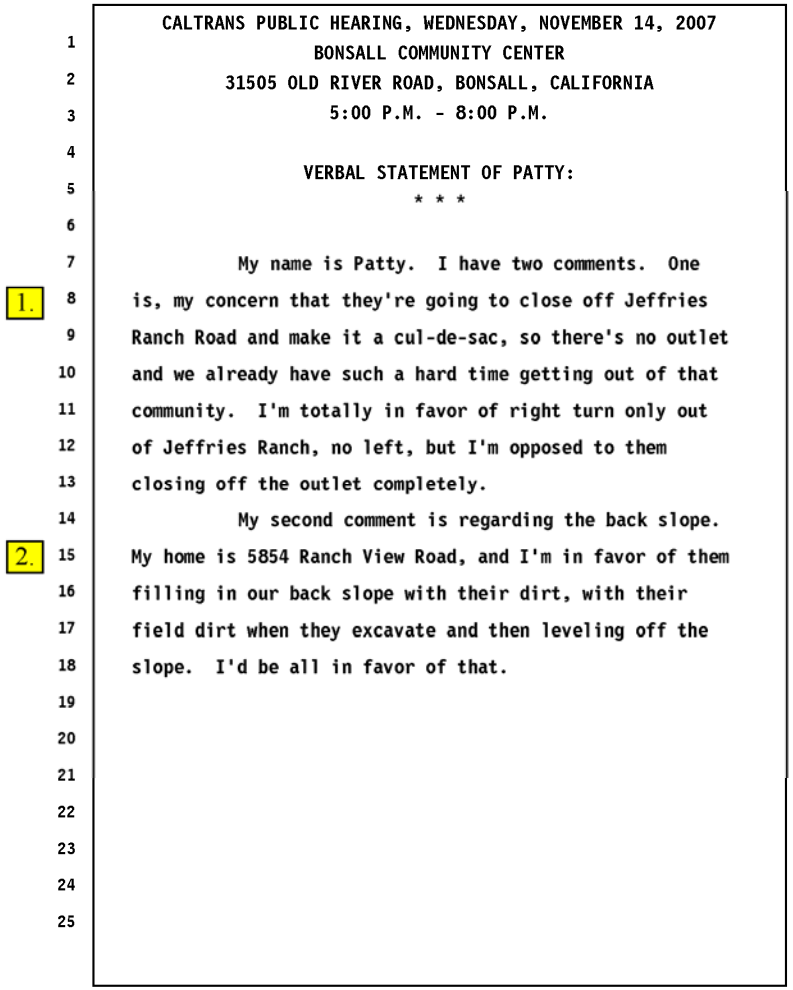
So as soon as we can get something happening, especially the first phase, which has been promised a long time ago when it started, I'll be happy.

My comments.

CALTRANS PUBLIC HEARING 7

Response to Frank Hopkins

Thank you for your support of the Preferred Alternative. As discussed in Section 1.4, planning and funding is now secured for the project, and Caltrans is moving forward to implement the improvements to SR-76.



CALTRANS PUBLIC HEARING, WEDNESDAY, NOVEMBER 14, 2007
BONSALL COMMUNITY CENTER
31505 OLD RIVER ROAD, BONSALL, CALIFORNIA
5:00 P.M. - 8:00 P.M.

VERBAL STATEMENT OF PATTY:
* * *

My name is Patty. I have two comments. One is, my concern that they're going to close off Jeffries Ranch Road and make it a cul-de-sac, so there's no outlet and we already have such a hard time getting out of that community. I'm totally in favor of right turn only out of Jeffries Ranch, no left, but I'm opposed to them closing off the outlet completely.

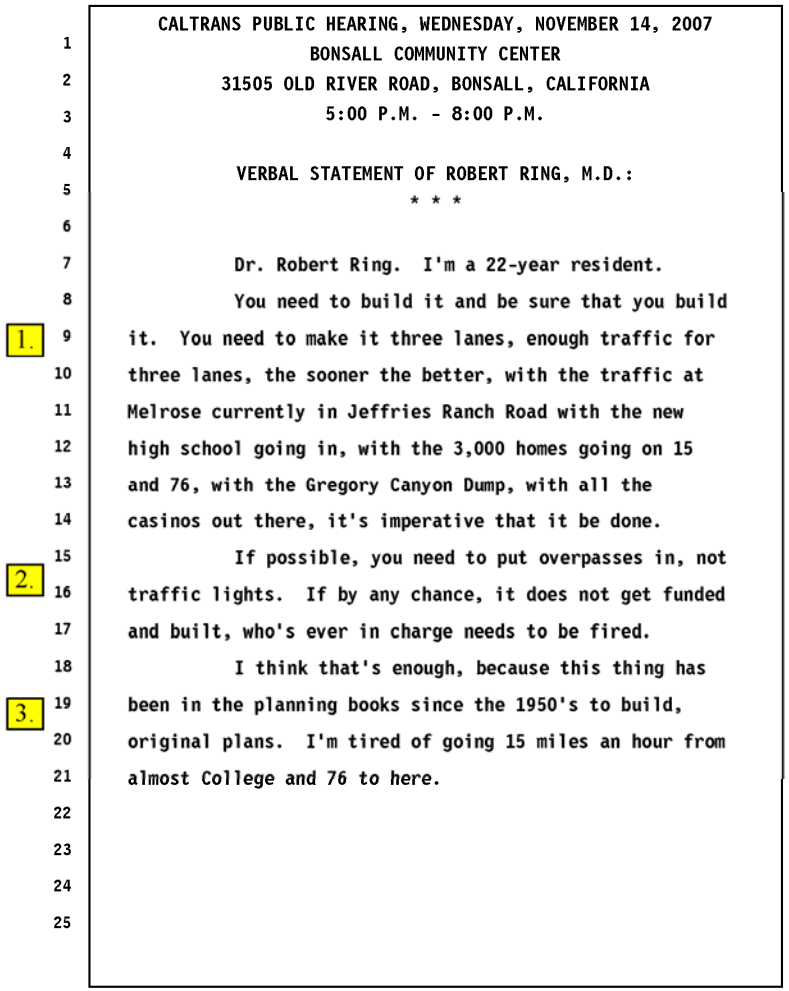
My second comment is regarding the back slope. My home is 5854 Ranch View Road, and I'm in favor of them filling in our back slope with their dirt, with their field dirt when they excavate and then leveling off the slope. I'd be all in favor of that.

CALTRANS PUBLIC HEARING 8

Response to Patty

1. The current Jeffries Ranch Road access point is lightly used and with the construction of a median safety barrier, this volume is anticipated to decrease further. A controlled access plan developed with the City of Oceanside has shown this access point as closed. Caltrans has conducted extensive traffic studies of the corridor based on existing and predicted traffic volumes and has determined that Jeffries Ranch would be most effectively and safely accessed via the existing roads, such as Old Ranch Road, Appaloosa, and Spur. As a result, the ingress and egress point at Jeffries Ranch Road is proposed to be closed and constructed as a cul-de-sac.

2. Thank you for the input. Up to 70,000 cubic meters (91,500 cubic yards) of fill dirt may be placed within Caltrans right-of-way between SR-76 and Jeffries Ranch Road. Figure 2.1-2 indicates the maximum potential grading that could occur with this placement.



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VERBAL STATEMENT OF ROBERT RING, M.D.:
* * *

Dr. Robert Ring. I'm a 22-year resident.

You need to build it and be sure that you build it. You need to make it three lanes, enough traffic for three lanes, the sooner the better, with the traffic at Melrose currently in Jeffries Ranch Road with the new high school going in, with the 3,000 homes going on 15 and 76, with the Gregory Canyon Dump, with all the casinos out there, it's imperative that it be done.

If possible, you need to put overpasses in, not traffic lights. If by any chance, it does not get funded and built, who's ever in charge needs to be fired.

I think that's enough, because this thing has been in the planning books since the 1950's to build, original plans. I'm tired of going 15 miles an hour from almost College and 76 to here.

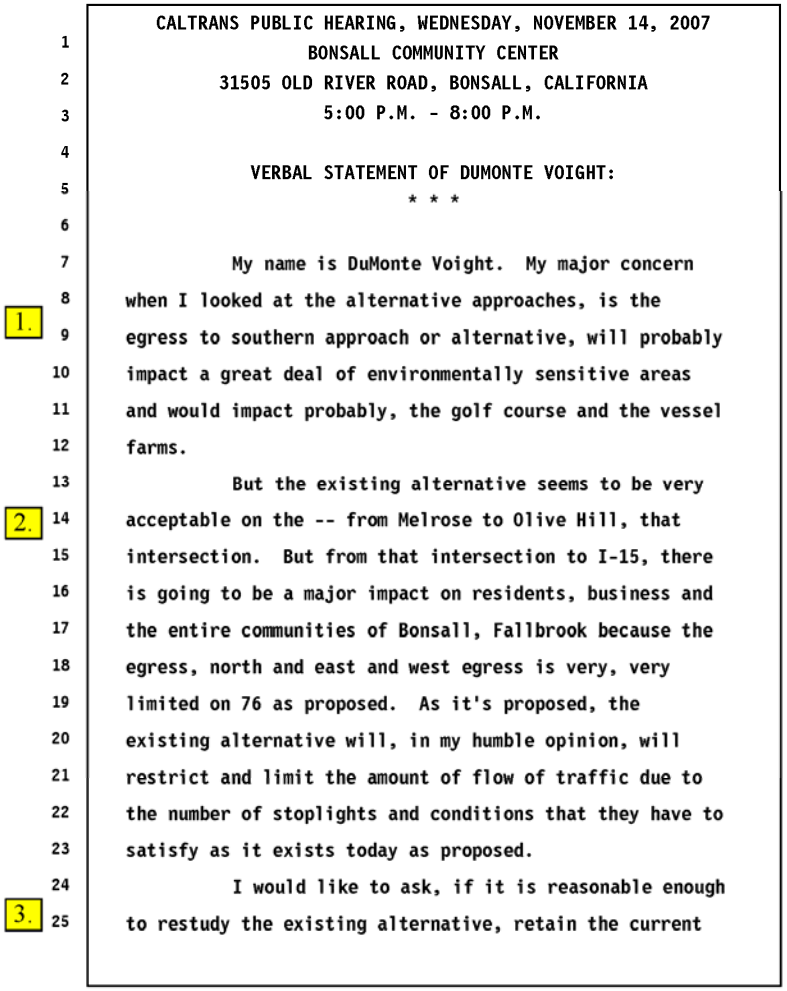
CALTRANS PUBLIC HEARING 9

Response to Robert Ring, MD

1. Caltrans is confident that the project would be built on schedule, as identified in this FEIR/EIS. Funding for the project has been secured, and planning documents such as the SANDAG RTP identify construction of the project as proposed.

2. Overpasses and access ramps are not necessary on this project to meet the purpose and need. In addition, constructing overpasses such as those you are referring to is appropriate when traffic volumes exceed those existing or forecast along this route. Moreover, the construction of overpasses and access ramps would not only increase the costs dramatically but would also create a larger footprint and, increasing impacts to the surrounding environment.

3. Caltrans is moving quickly towards construction of this project. Please see response to Comment No. 1 in this letter.



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VERBAL STATEMENT OF DUMONTE VOIGHT:
* * *

My name is DuMonte Voight. My major concern when I looked at the alternative approaches, is the egress to southern approach or alternative, will probably impact a great deal of environmentally sensitive areas and would impact probably, the golf course and the vessel farms.

But the existing alternative seems to be very acceptable on the -- from Melrose to Olive Hill, that intersection. But from that intersection to I-15, there is going to be a major impact on residents, business and the entire communities of Bonsall, Fallbrook because the egress, north and east and west egress is very, very limited on 76 as proposed. As it's proposed, the existing alternative will, in my humble opinion, will restrict and limit the amount of flow of traffic due to the number of stoplights and conditions that they have to satisfy as it exists today as proposed.

I would like to ask, if it is reasonable enough to restudy the existing alternative, retain the current

CALTRANS PUBLIC HEARING 10

Response to DuMonte and Joan Voight

1. The impacts associated with the Southern Alignment Alternative were included in the Draft EIR/EIS and are also included in this FEIR/EIS. Due to the impacts the Southern Alignment Alternative would have had on the environment, Caltrans has identified the Existing Alignment as the Preferred Alternative.

2. The proposed project impacts with respect to noise, relocations, traffic, and air quality (intersection analyses) are identified in Sections 3.19, 3.7, 3.10, and 3.18, respectively. Subsection 4 within each resource analysis identifies avoidance and minimization measures incorporated into project design to reduce project impacts. The proposed project addresses impacts between Melrose Drive and South Mission Road, and has been designed to minimize impacts to the downtown Bonsall community. A separate project extending from South Mission Road to I-15 is currently being pursued by Caltrans and would address impacts associated with that segment. When constructed, traffic flow within the Olive Hill to South Mission Road area would be enhanced, as discussed in Section 3.10.

3. The proposed project corridor is constrained by both the San Luis Rey River and other environmentally sensitive resources, and existing development. The proposed Existing Alignment Alternative minimizes impacts to these environmental resources and the surrounding community as much as possible. Where possible, this includes utilizing segments of the existing SR-76 roadway as a frontage road to maintain local access to businesses. To this end, Caltrans has proposed using the current roadway as a frontage road near Via Montellano and in a portion of downtown Bonsall near the shopping center.

76 as a frontage road as they do in Vista, San Marcos at 78 and Oceanside, retain that so that businesses and the communities are less disruptive to the development of the traffic flow of the new 76.

Putting four lanes would allow traffic flow to move faster from the east to the west, where it would join up with the six lanes up at, I guess, it's College. I don't know if that's a consideration. I know that there are some environmental impacts that have to be reviewed, but they're environmental impacts wherever they go, and I think, this may have a better alternative to satisfy those people north of the 76 to 78 and businesses, because you're going to affect River Village, Bonsall Village, you're going to affect how people live, or more so today, if you do not leave that frontage road.

End of quote. Okay.

CALTRANS PUBLIC HEARING 11

4. Traffic along this segment of SR-76 would be accommodated and traffic operations enhanced upon completion of the proposed project.

APPENDIX L
LIST OF ACRONYMS

APPENDIX L
LIST OF ACRONYMS

AB	Assembly Bill
ACOE	United States Army Corps of Engineers
ADA	Americans with Disabilities Act (1990)
ADT	Average Daily Traffic
APCD	Air Pollution Control District
ARB	Air Resources Board
Caltrans	California Department of Transportation
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980
CERFA	Community Environmental Response Facilitation Act
CESA	California Endangered Species Act
CHP	California Highway Patrol
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	carbon monoxide
CTC	California Transportation Commission
CWA	Clean Water Act
DEMO-TEA21	Federal Demonstration Transportation Enhancement Activities for the 21st Century
EIR/EIS	Environmental Impact Report/Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Environmentally Sensitive Area
FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FSTIP	Federal Statewide Transportation Improvement Program
FTA	Federal Transit Administration

FY	Fiscal Year
GHG	greenhouse gas
GIS	Geographic Information System
HCP	Habitat Conservation Plan
HDM	Highway Design Manual
HPP	High Priority Project
I-5 (15)	Interstate 5 (15)
LEDPA	Least Environmentally Damaging Practicable Alternative
LOS	Level of Service
MEP	Maximum Extend Practicable
MHCP	Multiple Habitat Conservation Program
MOU	Memorandum of Understanding
MSAT	Mobil Source Air Toxics
MSCP	Multiple Species Conservation Program
MTBE	methyl tertiary butyl ether
NAAQS	National Ambient Air Quality Standards
NAC	noise abatement criteria
NADR	Noise Abatement Decision Report
NCCP	Natural Communities Conservation Plan
NCTD	North County Transit District
NEPA	National Environmental Policy Act
NES	Natural Environment Study
NO_2	nitrogen dioxide
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
O_3	ozone
OHWM	Ordinary High Water Mark
OSHA	Occupational Safety & Health Act

PAMA	Pre-Approved Mitigation Area
Pb	lead
PDT	Project Development Team
PM	particulate matter
PM	Post Mile
PM_{10}	particulate matter equal to or less than 10 microns
$PM_{2.5}$	particulate matter equal to or less than 2.5 microns
RAS	Regional Arterial System
RCB	Reinforced Concrete Box
RCRA	Resource Conservation and Recovery Act of 1976
RE	Resident Engineer
RSA	Resource Study Area
RSTP	Regional Surface Transportation Program
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users
SANDAG	San Diego Association of Governments
SDAB	San Diego Air Basin
SDAPCD	San Diego Air Pollution Control District
SO_2	sulfur dioxide
SO_x	sulfur oxides
SR	State Route
STP	Surface Transportation Program
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Program
SWRCB	Storm Water Regional Control Board
TASAS	Traffic Accident and Surveillance and Analysis System
TDM	Transportation Demand Management
TMDL	Total Maximum Daily Load
TSCA	Toxic Substances Control Act
TSM	Transportation Systems Management

USFWS	U.S. Fish and Wildlife Service
V/C	Demand Volume to Capacity Ratio
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds
WPCP	Water Pollution Control Program