identify any impacts to mineral resources; therefore, mitigation was not required. Similar to the Preferred Alternative/A7C-FEC-M, the proposed changes would not result in the loss of availability of a known mineral resource or mineral resource recovery site.

In addition, approximately half of the proposed Project site is located within areas approved for development under the RMV Ranch Plan (PAs 2N and 2S). Development associated with the Ranch Plan would occur with or without implementation of the Tesoro Extension Project.

Conclusion for Mineral Resources: The Tesoro Extension Project would not result in significant individual or cumulative effects not discussed in the Final SEIR. In addition, Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

Noise. The Final SEIR analyzed the Preferred Alternative/A7C-FEC-M's potential for noise impacts due to construction and long-term operations. The Final SEIR determined that the Preferred Alternative/A7C-FEC-M would not result in significant short-term or long-term impacts upon implementation of required mitigation measures. The Final SEIR determined that construction impacts would be less than significant with adherence to mitigation measures, and since impacts would be temporary and no nighttime construction would occur. On a long-term basis, the Final SEIR determined that the Preferred Alternative/A7C-FEC-M would not result in significant impacts as there would be no exceedance of Community Noise Equivalent Level (CNEL) criteria.

The Tesoro Extension Project is not expected to result in new or increased noise impacts in comparison to the analysis provided in the Final SEIR. As noted above, the Preferred Alternative/A7C-FEC-M and the Project generally follow the same alignment through the RMV and share similar design characteristics. Construction noise due to activities within the Project site are expected to be similar since the construction methodology associated with the Project would be substantially the same (e.g., similar design, topography, geologic conditions, and equipment). Mitigation in the Final SEIR requiring limits on days/hours of construction, maintenance and muffling of construction equipment, coordination with affected schools (including Tesoro High School), use of approved haul routes, and provision of a noise complaint office would remain applicable. No nighttime construction would be required for the Project.

On an operational basis, background conditions and traffic volumes identified in the Final SEIR have not substantially changed. The proposed Project is not expected to result in design or operational changes that would result in additional stationary or roadway noise that would substantially alter conclusions within the Final SEIR. The only sensitive receptor immediately surrounding the Project site is Tesoro High School. Under the Project, a noise barrier may be required adjacent to Tesoro High School, consistent with mitigation provided in the Final SEIR. The requirement for a noise barrier would be determined based on the Noise Abatement Criteria (NAC) within the Caltrans Traffic Noise Analysis Protocol (May 2011) and specified within 23 CFR 772.

Noise abatement was considered for the receptor per FHWA/Caltrans requirements. It was determined that a barrier with a height greater than 10' would provide 5 dBA of noise reduction and comply with the FHWA/Caltrans feasibility requirement. However, FHWA/Caltrans criteria require the barrier to cost less than $55,000 per benefited dwelling unit. For non-residential uses each 100 feet of frontage is equivalent to one dwelling unit. Tesoro High School has approximately 2,000 feet of frontage along the Project. Therefore, the maximum reasonable cost for the barrier is $1,155,000. The required barrier

would need to be approximately 3,700 feet long and the preliminary estimated cost exceeds $2,000,000 for a 10-foot high wall. While the barrier cost exceeds the reasonable cost limits per FHWA/Caltrans policies, to assess the reasonableness of the barrier consistent with FHWA/Caltrans procedures this finding will be officially documented in a Noise Abatement Decision Report (NADR). This evaluation procedure was also included in Mitigation Measures N-7, N-8 and NC-1 of the Final SEIR. However, the evaluation of whether the barrier is needed has been completed prior to approval of the Project, rather than final design or during construction to ensure full evaluation and disclosure of possible impacts associated with a sound barrier if one had been required. Consistent with what was analyzed in the Final SEIR for the Preferred Alternative/A7C-FEC-M alternative, the Project will not result in a significant noise impact based on Caltrans/FHWA criteria.

The County of Orange has established outdoor and indoor noise standards applicable to schools and are presented in Tables VIII-2 and VIII-3 of the Orange County Noise Element (2005). The standards are presented in terms of the Leq(t). That is the A-weighted equivalent sound level averaged over a period of "t" hours defined to match the hours of operation of the given use. For a school, the interior noise standard is an Leq(10) of 45 dBA and the exterior standard is an Leq(10) of 65 dBA. The noise modeling shows that the future unabated peak hour Leq(h) is projected to be 60 dBA or less on the school grounds. Buildings complying with modern energy efficiency standards provide at least 20 dB of outdoor-to-indoor noise reduction. Therefore, peak hour indoor Leq(h) noise levels will be less than 40 dBA. The Leq(10) is less than the peak hour Leq(h). Therefore, future noise levels at the school will not exceed the County of Orange Noise Standards and the Project will not result in a significant noise impact based on local noise policies.

Conclusion for Noise: The Tesoro Extension Project would not result in significant individual or cumulative effects not discussed in the Final SEIR. In addition, Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

Population and Housing. Analysis within the Final SEIR concluded that the Preferred Alternative/A7C-FEC-M could potentially contribute to impacts relating to facilitating or supporting growth in the study area. The facilitated growth, in and of itself, is not an adverse impact. However, the effects of this facilitated growth could result in impacts on a variety of areas, including agricultural resources, hydrology/drainage, water quality, air quality, noise, biological resources, aesthetics, cultural resources, recreation, mineral resources, public services, and utilities and services. The Final SEIR concluded that the displacement of housing or people would not occur, since none exists between Oso Parkway and Cow Camp Road.

While the Tesoro Extension Project would provide transportation infrastructure and serve local and regional traffic needs, it would not result in substantial growth-potential effects. The RMV is the only reasonably foreseeable development proposed in the site vicinity. Within the RMV property, the alignment passes through PAs 2N and 2S, where residential development is proposed, consistent with the approved Ranch Plan; refer to Figure 7. The Project's growth-potential effects would occur within the overall distribution and intensity of development approved by the County under the proposed RMV plan. RMV's plans show circulation elements with and without an extension of the SR 241 Toll Road and the development areas in the land use plan do not shift, intensify or change under the with and without scenario. The buildout of RMV would occur with or without the Project, and The Ranch Plan's growth inducing effects have been previously analyzed within the EIR prepared for the RMV Ranch

Plan that was certified by the County in 2004. Other opportunities for future growth within the Project area beyond the RMV are limited. As such, the Project would not result in growth inducing impacts. Additionally, the Project would not result in the loss of existing housing or displacement of residents. The Ranch Plan depicted an alignment of the SR 241 extension as shown on the MPAH; however, the EIR for The Ranch Plan acknowledged that if another alignment is selected, the development plan would accommodate the selected alignment. The Ranch Plan was approved at a General Plan or conceptual level plan, with development areas shown as "bubbles" with no grading plan or placement of residential units or buildings. Development on the Ranch will not occur without additional, more detailed planning through an Area Plan process with the County of Orange. The future Area Plans can site development away from the Tesoro Extension Project while staying within the development bubbles. In addition, F/ETCA and RMV have been coordinating on the Tesoro Extension Project as it relates to RMV's approved development. As noted on Figure 3, these minor design alterations include a potential maximum shift of 500 feet for a distance of approximately 2,500 linear feet to the east to avoid impacts to an existing irrigation reservoir currently utilized by RMV. In addition, a slight shift of approximately 800 feet to the west for a distance of approximately 4,500 linear feet near the southerly terminus of the Project would occur in order to avoid impacts to an earthen streambed. Thus, no conflicts with The Ranch Plan would occur under the proposed Project, and no disruption or division of future development would occur.

In addition, as described in the Final SEIR, approximately half of the proposed Project site is located within areas approved for development under the RMV Ranch Plan (PAs 2N and 2S). Development associated with the Ranch Plan would occur with or without implementation of the Tesoro Extension Project.

Conclusion for Population and Housing: The Tesoro Extension Project would not result in significant individual or cumulative effects not discussed in the Final SEIR. In addition, Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

Public Services. The Final SEIR included an analysis of the Preferred Alternative/A7C-FEC-M's potential impacts related to public services. The Final SEIR concluded that no significant impacts to public services would occur, and identified a range of mitigation measures to minimize impacts to below significance.

The proposed Project would not result in additional impacts to public services beyond those identified in the Final SEIR. As noted above, the RMV is the only reasonably foreseeable development proposed in the site vicinity. Within the RMV property, the alignment passes through PAs 2N and 2S, where residential and/or commercial development have been approved. The Project's growth-potential effects would occur within the overall distribution and intensity of development approved by the County under the proposed RMV plan. RMV's plans show circulation elements with and without an extension of the SR 241 Toll Road and the development areas in the land use plan do not shift, intensify or change under the with and without scenario. The buildout of RMV would occur with or without the Project, and The Ranch Plan's growth inducing effects have been previously analyzed within the EIR prepared for the RMV Ranch Plan that was certified by the County in 2004. Other opportunities for future growth within the Project area beyond the RMV are limited. As such, the Project would not result in growth inducing impacts that would result in additional demand for public services. Thus, demand for fire protection, law enforcement, schools, recreational services, or other public services is not expected to increase in comparison to the analysis in the Final SEIR. Generally, the Project is expected to result in

beneficial impacts in regards to fire protection and law enforcement, since the Project would consist of a new roadway providing enhanced regional access for emergency vehicles.

While minor design alterations have been incorporated into the Project, there would be no change in impacts to public services in comparison to the conclusions of the Final SEIR. The proposed alignment may be shifted slightly to the east to avoid impacts to an existing irrigation reservoir currently utilized on the RMV, and would be shifted to the west near the southerly terminus of the Project would occur in order to avoid impacts to an earthen streambed. The areas affected by these minor design alterations are similar to the Preferred Alternative/A7C-FEC-M and are void of any unique features or characteristics related to public services that would alter the conclusions reached within the Final SEIR.

In addition, as described in the Final SEIR, approximately half of the proposed Project site is located within areas approved for development under the RMV Ranch Plan (PAs 2N and 2S). Development associated with the Ranch Plan would occur with or without implementation of the Tesoro Extension Project.

Conclusion for Public Services: The Tesoro Extension Project would not result in significant individual or cumulative effects not discussed in the Final SEIR. In addition, Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

Recreation. The Final SEIR included an analysis of the Preferred Alternative/A7C-FEC-M's impacts to recreational resources, and concluded that significant and unavoidable impacts would occur in the portion of the Preferred Alternative/A7C-FEC-M south of Cow Camp Road. These significant and unavoidable impacts apply to temporary occupancy and permanent acquisition of property, short-term noise, short-term air quality and long-term visual impacts. However, these impacts would occur in areas outside of the Tesoro Extension Project alignment, south of Cow Camp Road (e.g., within Donna O'Neill Land Conservancy or recreational areas along the coast). Thus, the Final SEIR did not identify any significant effects to recreational resources for the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road.

The proposed Project would not result in additional impacts to recreation beyond those identified in the Final SEIR. There are no public or private parks, recreational facilities, or wildlife refuges that would be directly impacted by the Project. Although Tesoro High School is located adjacent to the Project alignment and is equipped with sports fields, a swimming pool, and gymnasium, this facility is not considered accessible to the general public. In addition, the Project would not result in any adverse impacts related to these facilities on the Tesoro High School campus.

In addition, recreational facilities associated with buildout of the RMV would not be affected by the Project. The Ranch Plan was approved at a General Plan or conceptual level plan, with development areas shown as "bubbles" with no grading plan or placement of residential units or buildings. Development on the Ranch will not occur without additional, more detailed planning through an Area Plan process with the County of Orange. The future Area Plans can site development away from the Tesoro Extension Project while staying within the development bubbles. Thus, no conflicts with The Ranch Plan would occur under the proposed Project, and no impacts to proposed recreational facilities would occur.

While minor design alterations have been incorporated into the Project, the overall change in the recreational characteristics of the vicinity would not be substantial. The proposed alignment may be shifted slightly to the east to avoid impacts to an existing irrigation reservoir currently utilized on the RMV, and would be shifted to the west near the southerly terminus of the Project would occur in order to avoid impacts to an earthen streambed. The areas affected by these minor design alterations are similar to the Preferred Alternative/A7C-FEC-M and are void of any existing or proposed recreational facilities that would alter the conclusions reached within the Final SEIR.

In addition, as described in the Final SEIR, approximately half of the proposed Project site is located within areas approved for development under the RMV Ranch Plan (PAs 2N and 2S). Development associated with the Ranch Plan would occur with or without implementation of the Tesoro Extension Project.

Conclusion for Recreation: The Tesoro Extension Project would not result in significant individual or cumulative effects not discussed in the Final SEIR. In addition, Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

Transportation/Traffic. The Final SEIR included a detailed analysis of potential transportation/traffic impacts for the Preferred Alternative/A7C-FEC-M. The analysis reviewed potential impacts related to short-term construction, long-term freeway/tollway mainline operations, arterial roads, and freeway/tollway ramps. The Final SEIR determined that the Preferred Alternative/A7C-FEC-M did not result in any significant impacts in regards to long-term operations, and that no mitigation was required. However, the Final SEIR identified a significant and unavoidable impact regarding short-term construction traffic, due to the movement of construction equipment and workers to and from the site, materials movement, and diversion of traffic on existing roadways.

The Project is anticipated to result in similar short-term construction impacts in comparison to the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road. The Project would incorporate the same range of construction traffic mitigation measures as outlined in the Final SEIR. These measures include preparation of a Construction Traffic Management Plan (CTMP), which would implement designated haul routes, notification through signage and public outreach, and construction scheduling outside of peak traffic hours, among others. In addition, since the Tesoro Extension Project and the Preferred Alternative/A7C-FEC-M generally follow the same alignment, share similar design characteristics, and would require a similar construction methodology, it is expected that earthwork quantities would be similar between Oso Parkway and Cow Camp Road, which would require a similar amount of construction equipment, workers, and materials movement. Although earthwork quantities associated with the Project are expected to be balanced, and haul trip lengths would be substantially reduced in comparison to the Preferred Alternative/A7C-FEC-M due to the shorter length of the proposed extension, it is expected that a significant and unavoidable impact would remain.

Updated traffic analysis conducted for the Project indicates that a potential impact could occur at the intersection of Antonio Parkway/La Pata Avenue and Ortega Highway.[10] A PDF has been incorporated into the Project that would consist of the reconfiguration of the eastbound approach to the intersection to provide one through lane, a shared through/right-turn lane, and a separate right turn lane. This PDF

[10] *Tesoro Extension Project Traffic Analysis*, Stantec Inc.

would require restriping of the eastbound approach, and no R/W acquisition would be required. Upon implementation of this PDF, long-term operational impacts related to the Tesoro Extension Project would be less than significant.

Similar to the Preferred Alternative/A7C-FEC-M, a number of beneficial effects would also occur with the Project. These beneficial effects include: 1) peak hour traffic reductions on I-5[11]; 2) elimination or reduction in deficiencies in the Antonio Parkway and Ortega Highway arterial corridors[12]; and 3) improved local and regional accessibility, resulting in reduced vehicle miles and vehicle hours traveled (refer to Table 3, above).

While minor design alterations have been incorporated into the Project, no changes in traffic impacts are anticipated. The proposed alignment may be shifted slightly to the east to avoid impacts to an existing irrigation reservoir currently utilized on the RMV, and would be shifted to the west near the southerly terminus of the Project would occur in order to avoid impacts to an earthen streambed. The areas affected by these minor design alterations are similar to the Preferred Alternative/A7C-FEC-M and would not affect circulation during short-term construction or long-term operations.

In addition, as described in the Final SEIR, approximately half of the proposed Project site is located within areas approved for development under the RMV Ranch Plan (PAs 2N and 2S). Development associated with the Ranch Plan would occur with or without implementation of the Tesoro Extension Project.

Conclusion for Transportation/Traffic: The Tesoro Extension Project would not result in significant individual or cumulative effects not discussed in the Final SEIR. In addition, Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

Utilities and Service Systems. The Final SEIR included an analysis of the Preferred Alternative/A7C-FEC-M's potential impacts related to utilities and service systems. The Final SEIR concluded that no significant impacts to utilities and service systems would occur, and identified a range of mitigation measures to minimize impacts to below significance.

The Project would not result in additional impacts to utilities and service systems beyond those identified in the Final SEIR. There are a number of utility lines and utility facilities in the study area that may be affected, including wastewater, water, electrical, and communication facilities. During construction of the Tesoro Extension Project, utilities and service systems, which may be impacted at locations where lines and facilities are within and adjacent to the disturbance limits would be relocated or protected in place. During final design and in consultation with utility providers, a determination would be made as to which of the identified utilities would be relocated and plans for the relocations would be developed. In further consultation with utility providers, some obsolete utility facilities may be removed at the request of the provider. Utilities that are not removed or relocated would be protected in place during construction.

[11] *Tesoro Extension Project Traffic Analysis*, Table 5-1, Stantec Inc.
[12] *Tesoro Extension Project Traffic Analysis*, page 4.3, Stantec Inc.

While minor design alterations have been incorporated into the Project, no change impacts to utilities and services would occur. The proposed alignment may be shifted slightly to the east to avoid impacts to an existing irrigation reservoir currently utilized for ranching activities by RMV, and would be shifted to the west near the southerly terminus of the Project would occur in order to avoid impacts to an earthen streambed. The areas affected by these minor design alterations are similar to the Preferred Alternative/A7C-FEC-M and are void of any unique development, utilities, or other characteristics that would alter the conclusions reached within the Final SEIR.

Additionally, as described in the Final SEIR, approximately half of the proposed Project site is located within areas approved for development under the RMV Ranch Plan (PAs 2N and 2S). Development associated with the Ranch Plan would occur with or without implementation of the Tesoro Extension Project.

Conclusion for Utilities and Service Systems: The Tesoro Extension Project would not result in significant individual or cumulative effects not discussed in the Final SEIR. In addition, Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

Cumulative Impacts. The Final SEIR included an analysis of cumulative impacts as required under CEQA. The Final SEIR analyzed two primary categories of cumulative projects, consisting of cumulative land development projects and cumulative transportation projects. In comparison to the Tesoro Extension Project, the scope of the cumulative analysis and associated geographic range within the Final SEIR was much larger, since the SOCTIIP build alternatives generally extended substantially further south of Cow Camp Road. As noted within Table 5.4-1, Summary of Cumulative Projects and Potential Cumulative Impacts of the Final SEIR, the SOCTIIP build alternatives were determined to have the potential to result in adverse cumulative effects related to the conversion of agricultural land, cultural resources, visual resources, military resources, mineral resources, paleontological resources, landfill capacity, and recreation resources. As addressed in the Addendum, the Project does not result in any significant impacts, with the exception of visual resources. Therefore, the Project would not contribute to cumulative impacts at the same level that the Preferred Alternative/A7C-FEC-M would have done.

The proposed Project would not result in adverse cumulative impacts not previously discussed in the Final SEIR. The range and severity of cumulative impacts associated with the Project is expected to be less than or similar when compared to the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road. As noted above, the scope and geographic range of cumulative analysis associated with the Tesoro Extension Project are substantially reduced when compared to the SOCTIIP build alternatives. In addition, since the time the Final SEIR was certified (February 2006), the economic recession has affected the rate and scale of growth and associated development activities occurring within the Project area. As a result, the overall intensity of cumulative land development projects is still within the overall projections in the Final SEIR. Although a portion of the primary land development project in the vicinity of the Project site (RMV Ranch Plan) is currently under construction, build out of the Ranch Plan was considered as part of the Final SEIR's cumulative analysis. Moreover, the Final SEIR also considered cumulative transportation projects that included regional MPAH and state highway facilities, some of which are in proximity to the Project site and could result in cumulative impacts (e.g., the La Pata Avenue Gap Closure and the I-5/Ortega Highway Interchange). As such, cumulative effects associated with these transportation facilities were also previously considered as part of the Final SEIR.

The proposed Project would not affect any military resources, since the Tesoro Extension would not extend through MCB Camp Pendleton. In addition, as discussed in detail within this Addendum, it has been determined that no new or more severe individual impacts would occur when comparing the Tesoro Extension Project to the Final SEIR. Due to the similar degree of individual environmental impacts and nature of cumulative land development/transportation projects in the Project vicinity, cumulative Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

Conclusion for Cumulative Impacts: The Tesoro Extension Project would not result in significant cumulative effects not discussed in the Final SEIR. In addition, individual and cumulative Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

3.1 FINDINGS

As described above and outlined in Table 5, *Summary of Environmental Impacts*, the proposed Project would not result in new or increased impacts as compared to those that were identified in the Final SEIR. The Preferred Alternative/A7C-FEC-M alignment and the proposed Project share similar design characteristics, generally follow the same alignment through the RMV, and encounter similar environmental conditions. The Tesoro Extension Project includes similar PDFs and relevant mitigation measures from the Final SEIR that would remain applicable (refer to Appendix A, *Applicable Mitigation Measures/Commitments/Conditions*).

The Project does not require major revisions to the Final SEIR, nor does it result in new information of substantial importance that was not known at the time of certification of the Final SEIR. Based upon the evidence included in this Addendum, the proposed Tesoro Extension Project would not result in significant effects not discussed in the Final SEIR, nor would impacts be more severe, new, or different and no previously rejected mitigation measures are found to be feasible.

It is the Lead Agency's finding that the previous environmental document, with this Addendum, may be used to fulfill the environmental review requirements of the Project. Because none of the factors in CEQA Section 21166 apply, a subsequent or supplemental EIR is not required.

3.2 LEAD AGENCY DETERMINATION

On the basis of the analysis provided within this environmental document:

I find that the minor changes to the Project would not result in significant individual or cumulative effects not discussed in the SOCTIIP Final SEIR. In addition, Project impacts would not be more severe, new, or different and no previously rejected mitigation measures are found to be feasible in comparison to the analysis of Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR. Thus, a Supplemental or Subsequent EIR is not required under *CEQA Guidelines* Section 15163 and an ADDENDUM to the Final SEIR is appropriate. **X**

I find that changes to the Project and/or circumstances under which the Project would be undertaken have occurred, which may result in more severe, new, or different environmental impacts as described under *CEQA Guidelines* Section 15162. Minor additions or changes are required to make the Final SEIR adequately apply in the changed situation. Thus, a SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT is required under *CEQA Guidelines* Section 15163. ____

I find that changes to the Project and/or circumstances under which the Project would be undertaken have occurred, which may result in more severe, new, or different environmental impacts as described under *CEQA Guidelines* Section 15162. Thus, a SUBSEQUENT ENVIRONMENTAL IMPACT REPORT is required under *CEQA Guidelines* Section 15162. ____

Signature	Foothill/Eastern Transportation Corridor Agency
	Agency
Valarie McFall, Director, Environmental Services	February 15, 2013
Printed Name	Date

Table 5
Summary of Environmental Impacts

Environmental Issue	Impacts Analysis and Findings for Preferred Alternative/A7C-FEC-M and Reference	Does Proposed Project Involve New or Substantially More Severe Impacts?	Any New Circumstances Involving New or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Document's Mitigation Measures Implemented or Addressing Impacts?
Aesthetics	**Impact:** A reduction in visual quality and conflicts with existing visual/aesthetic policies. **Finding:** Significant and unavoidable impact. **Reference:** SOCTIIP Final SEIR, Section 7.0, page 7-40.	NO	NO	NO	AS-1 through AS-4 PDF-18-1
	Visual and aesthetic impacts within the Project site would be similar due to the similar alignments, design characteristics, and construction methodology. While minor alterations in design occur, the overall change in the aesthetic characteristics of the vicinity would not be substantial. Note that existing conditions are changing as a result of development of the Ranch Plan.				
Agriculture and Forestry Resources	**Impact:** Impacts to farmland of prime, unique, and/or statewide importance would occur. However, these impacts would occur south of Cow Camp Road, outside of the Tesoro Extension Project's study area. **Finding:** Significant and unavoidable impact. **Reference:** SOCTIIP Final SEIR, Section 7.0, page 7-7.	NO	NO	NO	AG-1 and AGC-1
	No farmland of prime, unique, or statewide importance would be affected. No forest land exists within or adjacent to the site.				
Air Quality	**Impact:** CO, HC, NO_x and PM_{10} impacts during construction would exceed SCAQMD thresholds. NO_x emissions during long-term operation would also exceed SCAQMD thresholds. **Finding:** Significant and unavoidable impact. **Reference:** SOCTIIP Final SEIR, Section 7.0, page 7-20.	NO	NO	NO	AQ-1 through AQ-7
	Construction emissions due to activities within the corridor are expected to be similar since the construction methodology associated with the Project would be substantially the same (e.g., similar design, topography, geologic conditions, and equipment). But, the total construction emissions would be only a portion of those addressed in the SOCTIIP SEIR, since the Tesoro Extension Project is 5.5 miles, shorter than the full A7C-FEC-M. On an operational basis, background conditions and				

Note: Impact findings within Table 5 for the Preferred Alternative/A7C-FEC-M apply to the entire previously-proposed alignment from Oso Parkway to I-5. In certain instances, resources and impacts may not occur within the Tesoro Extension Project site (Oso Parkway to Cow Camp Road).

Environmental Issue	Impacts Analysis and Findings for Preferred Alternative/A7C-FEC-M and Reference	Does Proposed Project Involve New or Substantially More Severe Impacts?	Any New Circumstances Involving New or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Document's Mitigation Measures Implemented or Addressing Impacts?
	traffic volumes identified in the Final SEIR have not substantially changed. Although the Project represents a new roadway within a currently undeveloped area, it would result in regional transportation and air quality benefits. The proposed Project would remain a Transportation Control Measure as the Project is one of the activities included in the SCAG 2012–2035 RTP/SCS that reduces air pollutant emissions by providing relief of existing and projected congestion. These activities generally include toll roads, express lanes, high occupancy vehicle lanes, and dedicated truck toll lanes.				
Biological Resources	**Impact:** Impacts to wetlands and Waters of the U.S. would be mitigated. Impacts to sensitive plants, plant communities, and habitat fragmentation/wildlife corridors would occur. **Finding:** Significant and unavoidable impact. **Reference:** SOCTIIP Final SEIR, Section 7.0, page 7-24, 7-25, and 7-33.	**NO**	**NO**	**NO**	**TE-1 through 7;-10; 12 through 15; 18 through 22; 25 through 29; TE-SWF-1 through 3; WV-1 through 20; 22 through 39; WW-1 through 11; CDFG-1 through 63; CDFG-A1; -A2; PDF-11-1; -11-2;-18.2**
	The Tesoro Extension Project shares a similar alignment and similar biological conditions would be encountered, except that the Tesoro Extension Project avoids impacts to wetlands and Waters of the U.S. Relevant biological mitigation measures from the Final SEIR would remain applicable.				
Cultural Resources	**Impact:** A7C-FEC-M would not result in significant impacts to archaeological, historical, or paleontological resources. **Finding:** Less than significant impact with mitigation. **Reference:** SOCTIIP Final SEIR, Section 7.0, pages 7-37 and 7-45.	**NO**	**NO**	**NO**	**AR-1 through 3; HR-1; P-1 through 3**
	No resources eligible for the National Register of Historic Places would be significantly impacted by the Project. Final SEIR measures related to paleontological resources would remain applicable.				
Geology/Soils	**Impact:** A7C-FEC-M would not result in significant impacts related to temporary impacts or long-term geological hazards. **Finding:** Less than significant impact with mitigation. **Reference:** SOCTIIP Final SEIR, Section 7.0, page 7-43.	**NO**	**NO**	**NO**	**G-1 through 5**

Environmental Issue	Impacts Analysis and Findings for Preferred Alternative/A7C-FEC-M and Reference	Does Proposed Project Involve New or Substantially More Severe Impacts?	Any New Circumstances Involving New or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Document's Mitigation Measures Implemented or Addressing Impacts?
	The Tesoro Extension Project shares a similar alignment and similar geologic/soil conditions would be encountered. Similar construction/operational measures would be incorporated to minimize impacts.				
Greenhouse Gas Emissions	**Impact**: Not addressed in SOCTIIP SEIR. Studies conducted for the California Coastal Commission demonstrated that the A7C-FEC-M would not result in significant impacts related to GHG emissions or consistency with applicable plans, policies, and regulations. **Finding:** Not addressed in the SOCTIIP CEQA Findings. Subsequently determined to be a less than significant impact, and confirmed in this Addendum. **Reference:** N/A	N/A	N/A	NO	N/A
	While construction activities would result in a slight increase in GHG emissions during construction, operational emissions during the proposed Project conditions would decrease from the No Build conditions by 0.11 percent during the horizon year. The proposed Project would reduce existing and forecast deficiencies and congestion on I-5 and the surrounding arterial network. Additionally, as depicted in Table 3, VMT and VHT would decrease with the implementation of the proposed Project. Emissions would also be reduced with the implementation of the Pavley fuel standards.				
Hazards & Hazardous Materials	**Impact:** No documented hazardous materials sites were determined to exist along A7C-FEC-M between Oso Parkway and Cow Camp Road. **Finding:** Less than significant impact with mitigation. **Reference:** SOCTIIP Final SEIR, Section 7.0, page 7-38.	NO	NO	NO	HM-1; -2; -5 through 10; -18
	The Project generally follows the same alignment and would encounter similar existing conditions in relation to hazardous materials. Updated technical analysis indicates no Recognized Environmental Conditions (RECs) exist within site boundaries. The Project would not involve the routine use or disposal of large quantities of hazardous materials and would not interfere with implementation of an emergency response or evacuation plan.				
Hydrology/Water Quality	**Impact:** Project design features (PDFs) minimize impacts to a less than significant level. **Finding:** Less than significant impact with mitigation.	NO	NO	NO	WQ-1 through 6 WDR-1 through 7; PDF-9-1 through 9-9

Environmental Issue	Impacts Analysis and Findings for Preferred Alternative/A7C-FEC-M and Reference	Does Proposed Project Involve New or Substantially More Severe Impacts?	Any New Circumstances Involving New or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Document's Mitigation Measures Implemented or Addressing Impacts?
	Reference: SOCTIIP Final SEIR, Section 7.0, pages 7-23 and 7-24.				
	The Project would require a similar range of BMPs/PDFs and would also be in compliance with existing State standards for water quality under the NPDES program.				
Land Use/Planning	**Impact:** The OCTA oversees the County's circulation plan, known as the MPAH. The MPAH is reflected in the local General Plans of the individual cities and the County of Orange. Each jurisdiction is responsible for implementing the MPAH part of its General Plan Circulation Element within its jurisdictional boundary. F/ETCA has no jurisdiction over land use, but will work with the County of Orange and OCTA to update the MPAH. **Finding:** Less than significant impact. **Reference:** SOCTIIP Final SEIR, Section 7.0, pages 7-5.	NO	NO	NO	NO
	The Tesoro Extension Project is now consistent with the alignment shown on the MPAH. The Ranch Plan accounts for development of the Project and no land use conflicts would occur. The proposed refinements would not result in a significant impact related to any conflict with an applicable land use plan, policy, or regulation. The Project would not require the acquisition of any existing homes or businesses. Mitigation within the Final SEIR would remain applicable to the Tesoro Extension Project.				
Mineral Resources	**Impact:** The A7C-FEC-M alignment between Oso Parkway and Cow Camp Road would not affect mineral resources. **Finding:** Less than significant	NO	NO	NO	N/A
	The Project site is not located within an area of known mineral resources, either of regional or local value.				
Noise	**Impact:** A7C-FEC-M would not result in significant short-term or long-term noise impacts upon implementation of required mitigation measures. The Final SEIR determined that construction impacts would be less than significant with adherence to mitigation measures, and since impacts would be temporary and no nighttime construction would occur. On a long-term basis, the Final SEIR determined that A7C-FEC-M would not	NO	NO	NO	N-1 through 8; NC-1

Environmental Issue	Impacts Analysis and Findings for Preferred Alternative/A7C-FEC-M and Reference	Does Proposed Project Involve New or Substantially More Severe Impacts?	Any New Circumstances Involving New or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Document's Mitigation Measures Implemented or Addressing Impacts?
	result in significant impacts as there would be no exceedance of Community Noise Equivalent Level (CNEL) criteria. **Finding:** Less than significant with mitigation. **Reference:** SOCTIIP Final SEIR, Section 7.0, pages 7-12.				
	Construction noise due to activities within the corridor are expected to be similar since the construction methodology associated with the Project would be substantially the same (e.g., similar design, topography, geologic conditions, and equipment). On an operational basis, background conditions and traffic volumes identified in the Final SEIR have not substantially changed. The proposed Project is not expected to result in design or operational changes that would result in additional stationary or roadway noise that would substantially alter conclusions within the Final SEIR.				
Population/Housing	**Impact:** A7C-FEC-M could potentially contribute to impacts relating to facilitating or supporting growth. **Finding:** The facilitated growth, in and of itself, is not an adverse impact. **Reference:** SOCTIIP Final SEIR, Section 6.0, pages 6-23 and 6-24.	**NO**	**NO**	**NO**	**YES**
	The Project's growth-potential effects would occur within the overall distribution and intensity of development approved by the County under the proposed RMV plan. RMV's plans show circulation elements with and without an extension of the SR 241 Toll Road and the development areas in the land use plan do not shift, intensify or change under the with and without scenario. The buildout of RMV would occur with or without the Project, and The Ranch Plan's growth inducing effects have been previously analyzed within the EIR prepared for the RMV Ranch Plan that was certified by the County in 2004. Other opportunities for future growth within the Project area beyond the RMV are limited. As such, the Project would not result in growth inducing impacts. Additionally, the Project would not result in the loss of existing housing or displacement of residents.				
Public Services	**Impact:** The A7C-FEC-M alignment between Oso Parkway and Cow Camp Road would not significantly affect public services. **Finding:** Less than significant with mitigation. **Reference:** SOCTIIP Final SEIR, Section 7.0, pages 7-46.	**NO**	**NO**	**NO**	**PS-1 through 9; -13**
	The Project is not anticipated to result in substantial growth inducement. Thus, demand for fire protection, law enforcement, schools, recreational services, or other public services is not expected to increase. Generally, the Project is expected to result in beneficial impacts in regards to fire protection and law enforcement, since the Project would consist of a new roadway providing enhanced regional access for emergency vehicles.				

Environmental Issue	Impacts Analysis and Findings for Preferred Alternative/A7C-FEC-M and Reference	Does Proposed Project Involve New or Substantially More Severe Impacts?	Any New Circumstances Involving New or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Document's Mitigation Measures Implemented or Addressing Impacts?
Recreation	**Impact:** A7C-FEC-M would significantly impact recreational resources. However, these resources are outside of the Tesoro Extension Project alignment, south of Cow Camp Road (e.g., within The Donna O'Neill Land Conservancy or recreational areas along the coast). Thus, the Final SEIR did not identify any significant effects to recreational resources for A7C-FEC-M between Oso Parkway and Cow Camp Road. **Finding:** Significant and unavoidable impact. **Reference:** SOCTIIP Final SEIR, Section 7.0, pages 7-48.	NO	NO	NO	R-5
	The proposed Project would not result in additional impacts to recreation beyond those identified in the Final SEIR. There are no public or private parks, recreational facilities, or wildlife refuges that would be directly impacted by the Project. Although Tesoro High School is located adjacent to the Project alignment and is equipped with sports fields, a swimming pool, and gymnasium, this facility is not considered accessible to the general public. The Project would not result in any adverse impacts related to these facilities on the Tesoro High School campus. In addition, recreational facilities associated with buildout of the RMV would not be affected by the Project. The Ranch Plan was approved at a General Plan or conceptual level plan, with development areas shown as "bubbles" with no grading plan or placement of residential units or buildings. Development on the Ranch will not occur without additional, more detailed planning through an Area Plan process with the County of Orange. The future Area Plans can site development away from the Tesoro Extension Project while staying within the development bubbles. Thus, no conflicts with The Ranch Plan would occur under the proposed Project, and no impacts to proposed recreational facilities would occur.				
Transportation/Traffic	**Impact:** A7C-FEC-M would not significantly impact tollway, highway, or arterial operations. **Finding:** Less than significant impact with mitigation. **Reference:** SOCTIIP Final SEIR, Section 7.0, pages 7-4.	NO	NO	NO	CT-1
	A potential Project impact could occur at the intersection of Antonio Parkway/La Pata Avenue and Ortega Highway. Mitigation has been incorporated into the Project that would consist of the reconfiguration of the eastbound approach to the intersection to provide one through lane, a shared through/right-turn lane, and a separate right turn lane. Upon implementation of this mitigation measure, impacts related to the Tesoro Extension Project would be less than significant. Mitigation for temporary construction impacts (i.e., preparation of a CTMP) would remain applicable to reduce traffic impacts during the construction process. Similar to A7C-FEC-M, a number of beneficial effects would also occur with the Project. These beneficial effects include: 1) peak hour traffic reductions on I-5; 2) elimination or reduction in deficiencies in the Antonio Parkway and Ortega Highway arterial corridors; and 3) improved local and regional accessibility, resulting in reduced vehicle miles and vehicle hours traveled.				

Environmental Issue	Impacts Analysis and Findings for Preferred Alternative/A7C-FEC-M and Reference	Does Proposed Project Involve New or Substantially More Severe Impacts?	Any New Circumstances Involving New or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Document's Mitigation Measures Implemented or Addressing Impacts?
Utilities/Service Systems	**Impact:** No significant impacts to utilities and services systems would occur with implementation of recommended mitigation. **Finding:** Less than significant impact with mitigation. **Reference:** SOCTIIP Final SEIR, Section 7.0, pages 7-46.	NO	NO	NO	U-1; U-2
	During construction, any existing utilities which may be impacted would be relocated or protected in place. In consultation with utility providers, some obsolete utility facilities may be removed at the request of the provider. Utilities that are not removed or relocated will be protected in place during construction.				

Proposed Extension

Rancho Mission Viejo Boundary

not to scale

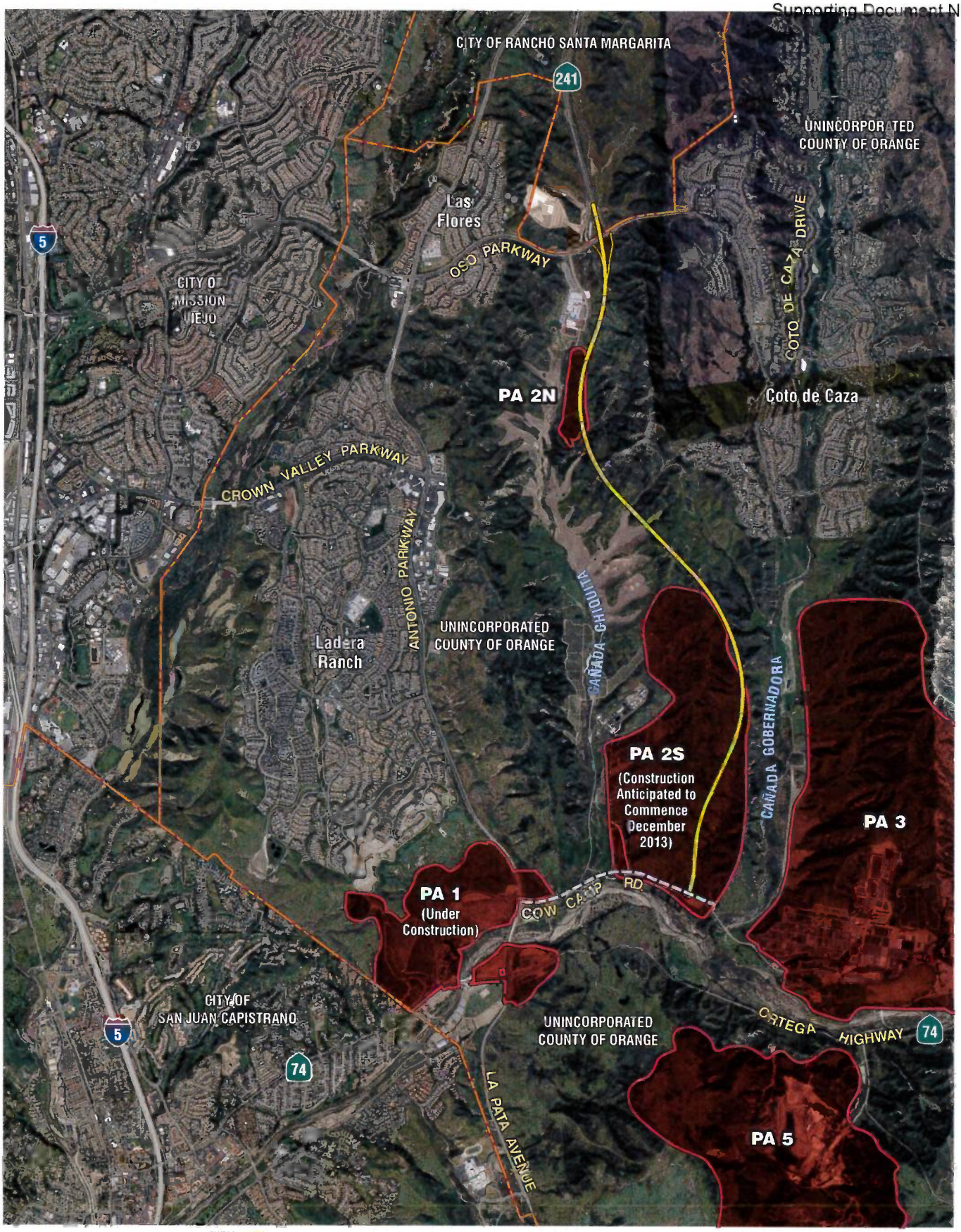
2/13/13 JN 129895-18793 MAS

TESORO EXTENSION PROJECT

Regional Vicinity

CEQA ADDENDUM

Figure 1



not to scale

Proposed Extension

Approved RMV Development Area

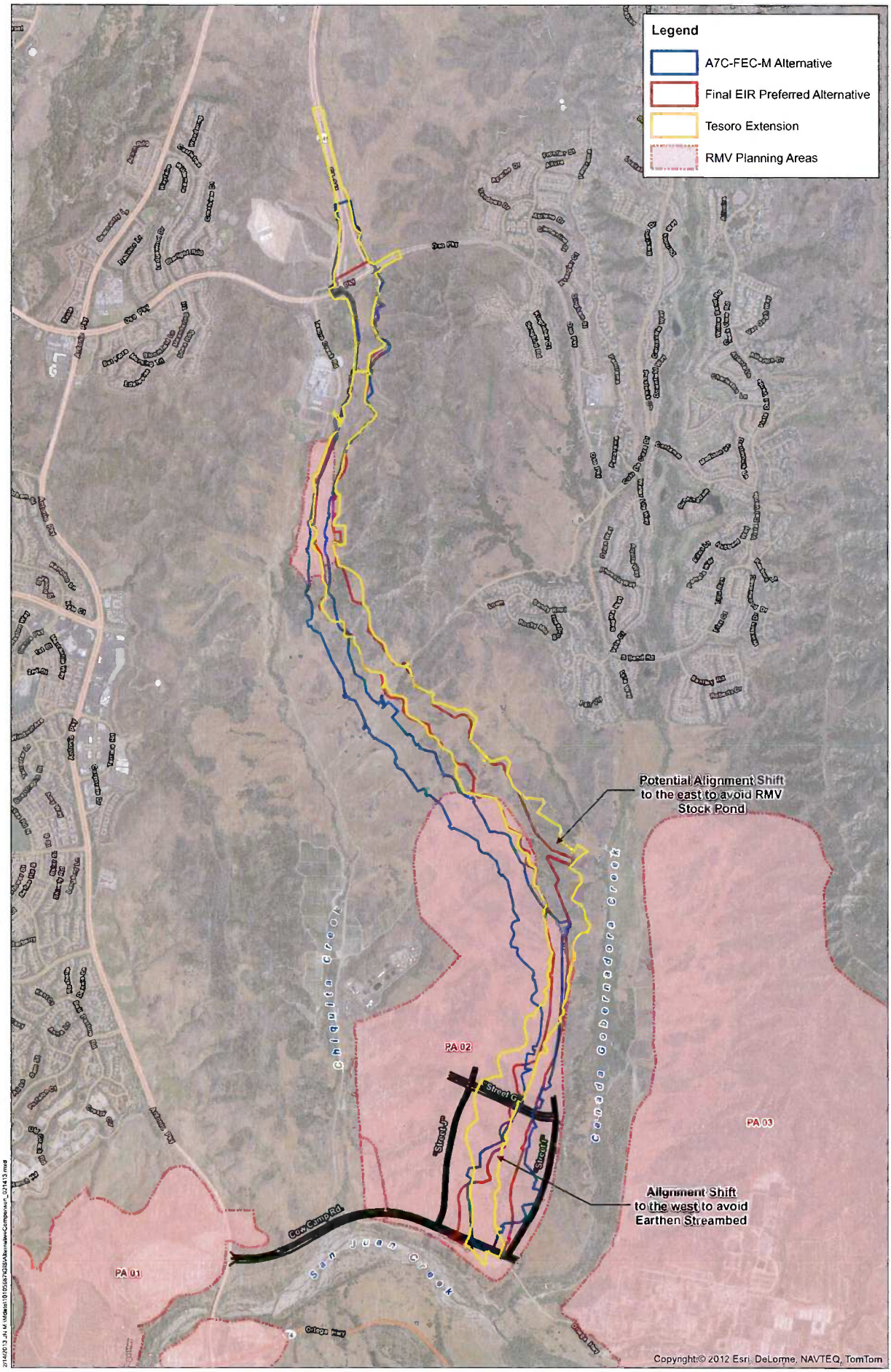
TESORO EXTENSION PROJECT

Site Vicinity Map

CEQA ADDENDUM

2/13/13 JN 129895-18793 MAS

Figure 2



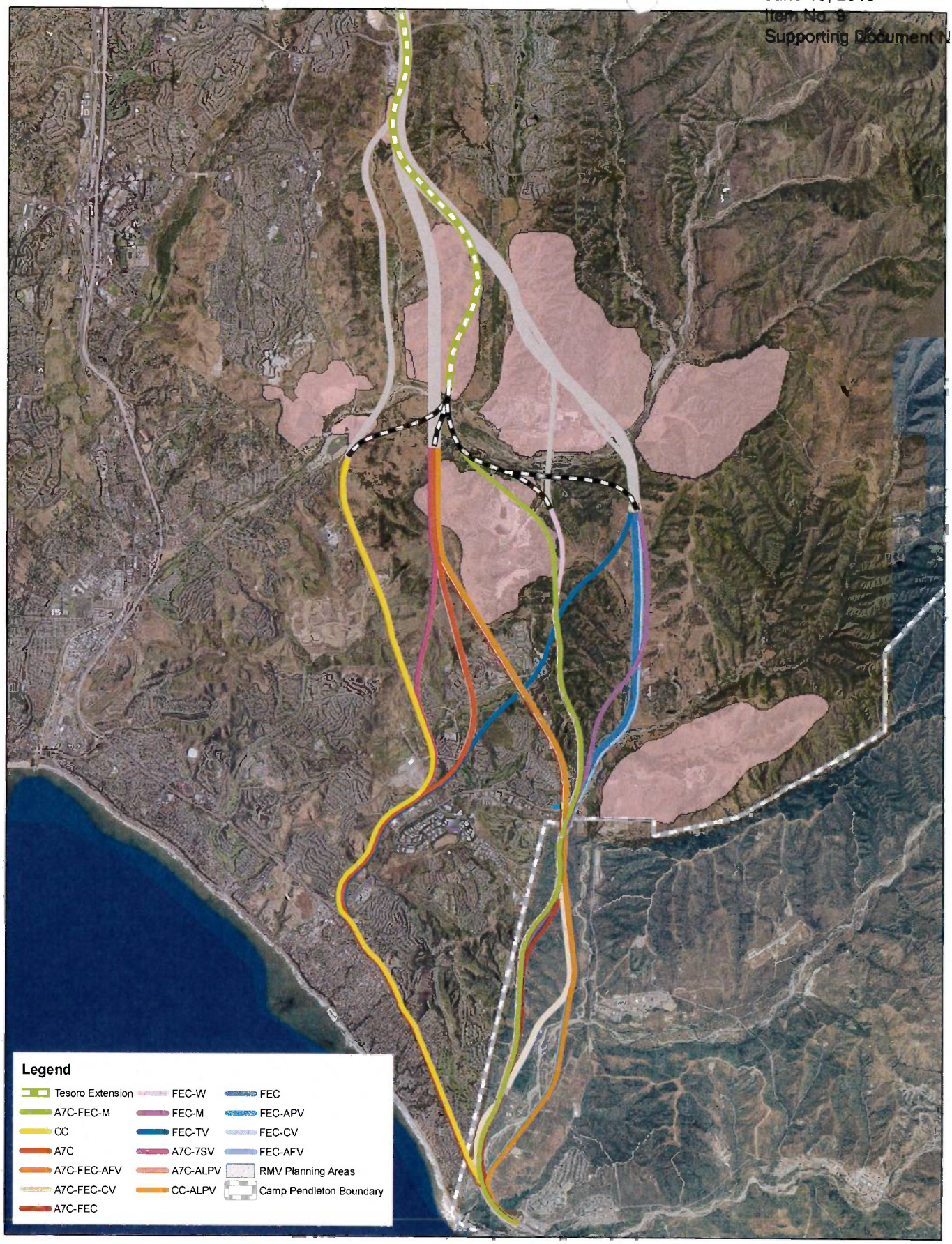
0 1,000 2,000 4,000 Feet

Source: TCA, Eagle Aerial Imaging – 2011

TESORO EXTENSION PROJECT

SOCTIIP and Tesoro Comparison

Figure 3



0 2 miles

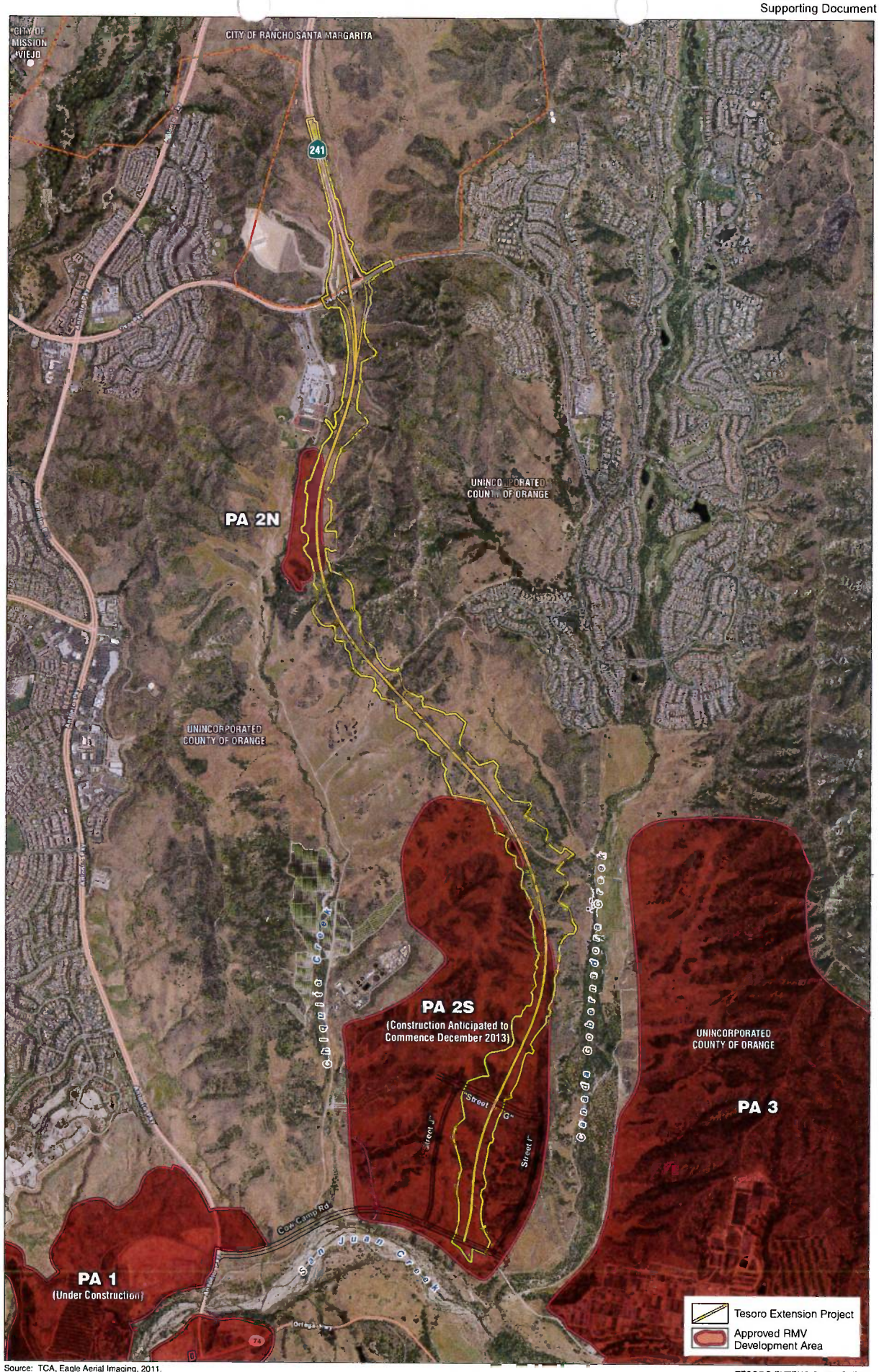
2/14/13 JN 129895-18793 MAS

TESORO EXTENSION PROJECT

Future Alignment Alternatives

CEQA ADDENDUM

Figure 4



Source: TCA, Eagle Aerial Imaging, 2011.

0 2000'

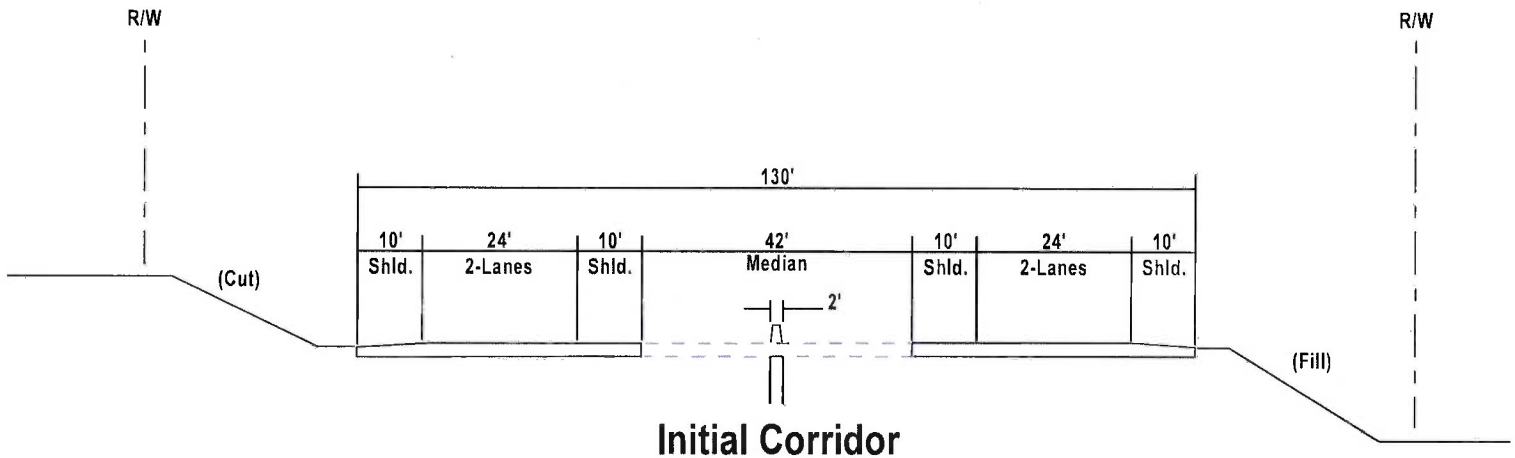
2/14/13 JN 129855-189793 MAS

TESORO EXTENSION PROJECT

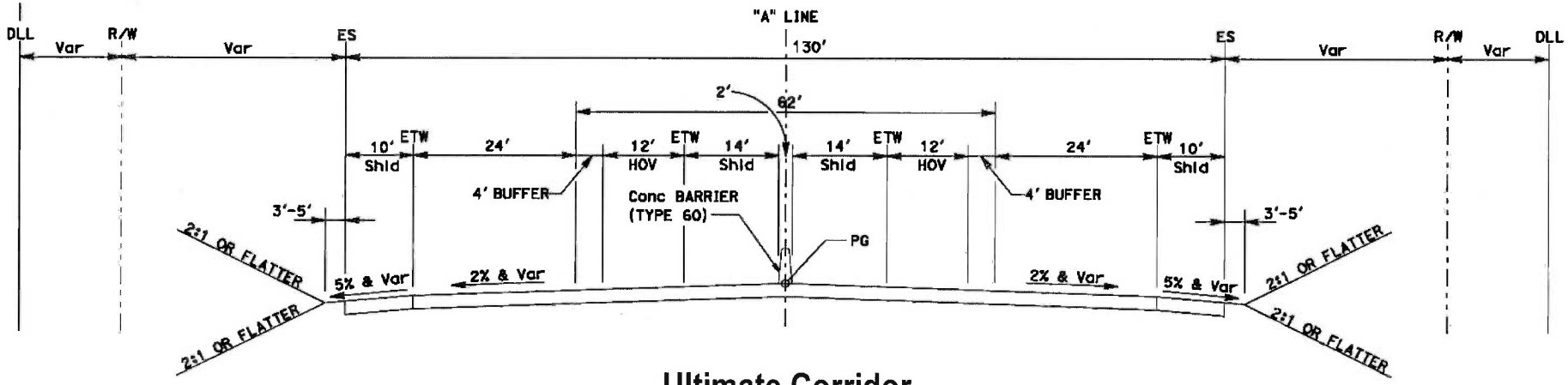
Proposed Project

CEQA ADDENDUM

Figure 5



Initial Corridor
(Oso Parkway to Cow Camp Road)



Ultimate Corridor
(Oso Parkway to Cow Camp Road)

Source: TCA 2012

not to scale

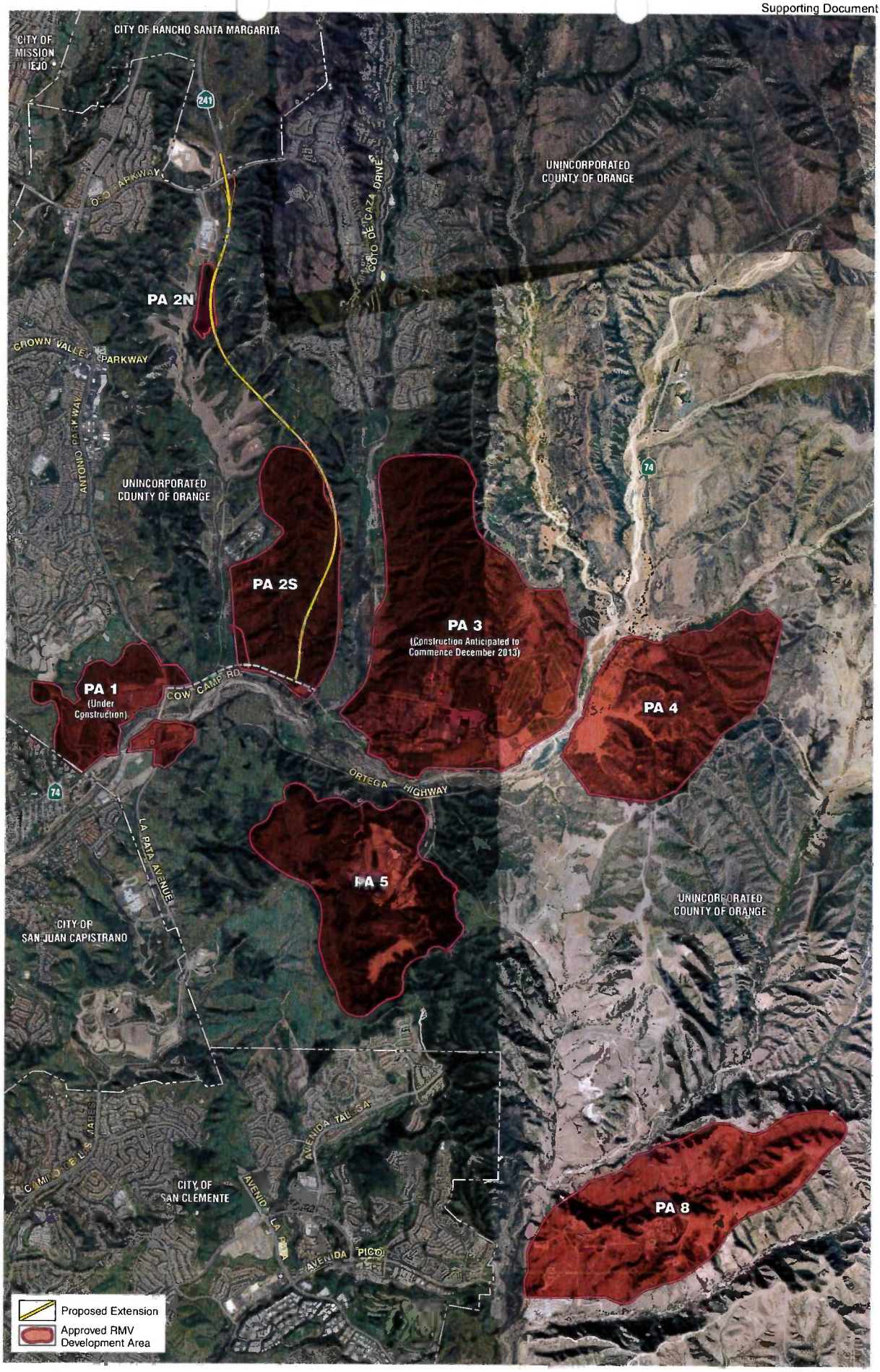
2/13/13 JN 129895-18793 MAS

TESORO EXTENSION PROJECT

Typical Cross-Section

CEQA ADDENDUM

Figure 6



not to scale

2/14/13 JN 129895-18793 MAS

TESORO EXTENSION

RMV Planning Areas

CEQA ADDENDUM

Figure 7

APPENDIX A
APPLICABLE MITIGATION MEASURES/COMMITMENTS/CONDITIONS

Appendix A

State Route 241
Tesoro Extension Project
Applicable Mitigation Measures/Commitments/Conditions

This Appendix includes all applicable mitigation measures and commitments from the SOCTIIP Final SEIR, and the Tesoro Extension Section 1602 Streambed Alteration Agreement and anticipated Waste Discharge Requirement (WDR) permit. It should be noted that the WDR is not final, so the anticipated conditions (WDR-1 through WDR-7) could change and will be revised, if necessary, to reflect the final approvals. Where mitigation measures/commitments/ conditions have been revised as shown in this table, the revisions generally reflect tailoring the measure to current conditions within and around the footprint and the Project design; no revisions shown on this table change the effectiveness of the mitigation measure.

Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
Agriculture		
AG-1	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During final design, and in coordination with RMV ~~and its agricultural leaseholders~~, the contractor will finalize the realignments of access roads on the ranch to provide cattle and equipment crossings to minimize impediments to cattle movement and routine agricultural operations and normal business activities.	2006 SOCTIIP FSEIR, Section 4.3.4.3
AGC-1	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Prior to the start of any construction activity, written notification will be provided to agricultural property owners ~~or leaseholders~~ immediately adjacent to the disturbance limits for the ~~SOCTIIP build Alternative~~ *Project*. The notification is to indicate the intent to begin construction, including an estimated date for the start of construction. This notification shall be provided at least three, but no more than 12, months prior to the start of construction activity.	2006 SOCTIIP FSEIR, Section 4.3.4.4
Air Quality		
AQ-1	During construction, contractor specifications shall incorporate directions to contractors to control fugitive dust. Fugitive dust shall be controlled by regular watering, paving construction roads, or other dust preventive measures, as defined in SCAQMD Rule 403. After clearing, grading, earth moving or excavation the following activities will be performed by the construction contractor: a. Seeding and watering will be performed until viable vegetation cover is in place in inactive areas. b. Soil binders will be spread. c. Areas will be wet down sufficiently to form a crust on the surface. Repeated soakings will be performed as necessary to maintain this crust. d. Reduce speeds to 10 to 15 mph in construction zones on unpaved areas.	2006 SOCTIIP FSEIR, Section 4.7.4.2 SCAQMD Rule 403
AQ-2	During construction, measures contained in Tables 1 and 2 of SCAQMD Rule 403 will be implemented by the construction contractor. Control of particulate emissions from construction activities is best controlled through the requirements contained in SCAQMD's Rule 403, Tables 1 and 2. This potentially results in a much higher reduction of particulate emissions than if the air monitoring option contained in Rule 403 was employed. [The air monitoring option requires monitoring around the project site, and as long as pollutant levels do not exceed threshold limits, no pollutant emission reduction measures are employed. The measure would be triggered prior to the initiation of grading.]	2006 SOCTIIP FSEIR, Section 4.7.4.2 SCAQMD Rule 403
AQ-3	During construction, the contractor shall be responsible for sweeping all public streets adjacent to the project site once a day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water). This condition would apply to those areas where construction traffic leaves the project site and travels onto public roadways.	2006 SOCTIIP FSEIR, Section 4.7.4.2 SCAQMD Rule 403
AQ-4	During construction, the contractor shall be responsible for installing wheel washers where vehicles enter and exit unpaved roads onto paved roads, or wash trucks and any equipment leaving the site each trip.	2006 SOCTIIP FSEIR, Section 4.7.4.2 SCAQMD Rule 403
AQ-5	During final design, contractor specifications shall require that contractors implement the following measures: - Use low emission mobile construction equipment. - Maintain construction equipment engines by keeping them tuned. - Use low sulfur fuel for stationary construction equipment. This is required by SCAQMD Rules 431.1 and 431.2.	2006 SOCTIIP FSEIR, Section 4.7.4.2 SCAQMD Rule 403

Appendix A

State Route 241
Tesoro Extension Project
Applicable Mitigation Measures/Commitments/Conditions

Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	- Utilize existing power sources (i.e., power poles) when feasible. This measure would minimize the use of higher polluting gas or diesel generators. - Configure construction parking to minimize traffic interference. - Minimize obstruction of through-traffic lanes. When feasible, construction should be planned so that lane closures on existing streets are kept to a minimum. - Develop a traffic plan to minimize traffic flow interference from construction activities (the plan may include advance public notice of routing, use of public transportation and satellite parking areas with a shuttle service). - Include in construction grading plans a statement that work crews shut off equipment when not in use. - Support and encourage ridesharing and transit incentives for the construction crew.	
AQ-6	During construction, any material deposited onto paved roads due to a major storm event must be removed within 72 hours of the event by the contractor. Additional time is allowed for mudslides or similar events that block traffic over the material. In the event of road closures due to mudslides or other overwhelming accumulations of material, public access should be restricted until all the material is removed.	2006 SOCTIIP FSEIR, Section 4.7.4.2 SCAQMD Rule 403
AQ-7	During construction, the contractor shall be responsible for implementing a control measure which specifies three "preventive" and one "mitigative" control option(s) that would be mandatory of all unpaved road connections with paved public roads. The four mandatory control options include: - Paving the last 100 feet from an unpaved roadway connection with a paved road. - Chemical stabilization of the last 100 feet from an unpaved roadway connection with a paved road at sufficient frequency and concentration to maintain a stabilized surface at all times. - Installation of dirt removal devices (e.g., tire cleaning device, grizzlies, etc.) - Cleaning of public paved road surface at any time visible track-out occurs.	2006 SOCTIIP FSEIR, Section 4.7.4.3
Archaeological Resources		
AR-1	Prior to the start of construction activity, a qualified archaeologist shall be retained by the F/ETCA or other implementing agency/agencies to perform subsurface test level investigation and surface collection for all archaeological sites that have not had formal determinations of eligibility for listing on the NRHP. The test level report evaluating the site shall include a discussion of significance (scientific data potential), integrity (location, physical characteristics, and condition), mitigation recommendations, and cost estimates. Final mitigation shall be carried out based on the report recommendations, input by FHWA and SHPO, and a determination as to the site's disposition by the F/ETCA with concurrence of the FHWA. Possible recommendations made by a qualified archaeologist include, but are not limited to, preservation, data recovery, or no mitigation necessary. In addition, F/ETCA or other implementing agency/agencies shall retain a qualified Native American monitor to be present during the evaluation excavations for sites within the project area. Preference will be given to experienced Native American monitors who are members of the local tribal groups identified as having cultural ties to the study area.	2006 SOCTIIP FSEIR, Section 4.16.4.2
AR-2	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* In conjunction with the final design, the F/ETCA or other implementing agency/agencies shall retain a qualified archaeologist to complete a suitable historic property treatment plan for all eligible cultural resources that will be impacted by the ~~SOCTIIP~~ *Project*. A final report of the data recovery operation shall be submitted to the F/ETCA, Caltrans, and FHWA prior to any grading in the archaeological site areas. In addition, F/ETCA or other implementing agency/agencies shall retain a qualified Native American monitor to be present during the treatment program for sites within the project area. Preference will be given to experienced Native American monitors who are members of the local tribal groups identified as having cultural ties to the study area.	2006 SOCTIIP FSEIR, Section 4.16.4.2
AR-3	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Prior to the start of construction activity, the F/ETCA or other implementing agency/agencies shall retain a qualified archaeologist. The archaeologist shall establish procedures (monitoring plan) for archaeological resource surveillance, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the cultural resources, as appropriate. *Environmentally Sensitive Areas (ESAs) will be established and protected through fencing or other means prior to construction.* The archaeologist shall also be present at the pre-grading conference to explain the established procedures based on a preapproved monitoring plan. If additional or unexpected archaeological resources are discovered, a qualified archaeologist shall determine	2006 SOCTIIP FSEIR, Section 4.16.4.2

Appendix A

State Route 241
Tesoro Extension Project
Applicable Mitigation Measures/Commitments/Conditions

Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	appropriate actions, in cooperation with the F/ETCA, for testing and/or data recovery. The archaeologist shall submit a follow-up report to the F/ETCA that shall include the period of inspection, an analysis of any artifacts found, the results of any testing or data recovery, and the present repository of the artifacts. In addition, F/ETCA or other implementing agency/agencies shall retain a qualified Native American monitor to be present during ground-disturbing construction activities within the project area. Preference will be given to experienced Native American monitors who are members of the local tribal groups identified as having cultural ties to the study area.	
Aesthetics		
AS-1	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Adjacent landforms affected shall be re-contoured to a 2:1 slope or as determined appropriate through geotechnical investigation to provide a smooth and gradual transition between modified landforms and existing grade and to minimize the appearance of manufactured grading. Use of crib-type retaining walls in place of slopes shall be minimized, except where necessary to provide greater landform diversity, reduce fill slopes, minimize long, flat slope surfaces or potentially salvage rock outcroppings. In areas where sensitive habitat is not prevalent, the top and toe of the slope edges shall be rounded to reduce the angular effects of manufactured grading. The top of slopes where the surface breaks the horizon or ridgeline shall be undulated to avoid a straight edge along the skyline. ~~For slopes greater than 20 m (65.6 feet),~~ Terrace drains shall be used to break up slope surfaces. The F/ETCA shall prepare Aesthetic Design Guidelines for the project, similar to the guidelines for the San Joaquin Hills Transportation Corridor and the Foothill/Eastern Transportation Corridor. It is not possible to provide these guidelines at this stage of the project. The guidelines will be developed during final design of a preferred Alternative. The Design Guidelines shall specifically address grading, berm design, slopes, benches and the incorporation of sound and retaining walls. These Guidelines will be used in conjunction with the Landscape Design Guidelines described in measure AS-2 to minimize the visual impacts of the build Alternatives.	2006 SOCTIIP FSEIR, Section 4.18.4.2
AS-2	The F/ETCA shall prepare Landscape Design Guidelines that will specify plant species that will either be seeded or planted on all exposed areas such that these areas will blend with the surrounding vegetated areas. Native vegetation shall be placed in appropriate locations and densities to fit into the natural setting. Landscaping with varied height and species diversity shall be used and material selection, location of native plant materials and sculptured grading shall emulate the adjacent natural setting. Terrace drains shall be screened with periodic placement of native plant materials in a random manner to help blend these drainage facilities into the slope and not unintentionally emphasize these facilities. The Landscape Design Guidelines will include the locations of the shrubs and/or vining species, where appropriate, at the base of soundwalls to blend these structures as much as possible with the surrounding areas. All landscaping treatments and materials shall be consistent with the Landscape Design Guidelines.	2006 SOCTIIP FSEIR, Section 4.18.4.2
AS-3	Lighting per Caltrans policies and procedures as set forth in the Caltrans Traffic Manual shall be installed by the F/ETCA along the corridor. Lighting shall be such that Partial Interchange Lighting (PIL) with two electroliers at each interchange ramp, positioned per Caltrans standards, is provided. Additional and/or supplemental lighting shall be provided where necessary for safety. Toll collection plazas and their adjacent roadways shall be continuously lit. The mainline corridor shall not be continuously lit.	2006 SOCTIIP FSEIR, Section 4.18.4.2
AS-4	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* In conjunction with operation of the corridor ~~Alternatives~~, light shall be applied as effectively as possible by the F/ETCA, minimizing both the glare of any light source and the spillover of light onto areas outside of the corridor right-of-way. The vertical or horizontal illuminance from roadway lighting sources shall not illuminate any surface outside of the right-of-way greater than 1/10 of the road's average horizontal illuminance. ~~On the segment through The Donna O'Neill Conservancy, there shall be no illumination of any surface in The Conservancy outside the right-of-way of the SOCTIIP Alternative due to roadway lighting sources installed by the F/ETCA.~~	2006 SOCTIIP FSEIR, Section 4.18.4.2
Construction		
CT-1	A Construction Traffic Management Plan (CTMP) will be developed during final design by the F/ETCA. The CTMP will include, but not be limited, to: - Identification of designated haul routes in consultation with the affected local jurisdictions. - Limiting construction truck and haul traffic to designated routes only. - Public information and promotional activities including distribution of newsletters, brochures, 24-	2006 SOCTIIP FSEIR, Section 3.6.1

Appendix A

State Route 241
Tesoro Extension Project
Applicable Mitigation Measures/Commitments/Conditions

Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	hour information hot line and press releases. The F/ETCA will coordinate with businesses adjacent to the construction areas and prepare plans for improving carpooling, transit and other shared ride services. - The use of fast track construction techniques to speed construction times. - Construction scheduling (start/stop times, major materials deliveries, export hauling, etc.) should be scheduled to avoid AM and PM peak traffic periods on adjacent streets to the extent feasible, so that the majority of construction related traffic occurs outside of peak commuting times. Identification of alternative routes and routes across the construction areas for emergency and school vehicles developed in coordination with the affected agencies. - Changeable message boards and alternative route signs should be used. - Identification of additional traffic enforcement (increased patrols), as needed to ensure public safety in the vicinity of construction areas and detour routes. - Coordination and implementation of improved/modified signal timing and synchronization at intersections near the construction area and along routes adversely affected by construction traffic. - Installation of visual barriers or paddle screens around construction areas to help reduce "rubbernecking" by travelers. - Coordinate with Caltrans and local agencies to ensure that signage for haul routes, detour routes and public information is consistent.	
Earth Resources		
G-1	Prior to final design a design level geotechnical report will be prepared. This report will document potential soil-related constraints and hazards such as slope instability, settlement, liquefaction or related secondary seismic impacts that may be present. Acceptance of the report will be subject to approval by the F/ETCA and other agencies that may have jurisdiction. A minimum factor of safety of 1.5 shall be used to determine the final slope configuration. The report shall also include: - Evaluation of potentially expansive soils and recommendations regarding construction procedures and/or design criteria to minimize the effect of these soils on the development of the corridor. The design level geotechnical studies will identify potentially liquefiable areas and provide recommendations for mitigation. Any areas that require mitigation would be within the disturbed areas, and no additional impacts would result.	2006 SOCTIIP FSEIR, Section 3.6.1
G-2	In conjunction with final design, it will be demonstrated that side slopes shall be designed and graded so that the potential for surface erosion of the engineered fill is not increased from natural conditions.	2006 SOCTIIP FSEIR, Section 4.20.4
G-3	In conjunction with construction activity, native vegetation with good soil-binding characteristics and low water requirements will be planted on engineered slopes to reduce erosion and slope instability.	2006 SOCTIIP FSEIR, Section 4.20.4
G-4	A quality assurance/quality control plan will be maintained during construction. This will include observing, monitoring and testing by a geotechnical engineer and/or geologist during construction to confirm that geotechnical/geologic recommendations are fulfilled, or if different site conditions are encountered, appropriate changes are made to accommodate such issues.	2006 SOCTIIP FSEIR, Section 4.20.4
G-5	A detailed review will be made to locate all groundwater wells within the project footprint. Any groundwater wells that occur within the project footprint will be abandoned properly during project construction. As may be required, (i.e., for active wells), the water supply provided by the well will be replaced. Replacement water may be provided by a variety of means, such as installing a new well or a connection to municipal supply.	2006 SOCTIIP FSEIR, Section 4.20.4
Hazardous Materials		
HM-1	Groundwater testing for the presence of pesticides, nitrates, metals and petroleum hydrocarbons will be required by the Regional Water Quality Control Board (RWQCB) prior to construction in all areas where excavation may extend into groundwater based on final design criteria. All wastewater generated during construction will meet all applicable requirements of the RWQCB prior to disposal.	2006 SOCTIIP FSEIR, Section 4.17.4.2
HM-2	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* In areas immediately adjacent to existing roads proposed for construction (arterials), soil samples will be collected and analyzed for lead concentrations during final design, consistent with "Lead Testing Recommendations for Districts with Aerially Deposited Lead (ADL) Variance" (Caltrans 2001), "Invoking the Aerially Deposited Lead Variance" (Caltrans, no date), DTSC "Variance 00-H-VAR 07", and Standard Special Provision SSP 19-900, S5-740. If lead-affected soil is found, the results/conclusions will be included in the Site Investigation Report, the Standard Special Provisions (SSP) and the Material Information Handout (MIH). The SSP and MIH will be incorporated in design specifications and will include measures to safeguard public health before and during construction.	2006 SOCTIIP FSEIR, Section 4.17.4.2

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	Depending on the concentrations and volumes encountered, excavation and disposal of lead-impacted soil may be required. If such excavation is indicated, procedures for handling and disposal will be included in the design specifications. Soil contaminated with ADL will be removed and disposed of, in concurrence with the variance issued to the California Department of Transportation (Caltrans) by the California Department of Toxic Substances Control (DTSC). This material may be reused for embankment fill, retaining wall backfill and/or capped with an appropriate amount of clean fill material. Depending on the concentrations and volumes encountered, excavation and disposal of lead-impacted soil may be required. If such excavation is indicated, procedures for handling and disposal will be included in the design specifications. Soil contaminated with ADL will be removed and disposed of, in concurrence with the variance issued to the California Department of Transportation (Caltrans) by the California Department of Toxic Substances Control (DTSC). This material may be reused for embankment fill, retaining wall backfill and/or capped with an appropriate amount of clean fill material. Specifically, DTSC granted Caltrans a variance in 2000 to allow for the use of some lead contaminated soils for fill and backfill during construction of freeway improvements, provided that Caltrans' handling and use of those soils are consistent with the conditions, limitation and requirements described in that variance. A copy of that variance is available for review at the Caltrans District 12 office. This variance is valid through September 22, 2005 per Caltrans and will need to be renewed. It is anticipated that all of the lead contaminated soil *in Project* ~~the SOCTIIP study area affected by the Alternatives~~ would be used during the construction of the proposed project. Although there is not expected to be the need to remove and dispose of any lead contaminated soil off site during construction, any excess contaminated soil would be disposed of consistent with all applicable federal, state and local regulations.	
HM-5	Consistent with the requirements of the South Coast Air Quality Management District (SCAQMD), asbestos sampling and notification will be implemented prior to any demolition or renovation of existing bridges, road structures or buildings. All asbestos containing building waste materials will be properly handled and disposed of consistent with all applicable federal, state and local regulations. Formal notification to SCAQMD will be made at least 10 days before any demolition work, regardless of whether or not asbestos is known to be present.	2006 SOCTIIP FSEIR, Section 4.17.4.2
HM-6	If any existing thermoplastic or painted traffic stripes on existing roads are proposed for removal, testing of those stripes will be performed prior to construction to assess the level of lead and chromium. The testing will identify specific actions that will be implemented to safely remove and dispose of these stripes. It is also possible that some components of bridges or other highway infrastructure may include asbestos-containing materials (ACMs). Building materials in all structures slated for demolition will be surveyed for asbestos content before demolition begins and any materials found to be ACMs will be removed (abated) before demolition, as described in measure HM-5.	2006 SOCTIIP FSEIR, Section 4.17.4.2
HM-7	All construction activities will be required to comply with existing federal, state and local regulations regarding the handling, use, storage and disposal of hazardous materials, including specific regulations on response in the event of accidental release.as determined by a qualified Biologist.	2006 SOCTIIP FSEIR, Section 4.17.4.2
HM-8	If leakage or damage from existing utilities is identified during construction, appropriate containment and remedial measures will be implemented, as necessary, in consultation with the affected utility provider and in compliance with existing local, state and federal regulations.	2006 SOCTIIP FSEIR, Section 4.17.4.2
HM-9	During final design, an updated regulatory database report will be obtained and regulatory records for identified sites of concern, such as leaking underground storage tank locations, will be reviewed. The intent of obtaining and reviewing this updated information will be to evaluate changes in, or the progress of, ongoing monitoring and remediation activities at those properties within or immediately adjacent to the disturbance limits for the selected Alternative. The results of this additional database and records review will be used in developing the final construction plans and schedules. Depending on the location, nature, concentrations and potential risk of chemically affected soil identified prior to and/or grading activities, remedial measures, consistent with the measures provided here, may be necessary to minimize impacts to the environment and the public associated with changes in the updated status of identified sites of concern.	2006 SOCTIIP FSEIR, Section 4.17.4.2
HM-10	The removal of underground storage tanks, if any are affected, will be coordinated by the facility tenant or property owner (which could be the current owner, the F/ETCA, Caltrans or the applicable local jurisdiction), and regulatory closure would be directed and approved by the applicable local oversight regulatory agency. These local oversight regulatory agencies may include the Orange County Health Care Agency, San Diego Hazardous Materials Management District and/or the San Diego and/or Santa Ana Regional Water Quality Control Boards (RWQCBs). Appropriate mitigation	2006 SOCTIIP FSEIR, Section 4.17.4.2

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	will include monitoring the progress of UST closure activities through periodically updating the regulatory database review.	
HM-18	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* If previously unknown hazardous materials or objects that could contain hazardous materials (such as an undocumented underground storage tank) are discovered during construction, construction personnel will notify F/ETCA immediately and implement measures to control and characterize the materials encountered, including notification of hazardous materials emergency response personnel as appropriate. ~~Characterization of the possible hazardous materials will be similar to the provisions of HM-12.~~ The construction contractor will provide for this contingency in the Health and Safety Plan for the project.	2006 SOCTIIP FSEIR, Section 4.17.4.2
Noise		
N-1	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During construction, the construction contractor will be responsible for limiting hours of construction in a manner consistent with the Orange County Noise Ordinance. This Ordinance prohibits construction and grading activities during the hours of 8:00 PM and 7:00 AM on weekdays and Saturdays, or at any time on Sunday or a Federal holiday in circumstances where the ordinance noise standards may otherwise be exceeded. The impact analysis indicates that the restriction of construction hours would typically occur when pile driving is within 850 m (2,800 ft) of noise sensitive land uses, heavy grading occurs within 1,500 m (5,000 ft) of noise sensitive land uses, and when general construction occurs within 275 m (900 ft) of noise sensitive land uses. However, these distances are only a guide due to the large variation in construction activities. In all cases, compliance with the Orange County Noise Ordinance and/or any applicable City Noise Ordinance is the critical requirement. ~~However, there may be a potential need to conduct nighttime pile driving during construction. of corridor Alternatives that have a direct connection with I-5 and the Alternatives which widen I-5. Where proposed pile driving for I-5 requires a lane closure, it is anticipated that this work will need to be performed at night to minimize associated traffic congestion.~~ Nighttime pile driving will only be allowed on review of the construction plans for *the Project* ~~the corridor Alternatives~~ by the F/ETCA ~~for the other Alternatives by the implementing agency~~ to confirm that appropriate noise attenuation measures are in place, including appropriate notification of the public. ~~Any project construction activities planned between 7:00 PM and 7:00 AM on MCB Camp Pendleton will require approval from the F/ETCA in consultation with the Commanding General of Camp Pendleton. For any portion of this project that may be constructed on MCB Camp Pendleton in San Diego County (outside the area of jurisdiction of the Orange County Noise Ordinance or outside the area of jurisdiction of San Clemente's Noise Ordinance), approval of the planned hours of construction, including any need to perform nighttime pile driving, will rest solely with the Commanding General of Camp Pendleton.~~	2006 SOCTIIP FSEIR Section 4.6.4.1
N-2	During construction activities, the construction contractor will ensure that the construction vehicles and equipment shall be maintained properly in tune as required by local ordinances. Additionally, each internal combustion engine used on the job shall be equipped with a "residential" or "hospital" grade muffler.	2006 SOCTIIP FSEIR Section 4.6.4.1
N-3	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Prior to construction activities in the vicinity of any school, the construction contractor shall be responsible for developing an agreement with ~~Fallbrook Union Elementary School District, Camp Pendleton and private~~ school operators, as appropriate, that would mitigate construction noise levels in classrooms and playfields at the affected schools to an agreed to construction noise performance standard. Each agreement shall be completed prior to the initiation of any grading on construction within 600 m (2,000 ft) of the school grounds. Examples of noise mitigation options include construction of temporary soundwalls, and limitation of some of the noisiest construction activities to periods when the schools are closed (e.g., the summer for ~~the two~~ public schools).	2006 SOCTIIP FSEIR Section 4.6.4.1
N-4	Prior to construction activities, the construction contractor shall establish haul routes that avoid passing through or adjacent to residential and school areas to the extent feasible. In general, truck routes should be directed away from residential areas and onto the I-5 to minimize the construction truck intrusion. If haul routes must pass through residential areas, haul route traffic should be limited	2006 SOCTIIP FSEIR Section 4.6.4.1

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	to daytime hours (7 AM to 8 PM). The haul routes will be developed in conjunction with the applicable local jurisdictions.	
N-7	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During final design of the ~~selected Alternative~~, *Project* the F/ETCA ~~or the implementing agency/agencies~~ will prepare a final noise analysis based on the detailed and finalized design developed during final design for the ~~selected Alternative~~ *Project*. Feasibility considerations for each sound barrier must meet FHWA/Caltrans criteria including a minimum of 5 dB of noise reduction at the impacted receiver. Additional feasibility considerations are (1) topography, (2) access requirements for driveways, ramps, etc; (3) the presence of cross streets, (4) other noise sources in the area and (5) safety considerations. The TCA or the implementing agency/agencies will finalize noise mitigation requirements for the selected Alternative and coordinate design with the local agency. As appropriate, the Final Noise Assessment Technical Report and the sound barrier/berm height recommended in the Final Noise Assessment Technical Report will serve as a guideline in determining the final barrier height requirements. Other pertinent information from the Final Noise Assessment Technical Report will be incorporated into final design as appropriate. The Final Noise Assessment Technical Report will provide specific recommendations that will then be incorporated into the Construction documentation (i.e. final design) for building purposes.	2006 SOCTIIP FSEIR Section 4.6.4.1
PDF-6-1	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During construction, the F/ETCA or the implementing agency/agencies shall implement permanent sound barriers, including walls, berms or combinations of walls and berms. The sound barrier and/or supplemental berm must provide a minimum of 5 dB of noise reduction at the impacted receiver as refined during final design. ~~The locations of these proposed sound barrier/berms are shown on Figures by Alternative in Appendix K.~~ The construction contractor will be responsible for constructing the sound barrier/berm for the selected Alternative and as refined during final design. ~~The design and specifications of the sound walls, shown on Figures 5.2-79 through 5.2-82 (Appendix H of the EIS/SEIR), on MCB Camp Pendleton shall be approved by the Commanding General of Camp Pendleton.~~	2006 SOCTIIP FSEIR Section 4.6.4.1
NC-1	During final design, the F/ETCA shall determine the reasonableness of soundwall/berm placement and consider the life cycle of the sound barrier, the potential environmental impact of the mitigation, opinions of impacted residents, input from the public and local agencies, and social, economic and environmental factors consistent with the FHWA/Caltrans feasibility criteria.	2006 SOCTIIP FSEIR Section 4.6.4.3
Paleontological Resources		
P-1	Prior to the start of any earthmoving activity, an Orange County Certified (OCC) Paleontologist will be retained to conduct pre-grading salvage of any significant exposed fossils identified by the OCC Paleontologist prior to any heavy equipment activity in a particular area. Paleontological monitoring of brush removal shall be performed by a qualified paleontologist, under the supervision of an OCC Paleontologist, to locate and salvage additional significant fossil remains not previously visible. The OCC Paleontologist shall prepare a paleontological technical report that includes methodology, results, and an inventory list of significant fossils recovered.	2006 SOCTIIP FSEIR, Section 4.23.4.2
P-2	Prior to the start of any earthmoving activity, an OCC Paleontologist shall be retained to establish procedures, following these mitigation guidelines set forth in this Paleontological Resources Technical Report, for paleontological resource monitoring by qualified paleontological monitors during grading, and procedures for temporarily halting or redirecting work to permit the sampling, identification and evaluation of the fossils as appropriate. The OCC Paleontologist shall also establish emergency procedures applicable to the discovery of unanticipated significant paleontological resources (e.g. large specimens or significant concentrations of specimens as determined by the OCC Paleontologist). The OCC Paleontologist shall be present at the pre-grading conference to explain the established procedures to the construction contractors.	2006 SOCTIIP FSEIR, Section 4.23.4.2
P-3	During all construction activities which involve soil disturbance, the following activities will be conducted: a. An Orange County Certified Paleontologist will be retained to supervise monitoring of construction excavations and to produce a mitigation plan for the proposed project. Paleontological monitoring will include inspection of exposed rock units and microscopic examination of matrix to determine if fossils are present. The monitor will have authority to temporarily divert grading away from exposed fossils in order to recover the fossil specimens.	2006 SOCTIIP FSEIR, Section 4.23.4.2

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	b. If microfossils are present, the monitor will collect matrix for processing. In order to expedite removal of fossiliferous matrix, the monitor may request heavy machinery assistance to move large quantities of matrix out of the path of construction to designated stockpile areas. Testing of stockpiles will consist of screen washing small samples (approximately 90 kilograms, or 200 pounds) to determine if significant fossils are present. Productive tests will result in screen washing of additional matrix from the stockpiles to a maximum of 2,700 kg (6,000 lbs) per locality to ensure recovery of a scientifically significant sample. c.Younger Quaternary Alluvium, San Onofre Breccia and Quaternary Landslide Deposits have a low or indeterminate paleontological sensitivity level, and will be spot-checked in a periodic basis to insure that older underlying sediments are not being penetrated and fossils are not being exposed. All earth-moving in the Williams Formation, Silverado Formation, Santiago Formation, Sespe Formation, Vaqueros Formation, Sespe/Vaqueros Undifferentiated, Topanga Formation, Monterey Formation, Capistrano Formation, Niguel Formation, Older Quaternary Alluvium and Quaternary Marine and Non-Marine Terrace Deposits will be monitored full-time. The moderate to high paleontological sensitivity of these formations requires a maximum effort to recover fossils. d. The Orange County Certified Paleontologist will prepare monthly progress reports to be filed with the client and the lead agencies. e. Recovered fossils will be prepared to the point of curation, identified by qualified experts, listed in a database to allow analysis, and deposited in a designated repository such as a County of Orange facility, which shall have the first right-of-refusal of the collection, or the Natural History Museum of Los Angeles County or San Diego Natural History Museum. f. At each fossil locality, field data forms will record the locality, stratigraphic columns will be measured and appropriate scientific samples submitted for analysis. g. The Orange County Certified Paleontologist will prepare a final mitigation report to be filed with the client, the lead agencies, and the repository.	
Public Services		
PS-1	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During final design, the F/ETCA will refine the design to the extent feasible based on engineering judgment and design standards to avoid or minimize the temporary use during construction and the permanent acquisition of land currently occupied by public services and utilities. In the event that the temporary use or permanent acquisition of this property cannot be avoided through design refinements, other mitigation measures identified for the compensation of temporary and permanent use of public services and utilities property will apply to the ~~build Alternatives~~ *Project*.	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-2	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During construction, in areas subject to wildland fires as determined by the OCFA, ~~or the MCB Camp Pendleton Fire Department for areas on MCB Camp Pendleton,~~ the contractor will be required to install signs around construction sites warning of high fire risk and of area closings during the high fire season as declared by OCFA ~~or the MCB Camp Pendleton Fire Department~~	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-3	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During operation *of the Corridor* Caltrans will install signs along the new or improved road segments in areas subject to wildland fires as determined by the OCFA~~, or the MCB Camp Pendleton Fire Department for areas on MCB Camp Pendleton,~~ warning of high fire risk and of area closings during the high fire season declared by OCFA ~~and the MCB Camp Pendleton Fire Department~~.	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-4	Emergency call boxes will be installed along the road in undeveloped areas of high and extreme fire hazard, consistent with existing OCFA, Orange County Transportation Authority, Caltrans, F/ETCA and/or local jurisdiction, as appropriate, policies on emergency call boxes.	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-5	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension alignment).* During construction of ~~a build Alternative~~ *the Project*, the contractor will be required to maintain access to the existing fire road grid for the OCFA~~, and the MCB Camp Pendleton Fire Department~~	2006 SOCTIIP FSEIR, Section 4.24.4.2

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	~~for areas on MCB Camp Pendleton.~~	
PS-6	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During final design, the long term preservation/provision of access to the existing fire road grid for the OCFA, ~~and the MCB Camp Pendleton Fire Department for areas on MCB Camp Pendleton,~~ will be incorporated in the facility design, in consultation with the OCFA ~~and the MCB Camp Pendleton Fire Department~~.	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-7	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During construction, the contractor will implement fuel modification techniques as required by the OCFA, ~~and the MCB Camp Pendleton Fire Department in areas on MCB Camp Pendleton,~~ in areas of fire hazard as determined by the OCFA ~~and the MCB Camp Pendleton Fire Department~~.	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-8	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During final design, the F/ETCA, Caltrans ~~and/or the City of San Clemente~~, as appropriate, will coordinate the addition of OPTICON or other traffic pre-emption devices ~~as used in the City of San Clemente~~ with the ~~City's~~ traffic engineer. These devices will be provided at impacted intersections, as identified in the Traffic Technical Report, to reduce impacts to fire, medical emergency and law enforcement response times.	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-9	During construction the F/ETCA will require the contractor to coordinate all temporary ramp closures and detour plans with fire, emergency medical and law enforcement providers to minimize temporary delays in response times.	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-13	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Prior to construction ~~of a build Alternative which~~ *if the Project* will generate excess fill, the contractor will be required to offer fill for use in other development projects or to area landfills as daily cover. Land filling of excess soil and rock material will be considered the option of last resort.	2006 SOCTIIP FSEIR, Section 4.24.4.2
Recreation Resources		
R-5	During final design, the F/ETCA will provide for crossings of planned lateral Class I and existing and planned Class II bicycle trails, as well as hiking and equestrian trails at master planned locations across the road alignments. These trail crossings will be designed and constructed according to the standards of Caltrans and the applicable local jurisdictions. Final design will include directions to contractors related to minimizing potential disruptions to existing bicycle, riding and hiking trails during construction, as feasible.	2006 SOCTIIP FSEIR, Section 4.5.4
Socioeconomics		
SE-1	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During final design, the F/ETCA will refine the design to the extent feasible based on engineering judgment and design standards to avoid or minimize the permanent acquisition of land currently occupied by residential and non-residential users. In the event that the temporary use or permanent acquisition of this property cannot be avoided through design refinements, other mitigation measures identified for the compensation of temporary and permanent use of residential and non-residential property will apply to the ~~build Alternatives~~ *Project*.	2006 SOCTIIP FSEIR, Section 4.4.4
Threatened and Endangered Species		
TE-1 WV-1 WW-1	Prior to construction, the F/ETCA shall designate a Project Biologist responsible for overseeing biological monitoring, regulatory compliance, and restoration activities associated with construction of the selected alternative in accordance with the adopted mitigation measures and applicable law.	2006 SOCTIIP FSEIR Section 4.12.4
TE-2 WV-2 WW-2	During final design of the project, the Project Biologist shall review the design plans and make recommendations for avoidance and minimization of sensitive biological resources. The F/ETCA Environmental and Engineering Staff shall determine the implementation of those recommendations.	2006 SOCTIIP FSEIR Section 4.12.4
TE-3 WW-3 CDFG-30	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).*	2006 SOCTIIP FSEIR Section 4.12.4

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	A Biological Resources Management Plan (BRMP) shall be prepared prior to construction. The BRMP shall provide specific design and implementation features of the biological resources mitigation measures outlined in the resource agency approval documents. Issues to be discussed in the BRMP shall include, but are not limited to, resource avoidance, minimization, and restoration guidelines, performance standards, maintenance criteria, and monitoring requirements. The Draft BRMP shall be submitted to the USFWS, ~~NMFS,~~ CDFG, ~~USACOE~~, RWQCB, FHWA and Caltrans for review to the extent required by permit by such agencies. The primary goals of the BRMP are to ensure that (1) the long-term perpetuation of the existing diversity of habitats in the project area and adjacent urban interface zones and minimize offsite or indirect effects; (2) the project is not likely to jeopardize the continued existence of any federally listed or state-listed endangered or threatened species; and (3) impacts to endangered and threatened species are minimized and mitigated to the maximum extent practicable. The BRMP shall contain at a minimum specific construction monitoring programs for thread-leaved brodiaea, arroyo toad, *southwestern willow flycatcher*, coastal California gnatacher, *and* least Bell's vireo. ~~and Pacific pocket mouse.~~	
TE-4 WV-5	During grading activities and construction operations, the Project Biologist shall prepare a monthly biological monitoring letter report summarizing site visits, documenting adherence or violations of required habitat avoidance measures, and listing any necessary remedial measures. The report shall be submitted to the F/ETCA and/or other implementing resource agencies.	2006 SOCTIIP FSEIR Section 4.12.4
TE-5	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Chain-link, wire mesh with metal poles, or similar fencing of at least 2.1 m (seven ft) in height will be erected on both sides of the selected alternative from the underpass entrance to a distance of at least 1.0 km (0.62 mile) along the corridor to "funnel" wildlife to the underpass area and to minimize wildlife attempts to cross the roadway surface. Fence height up to three m (10 ft) in height will be used in areas deemed appropriate by the Project Biologist, F/ETCA, USFWS, FHWA and Caltrans. ~~In addition, in areas known to support the arroyo toad, a permanent mesh fence shall be installed at the base of the chain-link fence for at least 1.0 km (0.62 mile) to keep the toads from entering onto the roadway surface.~~ The width and the height of the wildlife bridges specified in this mitigation measure are those provided by Caltrans as minimum standards. This approach is appropriate and such detail can be provided during further discussions *for final design of the Project* ~~and only for the selected project~~. To demonstrate the success of this approach, the F/ETCA has monitored seven wildlife undercrossings during the fall and spring of each year since 1999. The wildlife undercrossings are along the Foothill and Eastern Transportation Corridors and consist of bridges as well as large diameter culverts. Methods used to document the presence and diversity of wildlife using the undercrossings include scent stations, spotlight surveys, general scat surveys, and direct observations. The data have shown that there is a considerable amount of wildlife within the study area using the undercrossings. The wildlife observed using the undercrossings includes mountain lions, bobcats, coyotes, gray foxes, and mule deer. This usage demonstrates the overall success of the undercrossings in allowing wildlife continued movement throughout the region. In summary, preliminary results indicate that wildlife is continuing to use the undercrossings along the Toll Roads.	2006 SOCTIIP FSEIR Section 4.12.4
TE-6	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Prior to construction of the ~~selected alternative~~ *Project,* focused sensitive plant species surveys shall be conducted to determine the distribution of sensitive plants within the impact area of the selected alternative so appropriate avoidance, and seed collection and salvage measures for thread-leaved brodiaea can be implemented. This measure will ensure that the biologist obtains the current onsite conditions, just prior to construction, to maximize avoidance. Surveys shall be conducted from March through June which is the blooming period for this species. Locations of thread-leaved brodiaea species shall be mapped and shown on construction drawings and identified as ESAs. During final design, temporary access roads will be sited with the approval of the Project Biologist so as to avoid or minimize impacts to sensitive plant populations.	2006 SOCTIIP FSEIR Section 4.12.4
TE-7	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* a. Prior to construction (e.g., clearing, grubbing or grading), focused surveys for the thread-leaved brodiaea shall be conducted during the flowering period for this species (approximately March	2006 SOCTIIP FSEIR Section 4.12.4

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	through June). The locations of plants identified within the disturbance limits shall be recorded with a Global Positioning System (GPS) unit with sub-meter accuracy. The soils containing thread-leaved brodiaea shall be tested to determine soil texture, and organic matter~~, and transported to a native plant nursery for germination and propagation~~. b. Prior to construction, soil containing thread-leaved brodiaea corms within the impact area shall be collected from the specific locations where thread-leaved brodiaea plants were observed the prior spring by personnel experienced in the salvage of corms. Areas of soil 0.6 m by one m by 0.6 m (two ft by three ft by two ft) deep or one m by 1.3 m by 0.6 m (three ft by four ft by two ft) deep shall be collected and transported for placement in an appropriate translocation site selected by the Project Biologist. The translocation site shall be located in a conservation area within an open space dedication area within the region and shall have similar soils, aspect, slope, and hydrology to the donor site (i.e., the site from which thread-leaved brodiaea corns were collected). c. Relocation success will be monitored for *ten* ~~five~~ years. The number of relocated plants that will emerge in any one year is variable and will depend on seasonal rainfall. Relocation will be considered successful when 10 percent of the relocated population emerges and sets viable seed in any monitoring year. The success criteria may vary as determined by the Project Biologist in consultation with botanists and USFWS staff with recent experience in brodiaea transplantation methodologies in the region.	
TE-10	*(This measure has been revised from its original form in the Final SEIR to address only upland habitat for this species, since the Tesoro Extension Project will not impact breeding [riparian] habitat for this species).* An Arroyo Toad Resource Management Plan (ATRMP) will be prepared ~~and will comply with the requirements of Section 7(a)(2) of the Federal Endangered Species Act~~. The ATRMP will be incorporated into the BRMP, and action items identified in the plan will be implemented by F/ETCA and monitored by the Project Biologist. The plan shall include measures detailing how the impact area will be surrounded with a silt fence in *areas adjacent to areas known to support the arroyo toad. The locations of areas known to support arroyo toads shall be identified in the ATRMP and on the ESA maps*. ~~enclosure, and how arroyo toads will be removed and relocated from the construction impact area during the breeding season (when they are detectable by vocalizations) and placed in suitable habitat either upstream or downstream of the selected alternative during construction.~~ The ATRMP will identify areas *pre-construction surveys adjacent to and within the Project.* ~~of collection, suitable areas for temporary housing, and restoration guidelines to be in place prior to release of toads to their original location.~~ The plan shall be submitted to the USFWS to the extent required by such agency. ~~The locations of areas known to support arroyo toads shall be identified in the ATRMP and on the ESA maps to comply with the requirements of the biological opinion.~~	2006 SOCTIIP FSEIR Section 4.12.4
TE-11	*(This measure has been revised from its original form in the Final SEIR to address only upland habitat for this species, since the Tesoro Extension Project will not impact breeding [riparian] habitat for this species).* Prior to initiating any ground-disturbing activities in ~~occupied/suitable habitats, or habitats proximal to suitable or occupied habitats for arroyo toad,~~ *in upland areas in the vicinity or adjacent to occupied habitat,* exclusionary fencing shall be installed ~~around~~ *on* the perimeter of the construction area *closest to the creek supporting this species*. Fencing or screening approximately 60 cm (two ft) in height (30 cm [one ft] of which will be buried below the surface) shall be installed to prevent arroyo toads from entering the area after the onset of construction. The fencing will be installed at least 14 days prior to the initiation of work and must be made of a material appropriate to preclude any arroyo toads from entering the construction area. ~~Fencing will be removed each winter during construction and at the end of project construction. Vehicle use will be restricted within areas known to support populations of the arroyo toad that are shown on the ESA maps.~~ *Fencing will remain in place during construction and will be allowed to be removed at the end of Project construction or when focused surveys have determined that the species does not occur within one mile of the proposed impact area.*	2006 SOCTIIP FSEIR Section 4.12.4
TE-12	*(This measure has been revised from its original form in the Final SEIR to address only upland habitat for this species, since the Tesoro Extension Project will not impact breeding [riparian] habitat for this species).* ~~The Project Biologist shall conduct three focused arroyo toad surveys within the fenced construction~~	2006 SOCTIIP FSEIR Section 4.12.4

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	~~site for arroyo toads a minimum of 14 nights prior to initiating project construction. If climatic conditions are not appropriate for arroyo toad movement during the surveys, the Project Biologist may attempt to illicit a response from the arroyo toads, during nights with temperatures of 13°C (55°F) or greater, by spraying the project area with water to simulate a rain event. During construction, arroyo toads surveys will be performed a minimum of once per week and on all nights where the combination of rain/humidity and temperature would increase the movement of arroyo toads.~~ If arroyo toads are *incidentally* found within the construction side of the exclusionary fencing, arroyo toads will be removed by the Project Biologist and relocated from the construction impact area and placed in suitable habitat either upstream or downstream of the construction area as outlined in the Arroyo Toad Resource Management Plan.	
TE-13	The Contractor shall locate staging areas for construction equipment outside of areas within the jurisdiction of the USACOE or CDFG known to support arroyo toad to minimize impacts to sandy creek benches that may provide aestivating habitat for the arroyo toad to avoid taking any individuals.	2006 SOCTIIP FSEIR Section 4.12.4
TE-14	*(This measure has been revised from its original form in the Final SEIR to address only upland habitat for this species, since the Tesoro Extension Project will not impact breeding [riparian] habitat for this species).* When conducting construction and/or other ground-disturbing activities in arroyo toad-occupied habitats or in adjacent upland areas proximal to known arroyo toad habitats, the Contractor shall cover all grubbing spoils or other grading debris with plastic sheeting to prevent arroyo toads from opportunistically burrowing in these exposed and friable soil piles. This sheeting must be placed on the soil piles before sunset and shall remain on (during nighttime hours) for the duration of the construction/ground disturbing activities. The areas where these measures must be implemented shall be determined by the Project Biologist in coordination with the USFWS. If the sheeting does not remain in place due to unforeseen circumstances, (inclement weather or other disturbances) a biologist will monitor the soil piles for the arroyo toad. ~~Any arroyo toads found within the soil piles will be removed and relocated~~ as outlined in the Arroyo Toad Resource Management Plan.	
TE-15	*(This measure has been revised from its original form in the Final SEIR to address only upland habitat for this species, since the Tesoro Extension Project will not impact breeding [riparian] habitat for this species).* The Contractor shall not drive upon construction roads or other roads/surfaces *within 300 feet of* ~~adjacent to~~ arroyo toad occupied habitat after sunset. If the site must be accessed, a biologist permitted to handle arroyo toad must be present in the vehicle to identify any individuals on the road and the vehicle shall not exceed a speed of 16 km per hour (10 miles per hour) within these areas.	2006 SOCTIIP FSEIR Section 4.12.4
TE-18	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* To minimize and offset adverse effects of the ~~selected alternative~~ *Project* on the coastal California gnatcatcher, habitat suitable for this species (as determined by the Project Biologist) shall be grubbed from the project footprint area from September to February if feasible (generally outside the breeding season for these species). The Project Biologist shall survey the suitable habitat within the areas to be grubbed one day prior to any vegetation disturbance to determine the location and numbers of coastal California gnatcatchers. The Project Biologist will be on-site and present during all suitable habitat clearing and removal activities to minimize the potential for individual coastal California gnatcatchers to be wounded or killed during the clearing of habitat.	2006 SOCTIIP FSEIR Section 4.12.4
TE-19	If grubbing activities are unavoidable during the coastal California gnatcatcher breeding season, which is between February and August, the following measures will be implemented: Surveys by the Project Biologist will be conducted a minimum of three times on separate days after the initiation of the nesting season to determine the presence of coastal California gnatcatchers, nest building activities, egg incubation activities, or brood rearing activities. These surveys will be conducted within the week prior to the initiation of brushing, grading, or other construction activities. One survey will be conducted the day immediately prior to the initiation of work. The USFWS will be notified in writing seven days prior to the initiation of surveys. If no nest(s), nesting behavior, or brood rearing activities are detected, work may commence. Prior to and during work activities, the Project Biologist will locate any individual coastal California	2006 SOCTIIP FSEIR Section 4.12.4

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	gnatcatchers on-site and direct operators to begin in an area away from the birds. The pattern of brushing/grubbing activities will be designed to optimize opportunities for flushed birds to be directed towards the open space areas in the vicinity of the impact area. During construction, no activity will occur within approximately 150 m (500 ft) of active nests.	
TE-20	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* To minimize and offset adverse effects of the ~~selected alternative~~ *Project* on the least Bell's vireo, suitable habitat for this species, as determined by the Project Biologist, shall be grubbed from the impact area from 16 September to 14 March (generally outside the breeding season for this species). ~~, if feasible.~~	2006 SOCTIIP FSEIR Section 4.12.4
TE-21	If grubbing activities between 15 March and 15 September (generally within the breeding season for the least Bell's vireo) are unavoidable, the following contingency measures will be implemented: a. Surveys by the Project Biologist will be conducted a minimum of three times on separate days after the initiation of the nesting season to determine the presence of least Bells' vireos, nest building activities, egg incubation activities, or brood rearing activities, These surveys will be conducted within the week prior to the initiation of brushing, grading, or other construction activities. One survey will be conducted the day immediately prior to the imitation of work. The USFWS will be notified in writing prior to the initiation of surveys. b. If no nest(s), nesting behavior, or brood rearing activities are detected, work may commence. Prior to and during work activities, the Project Biologist will locate any individual least Bell's vireos on-site and direct operators to begin in an area away from the birds. The pattern of brushing/grubbing activities will be designed to optimize opportunities for flushed birds to be directed towards the open space areas in the vicinity of the impact area. c. During construction, no activity will occur within approximately 150 m (500 ft) of active nests.	2006 SOCTIIP FSEIR Section 4.12.4
TE-22	a. To minimize indirect disturbance of nesting least Bell's vireos, the Contractor will not engage in any construction activities within 61 m (200 ft) of occupied least Bell's vireo habitat between the hours of 0600 and 1100 every day during the peak nesting period of 1 April to 15 July of any given calendar year if said construction activities result in noise readings greater than 60 dBA measured at the edge of the territory of the vireo in the area. b. For construction, temporary or permanent noise barriers may be installed under the direction of the Project Biologist and USFWS to reduce noise levels. The Project Biologist shall be responsible for monitoring the noise level. c. The Project Biologist shall be responsible for all noise monitoring reports which shall include, at a minimum, (1) baseline noise measurements at known least Bell's vireo nesting sites within riparian communities within the impacts area, prior to construction, (2) the effect construction noise has on nesting pairs in the vicinity of construction, (3) baseline noise measurements at known nesting adjacent to the alignment, prior to traffic, and (4) the effect traffic noise has on nesting pairs in the vicinity of the selected alignment. These reports will be submitted to the F/ETCA or other implementing agencies.	2006 SOCTIIP FSEIR Section 4.12.4
TE-25 MV-11	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* To *partially* mitigate impacts, the F/ETCA has identified additional habitat preservation and restoration activities in the Upper Chiquita Canyon Conservation Area. The Upper Chiquita Canyon Conservation Area consists of approximately 478.7 hectares (1,182 acres) created by the F/ETCA to mitigate biological impacts resulting from construction of the FTC N *and other projects*. Of these 478.7 hectares (1,182 acres), 327 credits have been set aside as a mitigation bank for future project impacts. The Conservation Area was originally under substantial threat for development and the resources within the Area have been conserved, but otherwise would have been lost or substantially degraded. In addition, the Upper Chiquita Canyon Conservation Area provides opportunities for preservation activities consisting of additional habitat for oak woodland and sensitive plant species. There are also opportunities for restoration activities on site that would include additional acres of	2006 SOCTIIP FSEIR Section 4.12.4

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	oak woodland, non-wetland drainages, ~~coastal sage scrub, coastal sage scrub/native~~ perennial grassland ecotone, and native perennial grassland habitats. These opportunities for preservation and restoration activities would also serve to mitigate impacts on sensitive plants for the ~~SOCTIIP Alternatives~~ *Project*. a. Impacts to scrub communities (and all sub-types thereof except floodplain sage scrub) shall be mitigated through the use of scrub mitigation credits in the Upper Chiquita Canyon Conservation Easement area ~~and additional preservation (if necessary)~~. The Upper Chiquita Canyon Conservation Easement area currently contains 327 mitigation credits approved by the USFWS and CDFG. The scrub areas impacted by the *Project* ~~selected alternative~~ *will be mitigated by a combination of roadway slope revegetation and habitat credits at a ~~to hectare~~ ratio of 2.51:1 for a total of 227 habitat credits at Upper Chiquita Canyon Conservation Easement and 69.23 acres of roadway slope revegetation* ~~0.40 ha impact or one~~ *two and a half* ~~Upper Chiquita Canyon Conservation Easement mitigation credit for every 1.0 ac lost).~~ ~~b. Any additional scrub areas restored within the Upper Chiquita Canyon Conservation Easement area may be added to the credit total, with the approval of the USFWS, and applied to the mitigation ratio accordingly. The F/ETCA and the USFWS shall determine the criteria for the establishment of the new credits for the restored areas pursuant to the Upper Chiquita Canyon Conservation Bank Agreement which was entered into with the USFWS and the CDFG.~~ c. Any scrub areas that are impacted by the selected alignment and that have not been mitigated by the use of the Upper Chiquita Canyon Conservation Easement mitigation credits (i.e., impact area exceeds mitigation credits available) shall be mitigated through preservation *or revegetation at a ratio of 2.5:1* mitigation to impact ratio ~~1:1 (0.4 ha [one ac] for every 0.4 ha [one ac] lost), or other mitigation requirement that is necessary to meet the regulatory standards of an applicable state or federal regulatory program.]~~ *depending on the quality of the habitat impacted.*	
TE-26 WV-12	Impacts to native grasslands shall be mitigated at a 1:1 ratio through either preservation or restoration in designated open space (e.g., Upper Chiquita Canyon Conservation Easement). Should restoration be proposed, the restoration areas shall be located in areas deemed appropriate by the project biologist for native grassland restoration. Restoration areas shall occur within dedicated open space areas including, but not limited to, the Upper Chiquita Canyon Conservation Easement area. The restoration program for native grassland areas shall be included in the BRMP and shall include the following measures. - Site analysis for appropriate soils. - Site preparation specifications based on site analysis, including but not limited to grading, and weeding. - Specifications for plant and seed material appropriate to the locality of the mitigation site and the timing of restoration activities. - Specifications for site maintenance to establish the habitats, including but not limited to weeding and temporary irrigation. Restoration areas shall be considered successful at five years if the following standards are achieved: - The site does not require substantial maintenance for at least two consecutive years during the monitoring period. - The site must exhibit evidence of natural recruitment of native species, including plant reproduction and/or setting of seeds. - Soil at the site exhibits a level of beneficial arbuscular mycorrhizal fungi that is comparable to an appropriate reference site, as demonstrated through soil infestivity potential. - Absolute percent cover of native species is comparable to the absolute cover of native species at an appropriate reference site within an 80 percent confidence limit. - An index of species diversity of the restored and/or created habitat areas is statistically comparable to an appropriate reference site within an 80 percent confidence limit. Monitoring shall be conducted for five years (or less if site meets success criteria as designated above earlier) to ensure successful establishment of native grassland vegetation within the restored areas. If success standards are not met, remedial measures, hydroseeding, or introduction of container stock shall be implemented as directed by the Project Biologist.	2006 SOCTIIP FSEIR Section 4.12.4
TE-27 WV-38	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Impacts to ~~floodplain sage scrub~~, riparian herb, and other sub-types within the Vernal Pools, Seeps,	2006 SOCTIIP FSEIR Section 4.12.4

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	and Wet Meadows and Marsh plant communities shall be mitigated at a 1:1 ratio or other ratio that compensates for functions and values. Mitigation shall consist of creating the above mentioned community types in the approximate proportions in which they currently exist within the impact area or as otherwise required by the resource agencies. Creation areas shall occur within dedicated open space areas including, but not limited to, the Upper Chiquita Canyon Conservation Easement area. The creation program for the above areas shall be included in the BRMP and shall include the following measures. - Site analysis for appropriate soils and hydrology. - Site preparation specifications based on site analysis, including but not limited to grading, and weeding. - Soil and plant material salvage from impact areas, as appropriate to the timing of impact and restoration as well as the location of restoration sites. - Specifications for plant and seed material appropriate to the locality of the mitigation site. - Specifications for site maintenance to establish the habitats, including but not limited to weeding and temporary irrigation. Creation areas shall be considered successful if the following standards are achieved:• The site does not require substantial maintenance for at least two consecutive years during the monitoring period. - The site must exhibit evidence of natural recruitment of native species, including plant reproduction and/or setting of seeds. - Absolute percent cover of native species is comparable to the absolute cover of native species at an appropriate reference site within an 80 percent confidence limit. - An index of species diversity of the restored and/or created habitat areas is statistically comparable to an appropriate reference site within an 80 percent confidence limit. Monitoring shall be conducted for five years (or less if success criteria are met as designated above earlier) to ensure successful establishment of hydrophytic vegetation within the restored/created areas by wetland species. If success standards are not met, remedial measures, seeding, or introduction of container stock shall be implemented as directed by the Project Biologist.	
TE-28 WV-39	Impacts to riparian scrub, woodland, and forest communities (as defined in Section 5.0 of the NES) shall be mitigated by mitigation of such communities at a 1:1 ratio or other ratio that compensates for functions and values. Mitigation areas shall occur within dedicated open space areas including, but not limited to, the Upper Chiquita Canyon Conservation Easement area as determined by the Project Biologist. The restoration program shall be detailed with the BRMP. Prior to restoration of these communities, hydrological testing and monitoring of the creation site shall be conducted to determine that sufficient hydrology exists to support the community. If necessary, a temporary irrigation program shall be incorporated into the mitigation design to ensure successful establishment of the community. The following performance standards shall apply for the restoration of these areas (except for southern coast live oak riparian forest). Restoration shall be considered successful if: - The site does not require substantial maintenance for at least two consecutive years during the monitoring period. - The site must exhibit evidence of natural recruitment of native species, including plant reproduction and/or setting of seeds. - Absolute percent cover of native upper and mid canopy species is 70 percent in forest scrub communities and five percent in woodland communities. - An index of species diversity of the restored areas is statistically comparable to an appropriate reference site within an 80 percent confidence limit. For southern coast live oak riparian forest, the following standards shall apply: - The site does not require substantial maintenance and meets the success criteria established for this community for at least two consecutive years during the monitoring period. - The site must exhibit evidence of natural recruitment of native species, including plant reproduction and/or setting of seeds. - Absolute percent cover of native upper and mid canopy species is 50 percent, with five percent cover from oak trees. - An index of species diversity of the restored areas is statistically comparable to an appropriate reference site within an 80 percent confidence limit.	2006 SOCTIIP FSEIR Section 4.12.4

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Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	Monitoring shall be conducted for a minimum of ~~five~~ *ten* years to ensure successful establishment of the restored areas. If success standards are not met, remedial measures including introduction of additional container stock and adjusting of irrigation shall be implemented as directed by the Project Biologist.	
TE-29 WV-40	Impacts to open water shall be mitigated at a 1:1 ratio by the creation of wetlands and impounded features to be incorporated into the herbaceous riparian habitat. The open water mitigation areas shall be located at a site determined by the Project Biologist to have hydrology sufficient to support the desired open water feature. Appropriate hydrological and soils testing shall be performed to ensure that the created open water area function properly. Creation of open water areas shall be maintained as part of the herbaceous riparian habitat restoration.	2006 SOCTIIP FSEIR Section 4.12.4
TE-SWF-1	Flycatcher Avoidance Measure #1. To avoid adverse effects on the southwestern willow flycatcher, suitable habitat for this species, as determined by the Project Biologist, shall be grubbed from the impact area from 16 September to 14 March (generally outside the breeding season for this species).	Tesoro BA (November 2012), Section 4.5.3.
TE-SWF-2	Flycatcher Avoidance Measure #2. If grubbing activities between 15 March and 15 September (generally within the breeding season for the southwestern willow flycatcher) are unavoidable, the following contingency measures will be implemented: a) Surveys by the Project Biologist will be conducted a minimum of three times on separate days after the initiation of the nesting season to determine the presence of southwestern willow flycatcher, nest building activities, egg incubation activities, or brood rearing activities. These surveys will be conducted within the week prior to the initiation of brushing, grading, or other construction activities. One survey will be conducted the day immediately prior to the initiation of work. The USFWS will be notified in writing prior to the initiation of surveys. b) If no nest(s), nesting behavior, or brood rearing activities are detected, work may commence. Prior to and during work activities, the Project Biologist will locate any individual southwestern willow flycatchers on-site and direct operators to begin in an area away from the birds. The pattern of brushing/grubbing activities will be designed to optimize opportunities for flushed birds to be directed towards the open space areas in the vicinity of the impact area. c) During construction, no activity will occur within approximately 150 meters (500 feet) of active nests.	Tesoro BA (November 2012), Section 4.5.3.
TE-SWF-3	Flycatcher Avoidance Measure #3. To minimize indirect disturbance of nesting southwestern willow flycatchers, the Contractor will not engage in any construction activities within 200 feet of occupied southwestern willow flycatcher habitat between the hours of 0600 and 1100 every day during the peak nesting period of 1 April to 15 July of any given calendar year if said construction activities result in noise readings greater than 60 dBA measured at the edge of the territory of the southwestern willow flycatcher in the area. a) For construction, temporary or permanent noise barriers may be installed under the direction of the Project Biologist and USFWS to reduce noise levels. The Project Biologist shall be responsible for monitoring the noise level. b) The Project Biologist shall be responsible for all noise monitoring reports which shall include, at a minimum, (1) baseline noise measurements at southwestern willow flycatcher nesting sites within riparian communities within the impacts area, prior to construction, (2) the effect construction noise has on nesting pairs in the vicinity of construction, (3) baseline noise measurements at known nesting adjacent to the alignment, prior to traffic, and (4) the effect traffic noise has on nesting pairs in the vicinity of the selected alignment. These reports will be submitted to the F/ETCA or other implementing agencies.	Tesoro BA (November 2012), Section 4.5.3.
Utilities		
U-1	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* As early as possible during final design, the F/ETCA will consult with each utility provider/owner to avoid or reduce potential impacts on existing and planned utilities through design refinements. Should impacts be unavoidable, all affected facilities shall be relocated or protected in place prior to, during or after construction, as appropriate, and in accordance with the methods and designs approved by the affected utility provider/owner. ~~For utilities located on MCB Camp Pendleton, as~~	2006 SOCTIIP FSEIR Section 4.24.4.2.

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	~~early as possible the F/ETCA will consult with and receive approval from the Marine Corps on any utility relocations or realignments prior to discussing the proposed activities with utility providers.~~	
U-2	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* ~~Consistent with requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the~~ F/ETCA will negotiate with utility providers whose facilities will be temporary used, *relocated*, and/or permanently acquired to determine appropriate action and/or compensation to mitigate for the temporary use, *relocation* and/or permanent acquisition of their ~~property~~ *easement rights*.	2006 SOCTIIP FSEIR Section 4.24.4.2.
Water Quality		
WQ-1	The F/ETCA will preserve to the extent feasible existing vegetation at areas on the construction site where either no construction activity is planned or where it will occur at a later date. The vegetation will be preserved according to the California Storm Water BMPs Municipal Handbook (1993) as listed in the RMP.	2006 SOCTIIP FSEIR Section 4.9.6.2.
WQ-2	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* The F/ETCA will implement construction site BMPs as appropriate, during construction of the *proposed project*~~SOCTIIP Alternatives~~. These BMPs are described in the California Best Management Practice Handbooks for Construction (*March 2003*~~1993, revision pending~~), Caltrans, SWMP and Storm Water Quality Handbooks. BMP categories include measures for temporary sediment control, temporary soil stabilization, scheduling, preservation of existing vegetation, conveyance controls, wind control, temporary stream crossings and waste management as well as many other measures which may be implemented during construction of a highway project. These measures are consistent with requirements set forth under the California State Water Resources Control Board (SWRCB) ~~Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002~~ (General Construction Permit (*NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance activities Order No. 2009-0009-DWQ, NPDES No. CAS 000002*), which governs storm water and non-storm water discharges during construction activities, as well as with those requirements set forth in the Caltrans Permit Order No. 99 - 06 - DWQ (CAS 000003). These BMPs are directed at reducing storm runoff pollutants and eliminating non-storm water discharges.	2006 SOCTIIP FSEIR Section 4.9.6.2.
WQ-3	Prior to start of soil-disturbing activity at the project site, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) will be prepared in accordance with and to partially fulfill the General Construction Permit. The SWPPP will be prepared per the SWPPP and Water Pollution Control Program (WPCP) Preparation Manual, (Storm Water Quality Handbooks, November 2000.) The SWPPP will meet the applicable provisions of Sections 301 and 402 of the CWA by requiring controls of pollutant discharges that utilize best available technology (BAT) which is economically achievable and best conventional pollutant control technology (BCT) to reduce pollutants. The SWPPP will be implemented concurrently with commencement of the soil-disturbing activity. The SWPPP will need to be certified in accordance with the signatory requirements of the General Construction Permit.	2006 SOCTIIP FSEIR Section 4.9.6.2.
WQ-4	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Emergency planning for highway spills will be addressed by both operational and structural BMPs. The F/ETCA will take primary responsibility for spill clean-up and contingencies during construction and operation of the project, though coordination with other agencies will be necessary. Operational BMPs include immediate emergency notification through 911 during a spill event. After emergency notification, the following notifications will occur: - The ~~local fire department and the~~ Orange County Fire Authority will then be notified, and emergency actions (road closures, medical evacuation, cleanup of hazardous materials, etc.) will be taken; ~~if the spill occurs on or affects MCB Camp Pendleton, these authorities will be notified.~~ - If the spill is above the Reportable Quantity (RQ), the State Office of Emergency Services (800.852.7550) will be contacted and a control number provided. The National Response Center (800.424.8802) will be contacted to comply with Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requirements. The California Hazardous Material Incident Reporting System (CHMIRS) (916.427.4287) will be notified (assuming the spill volume is more than four liters (two gallons)) and appropriate forms filled out.	2006 SOCTIIP FSEIR Section 4.9.6.2.

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	Structural BMPs consist of mechanisms within water quality BMPs to prevent large spills from reaching watercourses. These BMPs could consist primarily of operation valves at outlet works (e.g., from basins) that could be closed in an emergency. In this event, cleanup of hazardous materials and pollutants will be required within the basins to remove contaminated materials.	
WQ-5	When an alternative is selected for implementation an Operations, Maintenance and Monitoring Plan will be developed in consultation with the appropriate agencies, i.e. Caltrans. Maintenance objectives for project BMPs will be addressed and formalized in the Operation, Maintenance and Monitoring Plan. Caltrans will monitor the BMPs to ensure maintenance objectives are being met. Details of the monitoring will comply with Caltrans Storm Water Policy and requirements of the 401 Certification with Caltrans as the holder of the statewide permit for state highways.	2006 SOCTIIP FSEIR Section 4.9.6.2.
WQ-6	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* For the ~~Corridor Alternatives~~ *Project*, the F/ETCA will monitor Caltrans' maintenance of the BMPs for five years to assure compliance with maintenance criteria and schedules. The F/ETCA will provide annual reports to the Regional Water Quality Control Boards documenting the maintenance of the BMPs.	2006 SOCTIIP FSEIR Section 4.9.6.2.
WV-4 WW-5 CDFG-21	During grading activities and/or construction operations, the Project Biologist shall conduct monitoring within and adjacent to sensitive habitats including installation of protective devices (silt fencing, sandbags, fencing, etc.), installation and/or removal of creek crossing fill, construction of access roads, vegetation removal, column installation, false work installation and removal, and other associated construction activities, as deemed appropriate by the Project Biologist.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-6	Prior to the commencement of grading activities or other activities involving vegetation/habitat removal, the Project Biologist shall attend preconstruction meetings with construction foremen, bridge engineers, and the F/ETCA to confirm that all environmental conditions are discussed. Monthly, or on an as needed basis, new construction personnel shall complete an educational program. Issues to be covered will include, but are not limited to, environmental measures for avoiding impacts to sensitive biological resources, ESAs, waste disposal, vehicle transportation routes, seasonal restrictions, fueling/maintenance restrictions, and other relevant topics.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-7	In conjunction with final design, the Project Biologist shall work closely with the Contractor to develop native plant palettes for revegetation areas adjacent to the roadway that abut natural open space and will be implemented by the Contractor. Final landscape design plans, which will be approved by the F/ETCA, shall reflect the following and shall be incorporated into the BRMP: - The landscaping along the corridor in open space (non-urban) areas shall be a mix of native, non-invasive, drought tolerant plant species from the scrub, grassland, and chaparral communities. All plants used shall comply with federal, state, and county laws requiring inspection of infestation. The vendor shall provide certification of inspection from the County of Orange and/or San Diego department of agriculture. The Project Biologist shall also inspect all plants before accepting delivery. - The landscaping community type installed shall be consistent with the plant communities that occur in the vicinity of the intended landscape area. - Seeds, cuttings, and potted plants shall be collected from local plant material as appropriate, supplemented by material from native plant nurseries. The seed vendor shall furnish certification that the seed has been tested for purity by a certified seed laboratory and does not contain seed of any non-native, invasive species. - Native California plant species found in the project area shall be used. Invasive, noxious weed, or non-native species identified on the State of California List of Noxious Weed Species or the California Exotic Pest Plant Council Exotic Pest Plants (CalEPPC) of Greatest Ecological Concern in California List shall not be used in landscaping along open space areas. - All mulches used shall be free of invasive species seed. - Landscape areas shall be subject to maintenance during plant establishment (i.e., non-native species removal) that will be directed by the Project Biologist. However, the landscape areas shall not be subject to performance standards and will not be subject to mitigation in the future if construction occurs. - Temporary low-volume irrigation systems, using reclaimed water (where available), shall be included in the final design of the selected alternative. Portions of the landscaped areas within the Caltrans maintenance area and adjacent to the roadway may be subject to fuel modification requirements, which may preclude the use of many project-indigenous species. In these instances, plant palettes may contain both the California native plant cultivars which will be purchased and indigenous plant species found in the project	2006 SOCTIIP FSEIR Section 4.11.4.

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	area. This is due to the limited number of indigenous plant species included within the Orange County Fire Authority Fuel Modification Plant List.	
WV-8 WW-4	In conjunction with the development of final plans and specifications for construction, or other activities involving vegetation/habitat removal, the Project Biologist shall review and approve the contractor's map of all sensitive habitats (Environmentally Sensitive Areas) within 152.4 meters (500 feet) of the grading limits on the grading plans. The ESA maps shall be prepared by the construction contractor's qualified biologist and approved by the F/ETCA. All ESAs to be avoided and performance standards established by the resource agencies shall be clearly noted on the grading, construction, and landscape plans. Additionally, the landscape plans shall indicate that plant materials be local southern Orange County natives.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-9	Caltrans procedures shall be followed for the protection of ESAs. These procedures are: (1) no construction access, parking, or storage of equipment or materials will be permitted within marked ESAs or other jurisdictional areas; (2) to the maximum extent practicable, construction access points shall be limited in proximity to protected habitat; (3) waste, dirt, and trash shall not be deposited on protected habitat; (4) vehicle transportation routes shall be confined to the narrowest practicable area in areas adjacent to marked, protected habitats during construction/operations activities, (5) no construction personnel shall be permitted access to these areas except for the purpose of invasive species removal without the Project Biologist's approval, and (6) disposal of trash adjacent to ESAs shall be removed/emptied on a daily basis.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-10	Prior to the commencement of grading activities or other activities involving vegetation/habitat removal, the Project Biologist shall field verify that protective fencing (t bar/yellow rope and silt fencing when construction is upslope from sensitive habitat) has been installed along the disturbance limits. Additionally, the Project Biologist shall verify that all other Caltrans procedures for ESAs, identified and mapped on grading plans, have been installed by the construction contractor. These protective fencings shall be field verified by the Project Biologist on a regular basis.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-13	a. F/ETCA will mitigate impacts to coast live oak and elderberry woodland communities by replacing, creating, restoring, or preserving (1) 0.4047 ha (one ac) of the identified resource for every 0.4047 ha (one ac) of the applicable resource impacted by the project, or (2) such other mitigation requirement that is necessary to meet the regulatory standards of an applicable state or federal regulatory program. Preservation and restoration areas shall occur within dedicated open space areas including, but not limited to, the Upper Chiquita Canyon Conservation Easement area as determined by the Project Biologist. b. The restoration program shall be detailed with the BRMP. Prior to restoration of these communities, hydrological testing and monitoring of the creation site shall be conducted to determine that sufficient hydrology exists to support the community. If necessary, a temporary irrigation program shall be incorporated into the mitigation design to ensure successful establishment of the community. The RMP will address issues of detention and settlement basin design for mitigation requirements in relation to water quality. The following performance standards shall apply for the restoration of elderberry woodland areas. Restoration shall be considered successful if: - The site does not require substantial maintenance for at least two consecutive years during the monitoring period. - The site must exhibit evidence of natural recruitment of native species, including plant reproduction and/or setting of seeds. - Absolute percent cover of native upper and mid canopy species is 70 percent. - An index of species diversity of the restored areas is statistically comparable to an appropriate reference site within an 80 percent confidence limit. For coast live oak woodland, the following standards shall apply: - The site does not require substantial maintenance and meets the success criteria established for this community for at least two consecutive years during the monitoring period. - The site must exhibit evidence of natural recruitment of native species, including plant reproduction and/or setting of seeds. - Absolute percent cover of native upper and mid canopy species is 50 percent, with five percent cover from oak trees. - An index of species diversity of the restored areas is statistically comparable to an appropriate reference site within an 80 percent confidence limit. Monitoring shall be conducted for five years (or less if success criteria are met earlier) to ensure	2006 SOCTIIP FSEIR Section 4.11.4.

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	successful establishment of the restored areas. If success standards are not met, remedial measures including introduction of additional seed and/or container stock and adjusting of irrigation shall be implemented as directed by the Project Biologist.	
WV-14	In conjunction with construction activity, the Contractor shall control dust accumulation on natural vegetation at the source of disturbance by standard dust control measures (Mestre Greve Associates 2003).	2006 SOCTIIP FSEIR Section 4.11.4.
WV-15	Prior to final design of the selected alternative, the Project Biologist shall ensure that the location of the proposed wildlife bridges and culvert identified in the NES will provide adequate travel capabilities, contain adequate vegetation cover, have adequate daylight, and have appropriate fencing to encourage animals to use these underpasses. Upon selection of and refinement to, the selected alternative, smaller culverts and bridges that will be necessary to provide drainage and/or avoid impacts to jurisdictional areas shall also be designed, at the direction of the Project Biologist, to promote local and regional wildlife movement.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-16	Prior to, or in conjunction with, the permit of application and/or process, Caltrans (Environmental and Maintenance) and resource agencies are to be given an opportunity for review and approval of the design of wildlife movement bridges, undercrossings, and culverts. The width and the height of the wildlife bridges specified in this mitigation measure are those provided by Caltrans as minimum standards. This approach is appropriate and such detail can be provided during further discussions and only for the selected project. To demonstrate the success of this approach, the F/ETCA has monitored seven wildlife undercrossings during the fall and spring of each year since 1999. The wildlife undercrossings are along the Foothill and Eastern Transportation Corridors and consist of bridges as well as large diameter culverts. Methods used to document the presence and diversity of wildlife using the undercrossings include scent stations, spotlight surveys, general scat surveys, and direct observations. The data have shown that there is a considerable amount of wildlife within the study area using the undercrossings. The wildlife observed using the undercrossings includes mountain lions, bobcats, coyotes, gray foxes, and mule deer. This usage demonstrates the overall success of the undercrossings in allowing wildlife continued movement throughout the region. In summary, preliminary results indicate that wildlife is continuing to use the undercrossings along the Toll Roads. a . Wildlife bridges and culverts shall be designed to provide approaching animals a clear view of the habitat or horizon on the opposite site of the structure. The minimum width at the base of the wildlife bridge or culvert shall be six m (20 ft). The minimum vertical clearance shall be 5.2 m (17 ft) from the floor of the bridge/culvert to the bottom of the structure. No artificial lighting shall be installed or used in or around the bridge/culvert, unless otherwise required to meet Caltrans approval. The ground surface of the wildlife bridges and culverts shall be constructed with a slope ratio of 1:1.5 (V:H). b. Dirt or natural vegetation substrates, rather than concrete or other human-made material, will be placed along the bottom of the bridges or culverts as reasonably feasible. c. Vegetation naturally occurring on the side slopes to the entrances to the underpass will not be removed, to the extent feasible. Where natural vegetation at underpass entrances does not occur, is minimal, or has been removed as a result of bridge or culvert construction, vegetation shall be planted along the slopes that match the closest intact native vegetation. Low-lying shrubs and/or small trees native to the area will be planted to encourage wildlife use of the underpass. d. The appropriate vegetation-type and quantity will be determined by the Project Biologist during construction of the underpass and will consist, at a minimum, of appropriate large shrubs and trees that will achieve at least 1.5 m (five ft) in height at maturity. The replanting will occur during the final stages of underpass construction or immediately following construction in the appropriate season for planting. The planting of vegetation at bridges over drainages shall be compatible with flood control requirements. e. Materials such as rip-rap will not be used in or around the underpass entrances unless required by hydrology/hydraulic conditions.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-17	Prior to operation of the corridor, chain-link, wire mesh with metal poles, or similar fencing of at least 2.1 m (seven ft) in height will be erected on both sides of the selected alternative from the underpass entrance to a distance of at least 1.0 km (0.62 mile) along the corridor to "funnel" wildlife	2006 SOCTIIP FSEIR Section 4.11.4.

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	to the underpass area and to minimize wildlife attempts to cross the roadway surface. Fence height up to three m (10 ft) in height will be used in areas deemed appropriate by the project biologist, F/ETCA, USFWS, FHWA and Caltrans. Wildlife fencing adjacent (100 m/328 ft) to wildlife movement underpasses will be inspected semiannually to identify and repair any gaps or tears in the fence caused by erosion, storm events, vandalism, burrowing animals, or other means that could allow wildlife access onto the roadway surface.F/ETCA will be responsible for the wildlife fencing for the first three years of completing the corridor, with Caltrans assuming responsibility thereafter.	
WV-18	Prior to operation of the corridor, road signs indicating the potential for deer and mountain lion movement shall be installed where indicated by the Project Biologist, due to the potential for wildlife to circumvent the wildlife fencing.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-19	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* All bridges and culverts in the final design plan will be monitored for a period of three years to document the effectiveness of use. Target species to be evaluated shall be determined by the Regulatory permits, including: USFWS, ~~USACOE~~ and CDFG, specific to each bridge and culvert. Wildlife movement studies will be conducted at each underpass twice each year for at least eight weeks during the periods between March and May and between September and November. The studies will begin during the first full time period (beginning with March or September) occurring after the opening of the corridor. Reports will be prepared and submitted to the F/ETCA annually. Based on results of surveys, recommendations to enhance wildlife use of underpasses shall be provided as appropriate (i.e., fencing modification, vegetation enhancement, or clearing, etc.).	2006 SOCTIIP FSEIR Section 4.11.4.
WV-20	In conjunction with final design, the F/ETCA shall incorporate low-light design features, where feasible, adjacent to the following sensitive wildlife habitats: bridges or culverts within wildlife corridors, and scrub, riparian, and woodland communities. One or more of the following design options shall be used, if feasible, recognizing the constraints of roadway lighting requirements: (1) low-intensity street lamps, (2) low-elevation light poles, or (3) shielding by internal silvering of the globes or external opaque reflectors. Design features shall meet Caltrans approval.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-22	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Prior to construction of the ~~selected alternative~~ *Project* , focused sensitive plant species surveys shall be conducted to determine the distribution of sensitive plants within the impact area of the selected alternative so appropriate avoidance (for all sensitive plant species), and seed collection and salvage measures (for Coulter's saltbush, intermediate mariposa lily, southern tarplant, and many-stemmed dudleya) can be implemented. This measure will ensure that the biologist obtains the current onsite conditions, just prior to construction, to maximize avoidance. Surveys shall be conducted during the appropriate time of year (i.e., during the flowering period for each species). Locations of sensitive plant species shall be mapped and shown on construction drawings and identified as ESAs. During final design, temporary access roads will be sited with the approval of the Project Biologist so as to avoid or minimize impacts to sensitive plant populations.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-23	a. During the spring prior to grubbing or grading (or as determined by the Project Biologist), the limits of individual populations of Coulter's saltbush to be impacted shall be flagged and individual plants shall be marked with pin flags to facilitate the locating of individual plants after flowering. Prior to construction, seeds shall be collected from Coulter's saltbush plants from approximately June through October from ripened seed heads, for later propagation, by personnel experienced in collection of native seed and native plant propagation. This seed shall be stored by a certified seed bank. An appropriate site within the upper Chiquita Canyon Conservation Area or other area shall be identified for the seeding of this species by the Project Biologist. The site shall have similar soils, slope, aspect, and microhabitat characteristics as the site with occupied Coulter's saltbush to support this species. b. Prior to construction, 75 percent of the Coulter's saltbush plants within the area to be impacted shall be translocated to an appropriate site within the Upper Chiquita Canyon Conservation Area or within an appropriate open space dedication area within the region. Prior to the salvage operation, the number of Coulter's saltbush plants to be relocated shall be determined by the Project Biologist. The site can be the same or a different site than is used for the distribution of seed, but shall have similar soils, slope, aspect, and microhabitat characteristics as the site with occupied Coulter's saltbush. A bulldozer or loader shall be used to remove the top 30 cm (one ft) of soil, including all plant material which shall be loaded on flatbed trucks and transported to the receiver site. The	2006 SOCTIIP FSEIR Section 4.11.4.

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	Project Biologist shall coordinate all salvaging and relocation effort so that these operations occur in the appropriate season for maximum success. c. Re-establishment of Coulter's saltbush will be monitored for five years. The survival of relocated plants will be recorded each year. Relocation will be considered successful when the survivorship of the relocated plants has stabilized with a 50 percent survival rate, and establishment of seedlings from the seeded material is documented.	
WV-24	a. Intermediate mariposa lily seed shall be collected from populations to be impacted. Prior to grubbing or grading (or as otherwise determined by the Project Biologist), the limits of individual populations to be impacted shall be flagged and individual plants shall be marked with pin flags to facilitate locating individual plants after flowering. Seed shall be collected in late July or early August from ripened seed heads, for later propagation or hand seeding, by personnel experienced in the collection of native seed and native plant propagation. b. Seed collection shall be conducted during two successive years and the following three-year program shall be implemented to ensure the likelihood of success. Propagated mariposa lilies typically exhibit a germination rate of 80 percent; this percentage shall be used to determine the number of seeds to be collected to ensure production of the same number of plants as shall be impacted by construction. The propagated plants shall be grown for two years to allow the bulbs to reach optimal size prior to transplantation. The remaining seed not used for propagation from the first year of seed collection shall be divided in half with one-half hand broadcast during the first year and the remaining one-half hand broadcast the following year. c. The propagated plants shall be introduced (over the three-year program), using at least a 2:1 ratio, into appropriate habitat in open space dedication areas, or as directed by the Project Biologist. Seeding shall occur in similar areas. Site selection shall be based on the presence of suitable habitat as determined by the Project Biologist. Bulbs from the propagated plants shall be planted at the end of the second growing season. The same program shall be followed for seed collected during the second year. Planting of bulbs and hand broadcasting of seed shall be performed in September or October. d. Re-establishment of intermediate mariposa lily will be monitored for three years following initial planting of the propagated plants and seeding. The survival of the plants will be recorded each year. Establishment of the population will be considered successful when the survivorship of the relocated plants has stabilized with a minimum 10 percent flowering in any one year of the monitoring period and establishment of seedlings from the seeded material is documented.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-25	a. Areas determined to have appropriate hydrology and soil chemistry (salinity) shall be reseeded with seed collected from populations of southern tarplant. Southern tarplant is restricted to saline, vernally mesic areas, often along the margins of estuaries or areas of high salinity. The Project Biologist shall identify candidate areas within open space areas that exhibit suitable conditions for introduction of the tarplant. b. For one year prior to construction as feasible, the F/ETCA shall have southern tarplant seed collected by personnel experienced in collection of native seeds. Seed collection shall be conducted during successive years from September through December. One-half of the first years' collected seed shall be hand broadcast at the reintroduction site with the remaining one-half stored in appropriate conditions for introduction the following year. Seed collected during the second season shall be stored for potential later use in the event that success standards are not met following the seeding during years one and two. c. Because southern tarplant is an annual species, population numbers are expected to naturally fluctuate from year to year depending upon environmental conditions. Reseeded areas shall be monitored for three years following the initial seeding. Establishment shall be considered successful if plant densities during any of the three years of monitoring are comparable to densities of the impacted populations based on sampling quadrants. If established populations do not achieve comparable densities of impacted populations, additional reintroduction sites shall be identified and stored seed, obtained during the collection period, shall be introduced into additional sites over a two-year period (as in the initial reintroduction program described above). The additional sites shall be monitored for three years and shall be considered successful if population numbers at all of the sites achieve densities of impact areas. If established populations	2006 SOCTIIP FSEIR Section 4.11.4.

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	have not reached the density threshold following the addition of supplemental sites, further remedial measures shall be implemented as determined appropriate by the Project Biologist.	
WV-26	a. Many-stemmed dudleya caudexes and seed shall be collected from populations to be impacted. Prior to grubbing or grading (or as otherwise determined by the Project Biologist), the limits of individual populations to be impacted shall be flagged and groups of plants shall be marked with pin flags to facilitate the locating of individual plants after flowering. Seed shall be collected in late July or early August from ripened seed heads, for later propagation or hand seeding, by personnel experienced in the collection of native seed and native plant propagation. Twenty-five percent of the seeds collected will be stored with Rancho Santa Ana Botanical Gardens (RSABG) by their standard agreement. The remainder of the seed will be used to establish the dudleya population as described below. b. Caudexes shall be harvested for later planting, using appropriate screens or mesh and shall be conducted by individuals experienced in the salvage of many-stemmed dudleya. Where possible, caudexes will be salvaged by removing soil blocks containing marked dudleya. Both seed and collected caudexes shall be replanted and established at an appropriate site within an open space dedication area at the direction of the Project Biologist. c. Monitoring of the established populations shall be conducted for three years. The propagated caudexes shall be introduced (over the three-year program), using at least a 1:1 ratio. Establishment shall be considered successful if planted/seeded populations total 75 percent of the impacted populations and the population demonstrates recruitment of seedlings. If planted/seeded populations do not achieve 75 percent of the impacted populations, additional collection of seed shall be performed and additional caudexes will be propagated. If planted/seeded populations do not achieve 75 percent thresholds, further remedial measures shall be implemented as recommended by the Project Biologist.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-27	Before entering or leaving the construction site, all construction equipment shall be inspected for evidence of invasive species and/or their seeds. Should any plants and/or seeds be detected, the equipment will be washed to ensure no invasive species and/or their seeds will be brought into or removed from the site.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-28	Prior to construction, substantial populations of invasive plant species identified on the State of California List of Noxious Weed Species and the California Exotic Pest Plant Council Exotic Pest Plants (CalEPPC) of Greatest Ecological Concern in California List adjacent to the grading limits shall be mapped.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-29	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* The Project Biologist shall prepare an invasive species management program to be incorporated into the BRMP. The program shall discuss the invasive species within landscaping and mitigation areas to be eradicated or controlled and eradication methods, which may include mowing, hand removal, or herbicide application. Removal of invasive plant species on the State of California List of Noxious Weed Species with Pest Rating A shall be required, at the direction of the Project Biologist. Eradication, containment, or control of all invasive plant species on the State of California List of Noxious Weed Species with Pest Rating B shall be at the discretion of the Project Biologist. The program shall also address invasive species identified in the California Exotic Pest Plant Council Exotic Pest Plants of Greatest Ecological Concern in California List and methods for their control. The potential for contribution of funds to such programs as the ~~Arundo Removal Program to assist with removal of giant reed or other species from riparian habitats such as San Juan Creek shall also be addressed.~~ The program shall also discuss monitoring of the landscaped and mitigation areas to ensure invasive species are properly controlled or eradicated. The maintenance of the mitigation sites along the corridor will be under the supervision of the Project Biologist (Executive Order 13112, Feb. 3, 1999).	2006 SOCTIIP FSEIR Section 4.11.4.
WV-30	Before and during construction (as appropriate), the Project Biologist shall conduct focused nocturnal and diurnal surveys within suitable habitat between February and May (a minimum of one week prior to the onset of construction) to determine the presence or absence of the western spadefoot toad in the impact area. Any western spadefoot toads found within the impact area will be relocated outside the construction area by the Project Biologist. In areas where western spadefoot toads were found, fencing or screening approximately 1.5 m (five ft) in height (with one m (three ft) buried below the surface) will be installed to prevent western spadefoot toads from entering the area after the onset of construction.	2006 SOCTIIP FSEIR Section 4.11.4.

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WV-31	Before and during construction (as appropriate), the Project Biologist shall conduct focused nocturnal and diurnal surveys within suitable habitat between February and May to determine the presence or absence of the southwestern pond turtle in the impact area. Southwestern pond turtles observed prior to and during construction within and adjacent to the project footprint will be relocated outside of the construction area either upstream or downstream from the selected alternative by the Project Biologist. In areas where Southwestern pond turtles are found, fencing or screening approximately 1.5m (five ft) in height (with 0.2m [0.5 ft] buried below the surface) will be installed to prevent southwestern pond turtles from entering the area after the onset of construction. Fencing/screening will remain in place from June through August. "southwestern pond turtles removed from the construction area will be relocated in such a way that the exclusions fences will not isolate any animals from the aquatic parts of their habitat."	2006 SOCTIIP FSEIR Section 4.11.4.
WV-32	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During grading activities, two-striped garter snakes observed within and adjacent to the impact area will be relocated outside of the construction area either upstream or downstream of the *Project* ~~selected alternative~~ by the Project Biologist.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-33	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* To minimize and offset adverse effects of the ~~selected alternative~~ *Project* on the San Diego cactus wren, suitable habitat for this species (as determined by the Project Biologist) shall be grubbed from the project footprint area from September to February if feasible (generally outside the breeding season for this species). The Project Biologist shall survey the suitable habitat within the areas to be grubbed one day prior to any vegetation disturbance to determine the location and numbers of San Diego cactus wrens. The Project Biologist will be on-site and present during all suitable habitat clearing and removal activities to minimize the potential for individual San Diego cactus wrens to be wounded or killed during the clearing of habitat.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-34	If grubbing activities between February and August (generally within the breeding season for San Diego cactus wren) are unavoidable, the following measures will be implemented: a. Surveys by the Project Biologist will be conducted a minimum of three times on separate days after the initiation of the nesting season to determine the presence of San Diego cactus wrens, nest building activities, egg incubation activities, or brood rearing activities. These surveys will be conducted within the week prior to the initiation of brushing, grading, or other construction activities. One survey will be conducted the day immediately prior to the initiation of work. The USFWS will be notified in writing seven days prior to the initiation of surveys. b. If no nest(s), nesting behavior, or brood rearing activities are detected, work may commence. Prior to and during work activities, the Project Biologist will locate any individual San Diego cactus wrens on-site and direct operators to begin in an area away from the birds. The pattern of brushing/grubbing activities will be designed to optimize opportunities for flushed birds to be directed towards the open space areas in the vicinity of the impact area. c. During construction, no activity will occur within approximately 150 m (500 ft) of active nests.	2006 SOCTIIP FSEIR Section 4.11.4.
WV-35	Prior to construction activity, the Project Biologist shall survey the construction limits for the presence of occupied raptor nests and nest burrows (for burrowing owls). Occupied raptor nests/burrows shall be mapped on the construction plans by the Project Biologist. The Project Biologist will visit the nest/burrow site at the beginning of the nesting season to verify the use of the nests/burrows for that particular year. If nesting activity begins at any nest site, then the active nest/burrow(s) will be protected as an ESA until nesting activity has ended to ensure compliance with Section 3503.5 of the CDFG Code. To protect any active nest/burrow sites, the following restrictions on construction are required between February and June (or until nests are no longer active as determined by the Project Biologist): (1) clearing limits will be established a minimum of approximately 150 m (500 ft) in any direction from raptor nests/burrows (or as otherwise determined by the Project Biologist); and (2) access and surveying will not be allowed within approximately 300 m (900 ft) of nests/burrows (or as otherwise determined by the Project Biologist).	2006 SOCTIIP FSEIR Section 4.11.4.
WV-36	Prior to construction activity, the Project Biologist shall survey the construction limits for the presence of occupied breeding coyote, bobcat, or mountain lion dens. In the event that an occupied breeding coyote, bobcat, or mountain lion den is located within the impact area, then grading and construction operations shall be redirected temporarily around the den for a distance of approximately 150 m (500 ft) or as otherwise determined by the Project Biologist. The dens shall be resurveyed by the Project Biologist within the last month of the breeding seasons of these	2006 SOCTIIP FSEIR Section 4.11.4.

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	species to verify completion of the breeding cycle. Dens shall be removed during the non-breeding season only.	
WV-37	During the spring and summer (May through August) prior to the habitat removal, a qualified bat biologist shall survey all potential roosting habitat proposed for removal by the proposed construction. If a roost is found, the animals will be evicted and the resource sealed or removed so the bats cannot return and would be forced to find alternative roost sites. Tree removal shall be conducted between September and November to avoid hibernating bats (December through February) and maternity season (May through August) if feasible.	2006 SOCTIIP FSEIR Section 4.11.4.
Waters of the U.S. and Wetlands		
WW-6	Final design and construction shall restore the perennial river and stream channels and ephemeral drainages and washes to their original contours upon completion of construction where feasible, with the exclusion of areas of permanent impact.	2006 SOCTIIP FSEIR, Section 4.10.5.1
WW-7	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* During all construction activities, the Contractor shall ensure that construction equipment or vehicles shall not be stored in areas defined as ESAs, including areas within the jurisdiction of the ~~USACOE~~ and/or CDFG. There shall be no fueling, lubrication, storage, or maintenance of construction equipment within 46 meters (150 feet) of CDFG or ~~USACOE~~ jurisdictional areas. Construction equipment staging/storage shall be located in previously disturbed or non-native areas to the maximum extent possible.	2006 SOCTIIP FSEIR, Section 4.10.5.1
WW-8	During all construction activities, the Contractor shall ensure that no waste material shall be discharged to any CDFG or ~~USACOE~~ jurisdictional areas. Spoil sites shall not be located within any CDFG or ~~USACOE~~ jurisdictional areas, or in areas where it could be washed into any surface water body.	2006 SOCTIIP FSEIR, Section 4.10.5.1
WW-9	Prior to final design, the Contractor shall prepare the final construction Runoff Management Plan (RMP). The plan shall address the final location of facilities to route and detain corridor runoff for the purpose of maintaining peak flows and flow velocities downstream of the Alignment at existing rates and preventing project pollutants from reaching improved and unimproved downstream drainages. County of Orange Best Management Practices (BMPs) will be included in these runoff facilities of the Alternatives as determined appropriate by the Design Engineer. The final RMP will contain provisions for changes to the plan (e.g., alternative mechanisms, plant materials) if necessary during project design and/or construction phases to achieve the stated goals and performance standards at an equal or greater level. The RMP will address issues of detention and settlement basin design for mitigation requirements in relation to water quality. The plan shall be submitted to the Regional Water Quality Control Board (RWQCB), Caltrans, and the Orange County Environmental Management Agency (OCEMA) Environmental Planning Division for review and comment. (RMP, Psomas 2003.)	2006 SOCTIIP FSEIR, Section 4.10.5.1
WW-10	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* The Contractor shall locate staging areas for construction equipment outside of areas in the jurisdiction of the ~~USACOE~~ or CDFG to minimize impacts to sandy creek benches.	2006 SOCTIIP FSEIR, Section 4.10.5.1
WW-11	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Prior to final design, the F/ETCA shall prepare a jurisdictional delineation documenting the Waters of the U.S. and wetlands, CDFG, and ~~CCC~~ jurisdictional impacts for the selected alternative. Prior to final design, the F/ETCA shall prepare a functional assessment of the wetland mitigation plan according to the tenets of the USACOE Regulatory Guidance Letter 02 2 to assure that the functions and values have been replaced and that no net loss of waters and wetland values occur. Habitat replacement guidelines shall be developed to identify and quantify habitats that will be removed along with the locations where habitats will be restored or relocated to ensure no net loss.	2006 SOCTIIP FSEIR, Section 4.10.5.1
CDFG – 1600 Streambed Alteration Agreement Conditions		
CDFG-1	The agreed work includes activities associated with the Project Location and Project Description that is provided above. Specific work areas and mitigation measures are described on/in the plans and documents submitted by the Operator, including the Final Natural Environmental Study for the South Orange County Transportation Infrastructure Improvement Project (P&D Consultants, Inc., December 2003), Jurisdictional Determination and Wetlands Delineation Technical Assessment for	2008 SAA 1600-2006-0182-R5, Page 3 Extension and Amendment 1 of Lake or SAA

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	Impacts Associated With The South Orange County Transportation Infrastructure Improvement Project (Glenn Lukos Associates, Inc., rev. April 6, 2005) and Addendum thereto (Glenn Lukos Associates, Inc., September 26,2005), and the Notification Package for the Southern Orange County Transportation Infrastructure Improvement Project (A7-FEC-M Alternative), and shall be implemented as proposed unless directed differently by this Agreement.	Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-2	The Operator shall provide a copy of this Agreement to all contractors, subcontractors, and the Operator's project supervisors. Copies of the Agreement shall be readily available at work sites at all times during periods of active work and must be presented to any Department personnel, or personnel from another agency, upon demand.	2008 SAA 1600-2006-0182-R5, Page 4 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-3	The Operator shall notify the Department, in writing, at least five (5) days prior to initiation of construction (project) activities and at least five (5) days prior to completion of construction (project) activities. Notification shall be sent to the Department's South Coast Office at the address above, ATTN: Streambed Alteration Program - SAA # 1600-2006-0182-R5.	2008 SAA 1600-2006-0182-R5, Page 4 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-4	*(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* The Operator shall not impact/fill more than 37.69 acres of streambed. Permanent impacts to 23.08 acres consist of 0.20 acre alkali meadow, 0.23 acre arroyo willow forest, 11.88 acres coast live oak riparian woodland, 3.96 acres mulefat scrub, 1.05 acres riparian herb, 1.51 acres southern willow scrub, 0.18 acre southern arroyo willow riparian forest, 1.36 acres southern sycamore riparian woodland, and 2.71 acres unvegetated-streambed. Temporary impacts to 14.61 acres consist of 0.42 acre freshwater marsh, 6.69 acres southern arroyo willow riparian forest, 7.47 acres southern sycamore riparian woodland, and 0.03 acre unvegetated streambed.	2008 SAA 1600-2006-0182-R5, Page 4 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-5	The Project will mitigate using the raitos provided, but the Project has less impacts than stated. Mitigation for areas of permanent disturbance - The Operator shall mitigate the permanent impacts to 2.71 acres unvegetated stream at a replacement-to-impact ratio of 1:1 through the creation of 2.71 acres riparian habitat. The Operator shall mitigate the permanent impacts to 0.20 acre alkali meadow and 1.05 acres riparian herb at a replacement-to-impact ratio of 2: 1 through the creation of 1.25 acres riparian habitat and the creation, restoration, and/or enhancement of 1.25 acres riparian habitat. The Operator shall mitigate the permanent impacts to 3.96 acres mulefat scrub and 1.51 acres southern willow scrub at a replacement-to-impact ratio of 2:1 through the creation of 5.47 acres riparian scrub and the creation, restoration, and/or enhancement of 5.47 acres riparian scrub. The Operator shall mitigate the permanent impacts to 0.41 acre willow forest at a replacement-to-impact ratio of 3: 1 through the creation of 0.41 acre willow riparian habitat and the creation, restoration, and/or enhancement of 0.82 acre willow riparian habitat. The Operator shall mitigate the permanent impacts to 1.36 acres sycamore riparian woodland at a replacement-to-impact ratio of 3:1 through the creation of 1.36 acres sycamore riparian habitat and the creation, restoration, and/or enhancement of 2.72 acres sycamore riparian habitat. The Operator shall mitigate the permanent impacts to 11.88 acres coast live oak riparian woodland at a replacement-to-impact ratio of 3:1 through the creation of 11.88 acres coast live oak riparian habitat and the creation, restoration, and/or enhancement of 23.76 acres coast live oak riparian habitat.	2008 SAA 1600-2006-0182-R5, Page 4 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-6	Mitigation for areas of temporary disturbance - The Operator shall mitigate the temporary impacts to 0.03 acre unvegetated stream at a replacement-to-impact ratio of 1:1 through the restoration of temporarily impacted areas. The Operator shall mitigate the temporary impacts to 0.42 acre freshwater marsh at a replacement-to-impact ratio of 2:1 through the restoration of temporarily impacted areas and the creation, restoration, and/or enhancement of 0.42 acre riparian habitat. The Operator shall mitigate the temporary impacts to 6.69 acres willow riparian forest and 7.47 acres	2008 SAA 1600-2006-0182-R5, Page 4 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-

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	sycamore riparian woodland at a replacement-to-impact ratio of 3:1 through the restoration of temporarily impacted areas and the creation, restoration, and/or enhancement of 28.32 acres of riparian forest/woodland. Restoration of temporary impacts shall include restoring stream morphology to pre-construction conditions where impacts occur and revegetating impacted areas with an appropriate native plant palette.	0182-R5 SOCTIIP (9-20-2012)
CDFG-7	The Operator shall mitigate at a minimum 5:1 ratio for impacts beyond those authorized in this Agreement. In the event that additional mitigation is required, the type of mitigation shall be determined by the Department and may include creation, restoration, enhancement and/or preservation.	2008 SAA 1600-2006-0182-R5, Page 5 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-8	The Operator shall submit a Draft Revegetation/Mitigation Plan for Department review at least one year (365 days) prior to project initiation. The Draft Revegetation/Mitigation plan shall be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. The plan shall include, at a minimum: (a) the location of the mitigation site; (b) the plant species to be used, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and 0) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. The Operator shall receive Department approval of the Revegetation/Mitigation Plan prior to initiation/impacts.	2008 SAA 1600-2006-0182-R5, Page 5 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-9	The Final Revegetation/Mitigation plan shall also be designed to identify and meet the objectives of the successful establishment and long-term survival of riparian oak woodland habitat. The plan should address the introduction of additional shade-adapted native understory species after the first five years of oak tree establishment. Associated understory and early-successional native species must be maintained and monitored along with trees to achieve viable habitat and adequately compensate for biological functions lost. Specific woodland and understory performance criteria for the riparian oak woodland habitat shall be monitored for a minimum of 10 years and shall meet the overall success criteria as described in this Agreement.	2008 SAA 1600-2006-0182-R5, Page 5 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-10	~~All mitigation shall be installed by the end of the first April following project initiation. Any delay in the mitigation will require an amendment to this Agreement and may result in the application of higher mitigation ratios than currently required by this Agreement to offset the additional temporal loss of habitat function.~~ *(The following replaces original Condition 10 above:)* 10. Mitigation for permanent impacts, consisting of creation, restoration and enhancement, shall begin at project initiation with site preparation and one or more seasons of exotic species control, followed by planting and seeding. Installation shall be complete no more than two years after initiation. Mitigation for temporary impacts, consisting of restoration and enhancement, shall begin once construction within each temporary impact area is complete and shall be completed no later than the first April following initiation of mitigation activities at that location.	2008 SAA 1600-2006-0182-R5, Page 5 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-11	All planting should be done between October 1 and April 30 to take advantage of the winter rainy season.	2008 SAA 1600-2006-0182-R5, Page 5 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-12	The Operator shall submit a report to the Department, within 45 days after completion of site preparation and planting, acknowledging the completion of the installation phase of the mitigation and documenting its as-built status. The report shall include a plan or map diagram showing the mitigation area and the final as-built locations of plantings, irrigation, and other installations. Photographs from representative vantage points shall also be included to document the as-built	2008 SAA 1600-2006-0182-R5, Page 5 Extension and Amendment 1 of Lake or SAA

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	conditions.	Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-13	To ensure a successful revegetation effort, all plants shall be monitored and maintained for five years, with the exception of coast live oak riparian habitat which shall be monitored and maintained for 10 years, as necessary to achieve a minimum of 100% survival the first year and 80% survival thereafter and/or 75% cover of native woody perennials after 3 years and 90% cover of native woody perennials at the end of the 5th year and thereafter. If the survival and cover requirements have not been met, the Operator is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for 5 years (10 years for coast live oak riparian habitat) after planting. All oak trees shall be monitored for survival annually in years 1 through 5, and in years 7 and 10. Any tree that does not survive shall be replaced in-kind. Replacement trees/plants shall be monitored with the same survival and growth requirements for 10 years after planting. At the completion of the monitoring period, the mitigation site shall have received NO supplemental irrigation for the two consecutive years prior to the completion of the monitoring period, nonnative plants shall not make up more than 5% of the entire cover of the site, no more than 5% of the site shall consist of bare ground and the site shall be free of invasive exotic plant species such as tamarisk.	2008 SAA 1600-2006-0182-R5, Page 5 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-14	The Operator shall have a qualified biologist conduct semiannual surveys of the mitigation area to document the bird, wildlife, and fish use of the site. The surveys shall be conducted in the spring and fall of each year, and at appropriate times of the day. The surveys shall be initiated two years after the revegetation has occurred and shall continue until the monitoring of the mitigation site is completed or a minimum of 5 years. Semiannual summary reports may be submitted to the Department along with, and/or as a component of, the annual monitoring report.	2008 SAA 1600-2006-0182-R5, Page 6 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-15	An annual report shall be submitted to the Department by January 1 of each year for 5 years (with an additional report at years 7 and 10 for coast live oak riparian habitat) after the restoration/planting. This report shall include: (a) the survival, % cover, and height of both tree and shrub species; (b) the number by species of plants replaced; (c) an overview of the revegetation effort; (d) the method used to assess these parameters; and (e) photos from designated photo stations.	2008 SAA 1600-2006-0182-R5, Page 6 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-16	The Operator shall not be released from these maintenance and monitoring obligations until such time as the Operator has requested and received written concurrence from the Department that the success criteria have been met.	2008 SAA 1600-2006-0182-R5, Page 6 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-17	A security (e.g. an irrevocable letter of credit, pledge savings account or CD) for the amount of complete restoration shall be submitted to the department prior to initiation of construction activities. This amount shall be based on a cost estimate which shall be submitted to the Department for approval at least one year (365 days) prior to project initiation. The security shall be approved by the Department's legal advisors prior to its execution, and shall allow the Department at its sole discretion to recover funds immediately if the Department determines there has been a default. The legal advisors can be contacted at (916) 654-3821.	2008 SAA 1600-2006-0182-R5, Page 6 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-18	The Operator shall not remove vegetation within the stream from January 1 to September 15 to avoid impacts to nesting birds. However, the Operator may remove vegetation during this time if a qualified biologist (as determined by a combination of academic training and professional experience in biological sciences and related resource management activities) conducts a survey for nesting birds within three days prior to the vegetation removal, and ensures no nesting birds shall be impacted by the project. These surveys shall include the areas within 500 feet of the edge of the proposed impact area(s). If active nests are found, a minimum 200-foot (500 feet for raptors) fence barrier shall be erected around the nest site. No habitat removal or any other work shall occur within the fenced nest zone even if the nest continues active beyond September 15. No work shall	2008 SAA 1600-2006-0182-R5, Page 6 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)

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	occur within the fenced zone until the young have fledged and are no longer being fed by the parents. The Operator shall submit the mapped survey results to the Department for review and approval prior to vegetation removal to ensure full avoidance measures are in place.	
CDFG-19	The Operator shall not work within the channel of any stream where native fish do/may occur from October 15 to June 15.	2008 SAA 1600-2006-0182-R5, Page 6 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-20	The Operator shall use temporary construction fencing to identify the agreed limits of disturbance within the stream and adjacent habitat.	2008 SAA 1600-2006-0182-R5, Page 6 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-22	The Operator shall restore the perennial river and stream channels and ephemeral drainages and washes to their original contours upon completion of construction where feasible, with the exclusion of areas of permanent impact.	2008 SAA 1600-2006-0182-R5, Page 7 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-23	The Operator shall not return non-native fish, amphibians, or turtles captured during surveys or project activities to the stream.	2008 SAA 1600-2006-0182-R5, Page 7 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-24	This Agreement does not authorize take, incidental or otherwise, of any protected species. For the purpose of this Agreement, "protected species" means the following: a species fully protected under state law; a species listed under the California Endangered Species Act (Fish & Game Code § 2050 et seq.) and/or Federal Endangered Species Act (16 U.S.C. § 1531 et seq.); a species identified by the Department as a species of special concern; or any other species for which take is prohibited under state or federal law. No direct or indirect impacts shall occur to any protected species, except as authorized by a Natural Community Conservation Plan or one or more individual permits that authorize such take.	2008 SAA 1600-2006-0182-R5, Page 7 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-25	Within one year before project initiation, the Operator shall have a qualified biologist survey the proposed work area to verify the presence or absence of protected species. The results of these surveys shall be provided to the Department, along with copies of all field notes, prior to the initiation of work. The survey technique shall be approved by the Department in writing and the researcher shall have the required permits. The Operator shall have a qualified biologist onsite daily to ensure no impacts occur to protected species. If any protected species could be impacted by the work proposed, the Operator shall obtain the required state and federal threatened and endangered species permits prior to the initiation of project activities.	2008 SAA 1600-2006-0182-R5, Page 7 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-26	If a protected species is found in the proposed work area, or is in a location which could be impacted by the work proposed, the Operator shall submit a plan to the Department for review and approval to avoid impacts to this species.	2008 SAA 1600-2006-0182-R5, Page 7 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-27	If the work requires that a protected species be removed, disturbed or otherwise impacted, the Operator shall obtain the appropriate state and federal endangered species permits.	2008 SAA 1600-2006-0182-R5, Page 7

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
		Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-28	All submittals required by this Agreement shall be sent to the Department's South Coast Office at the above address: ATTN: Streambed Alteration Program - SAA #1600-2006-0182-R5, unless directed differently by this Agreement.	2008 SAA 1600-2006-0182-R5, Page 7 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-29	All Department approvals of plans or documents required by this Agreement shall be in writing, unless specified otherwise.	2008 SAA 1600-2006-0182-R5, Page 7 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-31	The Operator shall provide the Department with a copy of the final construction Runoff Management Plan (RMP) prior to initiation of project activities. The plan shall address the final location of facilities to route and detain corridor runoff for the purpose of maintaining peak flows and flow velocities downstream of the Alignment at existing rates and preventing project pollutants from reaching improved and unimproved downstream drainages. The final RMP shall contain provisions for changes to the plan if necessary during project design and/or construction phases to achieve the stated goals and performance standards at an equal or greater level. The RMP will address issues of detention and settlement basin design for mitigation requirements in relation to water quality.	2008 SAA 1600-2006-0182-R5, Page 8 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-32	The Operator shall provide the Department with a copy of the Storm Water Pollution Prevention Plan (SWPPP) prior to initiation of project activities.	2008 SAA 1600-2006-0182-R5, Page 8 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-33	The Operator shall provide the Department with a detailed construction schedule prior to initiation of project activities. The schedule shall identify the approximate beginning and completion date for each activity within the stream zone. The names, phone numbers, cellular phone numbers, pager numbers of key personnel shall be included in this notification.	2008 SAA 1600-2006-0182-R5, Page 8 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-34	Any equipment or vehicles driven and/or operated within or adjacent to the stream shall be checked and maintained daily, to prevent leaks of materials that, if introduced to water, could be deleterious to aquatic life.	2008 SAA 1600-2006-0182-R5, Page 8 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-35	Stationary equipment such as cranes, motors, pumps, generators, and welders located within or adjacent to the stream shall be positioned over drip pans.	2008 SAA 1600-2006-0182-R5, Page 8 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-36	The clean-up of all spills shall begin immediately after the spill occurs. The Department shall be	2008 SAA

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	notified immediately by the Operator of any spills and shall be consulted regarding clean-up procedures.	1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-37	If operations require moving of equipment across a flowing stream, such operations shall be conducted without increasing stream turbidity. For repeated crossings, the operator shall install a bridge, culvert, or rock-fill crossing as specified in comments below, and approved by the Department prior to placement.	2008 SAA 1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-38	Areas of disturbed soils with slopes toward a stream or lake shall be stabilized to reduce erosion potential. Planting, seeding and mulching is conditionally acceptable. Where suitable vegetation cannot reasonably expected to become established, non-erodible materials shall be used for such stabilization. Any installation of non-erodible materials not described in the original project description shall be coordinated with the Department. Coordination may include the negotiation of additional Agreement provisions for this activity.	2008 SAA 1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-39	Any temporary dam or other artificial obstruction constructed shall only be built from materials such as clean gravel which will cause little or no siltation, and shall be approved by the Department prior to construction. Upon completion of the project and after all flowing water in the area is clear of turbidity, the gravel along with the trapped sediment shall be removed from the stream.	2008 SAA 1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-40	During the design phase for each proposed culvert crossing, the Operator shall consider the use of a bridge or open-bottom culvert, where practicable. Where a proposed culvert is replaced by a bridge or open-bottom culvert, the Department shall consider a reduction in the mitigation obligation.	2008 SAA 1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-41	The Operator shall provide the Department with engineering design plans for each culvert or bridge crossing no fewer than 90 days prior to initiation of construction of that crossing. The Operator shall receive Department approval of the plans prior to initiation of construction of that crossing.	2008 SAA 1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-42	The Operator shall provide the Department with a copy of the applicable Caltrans Fish Passage Design Forms, or shall provide the Department with the information required in the Forms in an equivalent format, for each culvert crossing prior to or concurrent with the submittal of engineering design plans.	2008 SAA 1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-43	The Operator shall ensure that each culvert crossing is designed, installed, and maintained in accordance with the Culvert Criteria for Fish Passage (Department of Fish and Game, May 2002), Guidelines for Salmonid Passage at Stream Crossings (National Marine Fisheries Service, September 2001), and Fish Passage Design for Road Crossings (Caltrans, May 2007).	2008 SAA 1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-

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		2012)
CDFG-44	In designing each culvert crossing, the Operator shall choose the "Stream Simulation Design Option", as described in the above-referenced fish passage guidelines, where practicable. If the Operator chooses a different design option, the Operator shall submit to the Department information sufficient to support their decision, including an evaluation of the suitability of the area to support native fish and a survey of species present, prior to or concurrent with the submittal of engineering design plans. The Operator shall receive Department approval prior to initiation of construction of the crossing.	2008 SAA 1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-45	Any structure/culvert placed within a stream where fish do/may occur shall be designed, constructed and maintained such that it does not constitute a barrier to upstream or downstream movement of aquatic life, or cause an avoidance reaction by fish that impedes their upstream or downstream movement. This includes but is not limited to the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream fish migration. If any aspect of the proposed project results in a long term reduction in fish movement, the operator shall be responsible for all future activities and expenditures necessary (as determined by the Department) to secure passage of fish across the structure.	2008 SAA 1600-2006-0182-R5, Page 9 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-46	The use of grouted rock shall be minimized to the extent practicable.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-47	This Agreement does not authorize the use of gabions within the stream channel.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-48	Plans for design of concrete sills and other features that could potentially impede fish migrations shall be approved by the Department.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-49	Storm drains lines/culverts shall be adequately sized to carry peak storm flows for the drainage to one outfall structure. The storm drain lines/culverts and the outfall structure shall be properly aligned within the stream and otherwise engineered, installed and maintained, to assure resistance to washout, and to erosion of the stream bed, stream banks and/or fill. Water velocity shall be dissipated at the outfall, to reduce erosion.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-50	Work must be performed in isolation from the flowing stream. When work in a flowing stream is unavoidable, the stream flow shall be diverted around the work area by a barrier, temporary culvert, new channel, or other means approved by the Department. Location of the upstream and downstream diversion points shall be approved by the Department. The Operator shall provide the Department with a draft water diversion plan no fewer than 90 days prior to project initiation for review and approval. The Operator shall receive Department approval prior to initiation of construction of the diversion.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
CDFG-51	Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and which shall provide flows to downstream reaches. Flows to downstream reaches shall be provided during all times that the natural flow would have supported aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Diversions shall be engineered, installed, and maintained to assure resistance to washout and erosion of the streambed and banks. Normal flows shall be restored to the effected stream immediately upon completion of work at that location.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-52	Pump intakes placed in stream/lake water shall be fitted with mesh screens to protect fish and amphibians from injury or death.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-53	The Operator/Contractor shall check daily for stranded aquatic life as the water level in the dewatering area drops. All reasonable efforts shall be made to capture and move all stranded aquatic life observed in the dewatered areas. Capture methods may include fish landing nets, dip nets, buckets and by hand. Captured aquatic life shall be released immediately in the closest body of water adjacent to the work site. This condition does not allow for the take or disturbance of any state or federally listed species, or state listed species of special concern.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-54	Preparation shall be made so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-55	Water containing mud, silt or other pollutants from aggregate washing or other activities shall not be allowed to enter a flowing stream or placed in locations that may be subjected to high storm flows.	2008 SAA 1600-2006-0182-R5, Page 10 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-56	Precautions to minimize turbidity/siltation shall be taken into account during project planning and implementation. This may require that the work site be isolated and for the construction of silt catchment basins, so that silt, or other deleterious materials are not allowed to pass to downstream reaches. The placement of any structure or materials in the stream for this purpose, not included in the original project description, shall be coordinated with the Department. Coordination shall include the negotiation of additional Agreement provisions.	2008 SAA 1600-2006-0182-R5, Page 11 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-57	Upon Department determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated.	2008 SAA 1600-2006-0182-R5, Page 11 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
		2012)
CDFG-58	Staging/storage areas for equipment and materials shall be located outside of the stream.	2008 SAA 1600-2006-0182-R5, Page 11 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-59	Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.	2008 SAA 1600-2006-0182-R5, Page 11 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-60	No debris, soil, silt, sand, bark, slash, sawdust, rubbish, construction waste, cement or concrete or washings thereof, asphalt, paint, oil or other petroleum products, or any other substances/materials associated with any project-related activity shall be allowed to contaminate the soil and/or enter into or be placed where they may be washed by rainfall or runoff into a stream or lake. Any of these substances/materials, placed within or where they may enter a stream or lake, by the Operator or any party working under contract, or with the permission of the Operator, shall be removed immediately upon observation of their presence. When operations are completed, any excess materials or debris shall be removed from the work area.	2008 SAA 1600-2006-0182-R5, Page 11 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-61	No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.	2008 SAA 1600-2006-0182-R5, Page 11 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-62	The Operator shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws and it shall be the responsibility of the Operator to ensure compliance.	2008 SAA 1600-2006-0182-R5, Page 11 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-63	No equipment maintenance shall be done within or near any stream/lake where petroleum products or other pollutants from the equipment may enter these areas under any flow.	2008 SAA 1600-2006-0182-R5, Page 11 Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-A1	The Operator shall be allowed to proceed with project activities in phases as long as any pre-impact requirements for submittal of deliverables have been satisfied for that portion of the project where impacts are to occur (e.g., Revegetation/Mitigation Plan, financial security, biological survey results, Biological Resources Management Plan, Runoff Management Plan, Storm Water Pollution Prevention Plan, detailed construction schedule, engineering design plans, Caltrans Fish Passage Design Forms, water diversions plans, etc. As set forth in Conditions 8, 17, 25, 30, 31, 32, 33, 41, 42, 44, and 50, of this Agreement). The Operator shall receive written approval from the	Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012).

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	Department prior to initiating each phase.	
CDFG-A2	The mitigation obligations described in the Agreement for impacts resulting from the project (Conditions 5 through 16) may be met in phases, if the project is constructed in phases. Prior to initiation of impacts for each phase, the Operator shall provide the Department with a detailed accounting of the anticipated impacts for that phase of the project, including acreage, linear feet, habitat type, and the permanent versus temporary nature of the impacts, sub-totaled by drainage. The Operator shall mitigate at the ratios established by Conditions 5 and 6 of the Agreement. For each phase of the project, mitigation-related deadlines in the Agreement that are linked to the initiation or completion of project activities shall be based on the timing of that phase of the project.	Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012).
USFWS Biological Opinion Conditions		
FWS-1a	1a. Because it is anticipated that the toll road construction will not begin for several years and population numbers are anticipated to fluctuate, preconstruction protocol surveys for gnatcatcher and vireo will be conducted within 1-year of project vegetation clearing/grading activities to monitor and report on the number of birds within the action area at the time of project impacts.	2008 USFWS Biological Opinion FWS-OR/MCBCP-08B0352/08F0487 Terms & Conditions 1a
FWS-1b	*(This measure has been revised from its original form in the 2008 BO to address the Tesoro Extension Project).* F/ETCA will staff a monitoring biologist(s) approved by the Agencies to ensure compliance with all avoidance/minimization measures during initial vegetation clearing/grubbing and project construction (Appendix 1; Measures WV-2, 3). The biologist(s) must be knowledgeable of the biology and ecology of the listed species addressed in this biological opinion (i.e., ~~tidewater goby~~, arroyo toad, coastal California gnatcatcher, least Bell's vireo, ~~and Pacific pocket mouse~~ FHWA will submit the biologist's name, address, telephone number, résumé, at least three references (i.e., the names and contact information of people who are familiar with the relevant qualifications of the proposed biologist), and work schedule on the project to the CFWO for approval at least 7 days prior to initiating work. The biological monitor(s) shall have the authority to halt/suspend all associated project activities which may be in violation of the terms and conditions of the biological opinion, or to avoid or minimize the unanticipated incidental take of listed species, for as long as necessary to resolve the situation through consultation with this office.	2008 USFWS Biological Opinion FWS-OR/MCBCP-08B0352/08F0487 Terms & Conditions 1b
FWS-2b	2b) For the arroyo toad, the Biological Resources Management Plan and the Arroyo Toad Resource Management Plan (described in Appendix 1, Measure TE10) shall include, at minimum, the following: i. Surveys shall be conducted in accordance with the approved Service protocol. ii. Capture methods shall follow commonly accepted techniques for amphibian field sampling, including: capture by hand, dip-netting, scooping up by container, and pitfall trapping. iii. Amplexing pairs of toads shall not be captured, handled, or disturbed. iv. Toads exhibiting signs of physiological distress shall be immediately released at the relocation site. v. Toads shall be maintained until release in a manner that optimizes their survival. vi. Toads that are to be measured and released shall be handled in an expedient manner with minimal harm. vii. If the take limit associated with construction is reached (i.e., if more than 25 toads are captured within the project footprint during pre-project trapping), construction-related activities with the potential to affect toads will immediately cease, and the CFWO will be contacted. If the take threshold related to capture and release or road mortality is exceeded, the CFWO will be contacted immediately to determine if additional conservation measures are required.	2008 USFWS Biological Opinion FWS-OR/MCBCP-08B0352/08F0487 Terms & Conditions 2b
FWS-3a	3a) Inspect the toad barrier at minimum twice annually with one inspection taking place prior to the typical onset of the rainy season and make any necessary repairs.	2008 USFWS Biological Opinion FWS-OR/MCBCP-08B0352/08F0487 Terms & Conditions 3a
FWS-3b	3b) Implement a monitoring program to track the take of toads from vehicle strikes along the roadway for a period of 5 years following opening of the toll road. This program shall be subject to review and approval by the Service.	2008 USFWS Biological Opinion FWS-OR/MCBCP-08B0352/08F0487 Terms & Conditions 3b

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FWS-4a	*(This measure has been revised from its original form in the 2008 BO to address the Tesoro Extension Project).* To minimize the potential effects of increased fire frequency associated with the toll road, the Biological Resources Management Plan will include a plan to maintain habitat suitability following fires resulting from construction and operation of the toll road (a post-fire plan). The post-fire plan will primarily address potential effects to gnatcatcher associated with burning of coastal sage scrub, but will also address potential effects of fire on habitat for arroyo toad, least Bell's vireo~~, and Pacific pocket mouse~~. The plan will include removal of non-native invasive plant species following a fire, erosion control measures, and, if necessary, reseeding and replanting with plants of local genetic stock. The plan will be developed and implemented in close coordination with the CFWO and the property owners most likely to be affected by toll roads (~~MCBCP and~~ Rancho Mission Viejo). The plan will also estimate costs and identify a funding source for post-fire habitat restoration activities.	2008 USFWS Biological Opinion FWS-OR/MCBCP-08B0352/08F0487 Terms & Conditions 4a
Caltrans – Natural Environment Study Conditions		
NES-12	*(Included for informational purposes only. Substantially similar to and implemented by WW-7).* During all construction activities, the contractor shall ensure that construction equipment or vehicles shall not be stored within areas defined as Environmentally Sensitive Areas (ESAs), including areas within the jurisdiction of the ACOE and/or CDFG. There shall be no fueling, lubrication, storage, or maintenance of construction equipment within 46 m (150 ft) of CDFG or ACOE jurisdictional areas.	2003 Final Natural Environment Study for the SOCTIIP Project
NES-13	*(Included for informational purposes only. Substantially similar to and implemented by WW-8).* During all construction activities, the Contractor shall ensure that no waste material shall be discharged to any CDFG or USACOE jurisdictional areas. Spoil sites shall not be located within any CDFG or USACOE jurisdictional areas, or in areas where it could be washed into any surface water body.	2003 Final Natural Environment Study for the SOCTIIP Project
Project Design Features		
PDF-2-1	Retaining walls will be provided in some locations along the alignments. Retaining walls can be used to minimize or reduce the amount of grading in areas with substantial topography, or to minimize or reduce right-of-way takes in developed areas. The specific locations of retaining walls will be refined in final design.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-6-1	*This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Sound walls to reduce noise impacts on adjacent sensitive land uses under the ~~corridor Alternatives~~ *Project* will be provided consistent with FHWA, Caltrans, and local noise standards. ~~The locations of the noise walls included in the corridor Alternatives are shown on detailed maps in Appendix K. Some of these noise walls will be outside the disturbance limits and rights-of-way for the corridor Alternatives. Those noise walls would be adjacent to existing sensitive land uses to maximize the noise reduction benefits of these walls for the adjacent sensitive uses.~~ Those walls would be constructed on the affected property, with the permission of the property owner, and would become the property of that property owner. The disturbance limits for these walls would be limited to the area directly adjacent to the walls. The construction access to these wall locations would be from the property owner's access (driveway) from the nearest public road and not from the disturbance limits for the *Project* ~~build Alternatives. The noise walls for the SOCTIIP build Alternatives, including walls outside the disturbance limits, are shown on the detailed maps in Appendix K.~~	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-9-1	If changes in velocity or volume of runoff, the sediment load or other hydraulic changes due to encroachment, crossings, or realignment result in an increased potential for downstream effects in channels, design features to prevent adverse effects are included in the alternatives. These will include one or more of the following (or similar features): - Modifications to channel lining materials (both natural and man-made), including vegetation, geotextile mats, rock, and riprap. - Energy dissipation devices at culvert outlets. - Smoothing the transition between culvert outlets/headwalls/wingwalls and channels to reduce turbulence and scour. - Incorporating retention or detention facilities into designs to reduce peak discharges, volumes, and erosive flow.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-9-2	The F/ETCA will implement concentrated flow conveyance systems to intercept and divert surface flows, and convey and discharge concentrated flows with a minimum of soil erosion, both on-site	2006 SOCTIIP FSEIR, Section 2.5.1.7

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	and off-site where applicable. Ditches, berms, dikes and swales will be used to intercept and direct surface runoff to an overside drain or stabilized watercourse.	
PDF-9-3	The F/ETCA will use surface protection to minimize erosion from completed, disturbed surfaces. Surface protection includes but is not limited to vegetative cover or hard surfacing such as concrete, rock, or rock and mortar.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-9-4	*This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* The F/ETCA will implement EDBs ~~on the SOCTIIP build Alternative~~ to temporarily detain water on the site and allow sediment and particulates to settle out. EDBs will be maintained, monitored and documented per RWQCB and Caltrans requirements and conform to the guidelines set forth in the SWMP. The siting of EDBs requires that sufficient head is available such that water stored in the basin does not cause a backwater condition in the storm drain system, which would limit its capacity. Additionally, high groundwater must be no higher than the bottom elevation of the basin; otherwise, the basin would not drain completely. The siting process also required consideration of sensitive environmental constraints. The EDBs were sited to avoid those areas as well.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-9-5	The F/ETCA will use surface protection to minimize erosion from completed, disturbed surfaces. Surface protection includes but is not limited to vegetative cover or hard surfacing such as concrete, rock, or rock and mortar.	
PDF-9-6	The F/ETCA will use biofiltration swales and strips, as shown in the RMP, where applicable and in association with EDBs to convey low flow. One of the primary limitations of using bioswales is that they must be used on slopes less than two percent. Due to the terrain and the design of the Alternatives there were very few locations where they could be applied. Bioswales will be maintained, monitored and documented per RWQCB and Caltrans requirements and will conform to guidelines set forth in the SWMP.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-9-7a	*This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* The ~~build Alternatives~~ *Project* include*s* Best Management Practices (BMPs) to control the flow of roadway runoff and treat, to the maximum extent practicable (MEP), roadway runoff before it leaves the project site and enters existing water courses or storm drain facilities. PDFs ~~for the SOCTIIP build Alternatives~~ include BMPs such as extended detention basins (EDBs) and grassy swales. ~~The disturbance and right-of-way limits for the build Alternatives, shown on the detailed maps in Appendix A, include areas for EDBs and other BMPs.~~	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-9-7b	The PDFs consist of both pollution prevention BMPs and treatment BMPs. Pollution prevention BMPs are used to address design phase elements, construction, and spill mitigation. Treatment BMPs are used in the design to meet regulatory water quality requirements at specific locations. Both pollution prevention and treatment BMPs are included in the build Alternatives to the MEP. Most of the treatment BMPs, such as EDBs, are designed with a safety factor such that they will function in conditions beyond those prescribed by Caltrans National Pollutant Discharge Elimination System (NPDES) permit.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-9-8	Prior to completion of final design, F/ETCA [Contractor] shall obtain approval of the hydrologic methodology and parameters to be analyzed in the Final Hydrologic Technical Report and incorporated into the Final Location Hydraulic Study from affected jurisdictional agencies.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-9-9	Final design will include refinements to ensure that the bridges will be constructed to span the 100-year floodplain without raising the 100-year base floodplain water surface elevation more than 0.3 meter (1.0 foot), or otherwise causing adverse changes in the extent of the floodplain or the potential for erosion.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-11-1	*This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* Bridges for Wildlife Crossings under the ~~Corridor~~ Alternatives Project. ~~As described earlier in Section 2.5.1.5,~~ the ~~corridor Alternatives~~ *Project* include*s* bridge structures that would provide opportunities for wildlife to cross the corridor alignments. These wildlife crossings are intended to link together areas of suitable wildlife habitat that would otherwise be separated by the corridor alignments. ~~Wildlife crossings are shown on the detailed maps in Appendix A and on Figure 4.11-6 later in this EIS/SEIR. Section 4.11 (Affected Environment, Impacts and Mitigation Measures Related to Wildlife, Fisheries and Vegetation) provides additional discussion regarding wildlife and wildlife corridors in the study area and how wildlife movements are accommodated by the bridges in the corridor Alternatives.~~	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-11-2	Utility relocation will be conducted in a manner that is consistent with the operational protocols established in SDG&E's Subregional NCCP, including measures that address general behavior for	2006 SOCTIIP FSEIR, Section 2.5.1.7

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Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	all field personnel, pre-activity studies and survey work, maintenance, repair and construction of facilities, and construction and maintenance of access roads.	
PDF-18-1	*This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* The ~~corridor Alternatives~~ *Project* will include pole-mounted lighting at the toll plazas, ramps, and other locations as required by Caltrans standards. Lighting in areas away from the toll plazas, ramps, and other locations as required by Caltrans standards will be minimized to avoid unnecessary light effects in more rural areas adjacent to the corridor. In addition, all lighting along the corridors will be shielded and directed to focus the light on the corridor and its facilities to minimize light leakage outside the corridor limits.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-18.2	*This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).* The ~~corridor Alternatives~~ *Project* will include landscaping for unpaved areas within the corridor rights-of-way. Landscaping will focus on native plant species, particularly in areas adjacent to undeveloped land with native plant species. In addition, the landscaping will include design components and plant materials intended to reduce the visual impacts of the ~~corridor alternatives~~ *Project* on adjacent sensitive uses. Section 4.18 (Affected Environment, Impacts and Mitigation Measures Related to Visual Resources) provides additional discussion of the use of native plant materials and other landscaping to soften views of the corridor.	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-TR1	*Prior to opening of the Tesoro Extension Project, the F/ETCA shall reconfigure the eastbound approach of the intersection of La Pata Avenue and Ortega Highway. The reconfiguration shall provide one through lane, a shared through/right-turn lane, and a separate right-turn lane.*	Feb 2013 Addendum
San Diego RWQCB – Waste Discharge Requirements Compensatory Mitigation[1]		
WDR-1	A. Duty to Comply. The Discharger shall retain responsibility for providing compensatory mitigation for the Project as required in this Order and shall direct any agreement(s) to obtain compensatory mitigation services.	Tentative Waste Discharge Requirements No. R9-2013-0007, Section VII.
WDR-2	B. Compensatory Mitigation Plan. The Discharger shall implement compensatory mitigation as detailed in the Habitat Mitigation and Monitoring Plan for the Tesoro Extension Project, prepared by NewFields, October 2012 (and any subsequent versions reviewed and approved by the San Diego Water Board) at the general locations described in Attachment C of this Order.	Tentative Waste Discharge Requirements No. R9-2013-0007, Section VII.
WDR-3	C. Updated Compensatory Management Plan Development. The Discharger shall prepare and submit a finalized and updated Habitat Mitigation and Monitoring Plan (HMMP) no later June 14, 2013 and prior to the start of Project construction. The finalized and updated HMMP shall contain the following elements to the satisfaction of the San Diego Water Board: 1. A description of the legal arrangements and instruments for financial assurance, protection, and management that will be used to ensure the long term protection of the compensatory mitigation sites in perpetuity. 2. A description of the interim and long-term management and reporting plans for the compensatory mitigation sites. At a minimum, this shall include: a. A description and schedule of maintenance, after initial construction, to support achievement of performance standards and maintenance for any other purpose. b. A detailed long-term plan that specifies how the site will be used, how the site will be maintained, who will be responsible for the work, and a schedule for all activities. c. Management measures needed to ensure long-term sustainability after performance standards have been achieved; the responsible party; and long-term financing mechanisms; as well as the conditions that will trigger certain maintenance needs or management activities. Compensatory mitigation sites shall be designed to be self-sustaining when mature to the maximum degree practicable. 3. A description of the factors considered during the site selection process. This should include consideration of watershed needs, and the practicability of accomplishing ecologically self-sustaining aquatic resource restoration, establishment, enhancement, and/or preservation at the compensatory mitigation site.	Tentative Waste Discharge Requirements No. R9-2013-0007, Section VII.

[1] WDR-1 through WDR-7 will be updated to reflect the Final Waste Requirement Permit.

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NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	4. A map of suitable scale and description to identify the ecological characteristics of the compensatory mitigation sites and how that replaces the functions and services of the Project impact sites. This may include descriptions of historical and existing plant communities, historical and existing hydrology, soil conditions, and other site characteristics appropriate to the type of water body proposed as mitigation. 5. A description of the amount and form of financial assurance (e.g. performance bonds, escrow accounts, casualty insurance, letters of credit, legislative appropriations for government sponsored projects, or other appropriate instruments) to be provided, including a brief explanation of the rationale for this determination. 6. Detailed written specifications and work descriptions for the development of the compensatory mitigation sites, including at a minimum, timing, sources of water (include proof of pertinent water right(s), if applicable), methods for establishing desired plant communities, and erosion control measures. 7. A description and schedule of maintenance requirements to ensure the continued viability of the aquatic resources once initial construction is completed. 8. A description of ecologically based, and measureable, performance standards that will be used to determine whether the compensatory mitigation objectives are being met. 9. A description of the factors or parameters that will be monitored to determine whether the compensatory mitigation is on track to meet performance standards and whether adaptive management is needed. A schedule for monitoring and reporting must be included. 10. A description of how the compensatory mitigation sites will be managed, in perpetuity after performance standards have been achieved, to ensure the long-term sustainability of the resource. The description shall identify the long-term finance mechanisms and the party responsible for long-term management. 11. An adaptive management plan that includes a management strategy to address unforeseen changes in site conditions or other components of the compensatory mitigation sites. The adaptive management plan should be of sufficient detail to guide decisions for revising the compensatory mitigation plans and implementing corrective measures as necessary to address both foreseeable and unforeseen circumstances.	
WDR-4	D. Temporary Project Impacts. The Discharger must restore areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and revegetation with native species. The Discharger must implement all necessary BMPs to control erosion and runoff from areas associated with this project. The revegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be found online at http://www.calipc.org/ip/inventory/weedlist.php Follow-up applications shall be made, as needed, to cover bare spots and to maintain adequate soil protection.	Tentative Waste Discharge Requirements No. R9-2013-0007, Section VII.
WDR-5	E. Timing of Compensatory Mitigation. The Discharger shall implement the compensatory mitigation projects in accordance with the tasks and schedule described below: 1. The construction of the compensatory mitigation projects must be completed no later than 12 months following the initial discharge of dredge or fill material into waters of the State. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10 percent of the cumulative compensatory mitigation for each month of delay. 2. If the Discharger is unable to implement the compensatory mitigation described in this Order within 12 months following the initial discharge, the Discharger will be in violation of this Order and subject to administrative civil liabilities under the California Water Code, section 13350. 3. Within 6 months of the start of Project construction, the Discharger shall provide for adequate funding to purchase and maintain the compensatory mitigation sites to satisfy the compensatory mitigation requirements of the Project as described in the HMMP in perpetuity.	Tentative Waste Discharge Requirements No. R9-2013-0007, Section VII.
WDR-6	F. Conservation Easement. The Discharger must comply with the following requirements:	Tentative Waste Discharge

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Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	1. The Discharger must provide a copy of the Conservation Easement for the compensatory mitigation sites to the San Diego Water Board no later than 6 months following issuance of this Order. The Conservation Easement Deed shall indicate the "Grantor" (property owner) and "Grantee" (holder) of the Conservation Easement. 2. For the purposes of independent review, the holder of the Conservation Easement shall not be the Discharger. The Discharger shall provide sufficient funds to the holder of the Conservation Easement to allow the holder to monitor the compensatory mitigation sites in perpetuity and to ensure compliance with the conservation easement and report to the agencies. Funds shall be provided by the Discharger to the holder no later than 18 months of issuance of this Order. 3. The Conservation Easement must ensure that the property for compensatory mitigation will be retained in perpetuity and maintained without future development or encroachment on the site or activities which could otherwise reduce the functions and values of the site for the variety of beneficial uses of waters of the State that it supports. The Conservation Easement or other appropriate legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland functions and values of the site. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation. 4. The Conservation Easement must provide the Assessor's Parcel Numbers for all the properties in the compensatory mitigation sites. 5. Endowment funding for the interim and long-term management of the compensatory mitigation sites must meet the following requirements: i The endowment holder shall not be the Discharger. ii The Discharger must provide the San Diego Water Board with proof of full funding for the endowment fund for the interim and long-term management of the compensatory mitigation sites in accordance with the HMMP no later than 6 months of issuance of this Order.	Requirements No. R9-2013-0007, Section VII.
WDR-7	G. Letter of Credit. The Discharger must comply with the following requirements to use a letter of credit as a form of financial assurance: 1. No later than 6 months of issuance of this Order, the Discharger shall provide the San Diego Water Board an irrevocable letter of credit in an amount determined by the San Diego Water Board to be sufficient for the value of (1) the acquisition of sites in the land required for compensatory mitigation, (2) the estimated amount of the endowment fund, and (3) the estimated amount of the conservation easement endowment. The Discharger shall prepare a draft letter of credit and submit it to the San Diego Water Board for its approval no later than 90 days following issuance of this Order. The letter of credit shall allow the San Diego Water Board to immediately draw on the letter of credit if the San Diego Water Board determines in its sole discretion that the Discharger has failed to meet its mitigation obligations. 2. The Discharger's bank shall finalize and execute the letter of credit after the San Diego Water Board approves the draft letter of credit. 3. If the Discharger has not met its mitigation obligations within 60 days prior to the letter of credit's expiration date, the Discharger shall confirm with its bank that the expiration date will be extended. If the bank elects not to extend the expiration date, the Discharger shall establish a new letter of credit to replace the original letter of credit. The new letter of credit shall be subject to the San Diego Water Board's approval following the same procedure described in the requirements above. The Discharger shall maintain a letter of credit in place, as described above, until the Discharger has met its mitigation obligations.	Tentative Waste Discharge Requirements No. R9-2013-0007, Section VII.

EXHIBIT 3

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Refer To File #: 060182-0162

March 29, 2013

Mr. Darren Bradford
California Regional Water Quality Control Board,
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Re: Foothill/Eastern Transportation Corridor Agency, Tesoro Extension (SR 241) Project, Orange County; Response to Questions for Written Response on Tentative Order No. R9-2013-0007

Dear Mr. Bradford

This letter provides the response of the Foothill/Eastern Transportation Corridor Agency ("F/ETCA") to the California Regional Water Quality Control Board, San Diego Region ("Water Board") Questions for Written Response on Tentative Order No. R9-2013-0007 dated March 15, 2013.

1. HOW DOES TCA DEFINE THE PROJECT FOR WHICH THE SAN DIEGO WATER BOARD IS BEING ASKED TO ISSUE WASTE DISCHARGE REQUIREMENTS? IS THAT DEFINITION OF THE PROJECT THE SAME FOR PURPOSES OF CEQA EVALUATION?

A. Answer.

F/ETCA defines the project for which the San Diego Water Board ("Water Board") is being asked to issue waste discharge requirements as the modification of the South Orange County Transportation Infrastructure Improvement Project ("SOCTIIP") to construct and operate a 5.5 mile extension of the existing State Route (SR) 241 and is referred to herein as the "Tesoro Extension". The Tesoro Extension extends existing SR 241 for 5.5 miles from Oso Parkway to Cow Camp Road in the vicinity of Ortega Highway (SR 74). The above definition is also the definition of the Project for the purposes of the California Environmental Quality Act ("CEQA"). Other details regarding the Tesoro Extension are included in the Addendum approved by the F/ETCA and previously provided to the Water Board.

For the convenience of the Water Board, the location of the Tesoro Extension is shown in Figure 1 on the following page (from information previously provided to the Water Board).

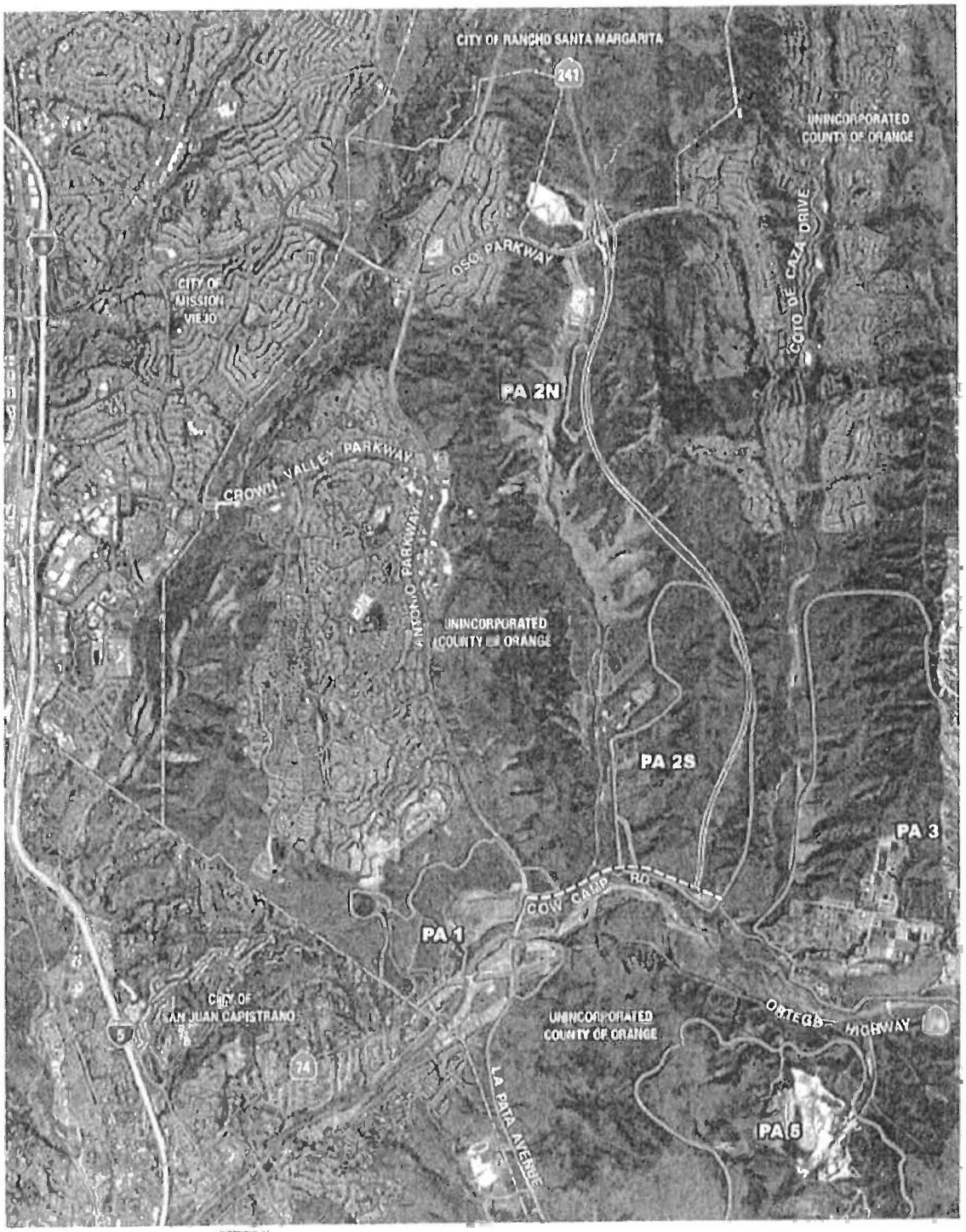
CITY OF RANCHO SANTA MARGARITA
241
UNINCORPORATED COUNTY OF ORANGE
OSO PARKWAY
COTO DE CAZA DRIVE
CITY OF MISSION VIEJO
PA 2N
CROWN VALLEY PARKWAY
ANTONIO PARKWAY
UNINCORPORATED COUNTY OF ORANGE
PA 2S
PA 3
COW CAMP RD
PA 1
CITY OF SAN JUAN CAPISTRANO
5
74
UNINCORPORATED COUNTY OF ORANGE
ORTEGA HIGHWAY
LA PATA AVENUE
PA 6
not to scale
Project Area
Approved RMV Development Area
TESORO EXTENSION PROJECT
Site Vicinity Map

Figure 1

The Tesoro Extension includes four general-purpose travel lanes, two in each direction. The travel lanes will be twelve feet wide. The initial corridor will have a 130 foot width, including shoulders, climbing lanes and a 42 foot median as shown in the typical cross-section in Figure 2 on the following page.

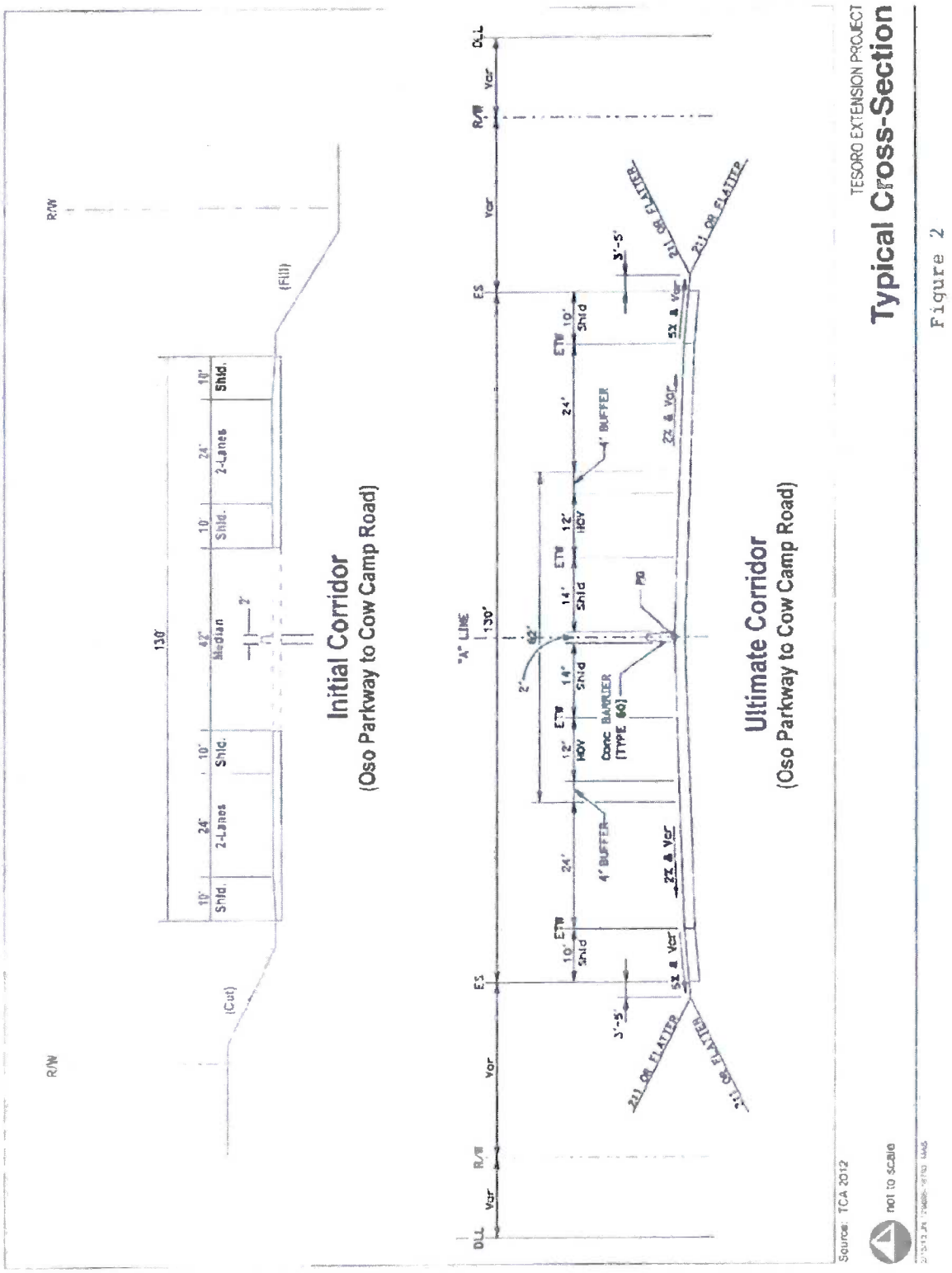
Initial Corridor
(Oso Parkway to Cow Camp Road)
Ultimate Corridor
(Oso Parkway to Cow Camp Road)
TESORO EXTENSION PROJECT
Typical Cross-Section
Source: TCA 2012
not to scale

Figure 2

The center median offers opportunities for future bus rapid transit, light rail, or additional lanes as traffic conditions warrant. SR 241 is a State Highway Route and is part of the State Highway System. The Project will be owned and operated by the California Department of Transportation upon opening of the roadway to traffic. The toll collection facilities will be operated by the F/ETCA. Further details of the Tesoro Extension were provided in TCA's application to the Water Board submitted August 10, 2012, and in the California Environmental Quality Act ("CEQA") Addendum, provided to the Water Board on February 15, 2013.

B. Discussion.

1. Overview of CEQA Documents.

The Tesoro Extension is substantially the same as alignments previously evaluated between Oso Parkway and Ortega Highway in prior environmental documents. Four CEQA documents have been prepared evaluating the extension of SR 241:

- 1981 – Environmental Impact Report 123. EIR 123 analyzed establishment of a transportation corridor at a programmatic level in the southeast portion of Orange County. The County of Orange certified EIR 123 and added the Foothill Transportation Corridor (now designated as SR 241) to the County Master Plan of Arterial Highways.

- 1991 – TCA EIR No. 3 analyzed alignment alternatives for extensions of SR 241.

- 2006 – The South Orange County Transportation Infrastructure Improvement Project ("SOCTIIP") Final Subsequent Environmental Impact Report ("FSEIR") described and analyzed extensions of SR 241 of varying lengths and connections, along with non-corridor alternatives such as widening the I-5 freeway.

- 2013 – The Addendum to the 2006 FSEIR evaluates the Tesoro Extension's modifications to the SOCTIIP and whether the modifications proposed by the Tesoro Extension require the preparation of a subsequent or supplemental EIR. The Addendum concludes that the Tesoro Extension will ***not*** have any new significant impacts, or more severe significant impacts, that were not addressed in the 2006 SOCTIIP FSEIR and thus CEQA prohibits the F/ETCA and the Water Board from requiring the preparation of a subsequent or supplemental EIR.[1].

The Tesoro Extension is also addressed in other CEQA/National Environmental Policy Act (NEPA) documents, including the Southern Subregion HCP EIR/EIS certified by the County of Orange and approved by the U.S. Fish and Wildlife Service, and the Special Area

[1] Pub. Resources Code, § 21166; Cal. Code Regs., tit. 14, § 15162 (hereinafter "Guidelines"). Unless otherwise noted, subsequent statutory citations are to the Public Resources Code § 21000 et seq.

Management Plan Environmental Impact Statement approved by the U.S. Army Corps of Engineers[2]

2. Tesoro Extension Objectives and Purpose and Need.

In the FSEIR for the SOCTIIP, the Project was described broadly to encompass a variety of transportation infrastructure improvements, including multiple variations that extended SR 241. The SOCTIIP Purpose and Need, which was adopted by the U.S. Army Corps of Engineers, the Environmental Protection Agency, the U.S. Fish and Wildlife Service and the Federal Highway Administration, is to "provide improvements to the transportation infrastructure system that would help alleviate future traffic congestion and accommodate the need for mobility, access, goods movement and future traffic demands on I-5 and the arterial network in the study area."[3]

The SOCTIIP alternatives evaluation process included alternatives that would extend SR 241 for varying distances and to varying termination points. Six of the alternatives did not extend to the I-5. These alternatives included variations with three terminating at Ortega Highway and three terminating in the vicinity of Avenida Pico in San Clemente.[4]

The alternatives evaluated in the SOCTIIP FSEIR included constructing the SOCTIIP in the configuration and substantially within the same alignment of the Tesoro Extension as well as other extensions of the SR 241 south of Ortega Highway.

The Addendum to the SOCTIIP FSEIR was submitted to the Water Board on February 15, 2013. The Addendum evaluates the changes to SOCTIIP proposed in the Tesoro Extension, and also evaluated the cumulative impacts of the potential future extension of the SR 241 to the I-5.[5]

3. The Tesoro Extension is a Modification of the SOCTIIP. Thus, Section 21166 and Guidelines Sections 15050(c) and 15062 Govern the Water Board's Consideration of the CEQA Issue.

The Tesoro Extension is a modification of the SOCTIIP described in the 2006 FSEIR. Therefore, section 21166 and Guidelines sections 15050(c) and 15162 govern the Water Board's review of the Tesoro Extension under CEQA. Guidelines section 15050(c) provides that the determination of the lead agency whether to prepare an EIR "shall be final and conclusive." Indeed, counsel to the project opponents conceded that CEQA section 21166 and Guidelines section 15050(c) governs in this circumstance.[6]

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[2] See Addendum to the SOCTIIP Final SEIR, Tesoro Extension Project (2003) pp. 1-1 - 1-5 (hereinafter "Addendum"). In these answers, we focus on the 2013 Addendum and the 2006 SOCTIIP FSEIR.

[3] SOCTIIP FSEIR, Section 1.5.2, pp. 1-16.

[4] See SOCTIIP FSEIR, Table 1.7-1, p. 1-23; Table 1.7-2, p. 1-24.

[5] See TCAs' February 20, 2013 letter to the Water Board which summarizes the manner in which cumulative impacts have been addressed.

[6] Letter from Shute, Milhaly & Weinberger to Water Board dated February 25, 2013.

Section 21166 and a long line of cases interpreting this section make it clear that responsible agencies are ***prohibited*** from requiring the preparation of a supplemental or subsequent EIR unless the responsible agency finds that the changes to the project or changed circumstances will result in significant new environmental effects or an increase in the severity of significant effects identified in the EIR.[7] Changes to a project or changes in circumstances are not sufficient to allow an agency to require a subsequent or supplemental EIR unless the changes also cause significant new impacts or a substantially more severe significant impact.[8]

In *Melom v. City of Madera* (2012) 183 Cal.App.4th 41, a site plan for a shopping center was changed to reduce some retail spaces so the largest retail space could be increased to allow a supercenter store.[9] The Court of Appeal upheld the City of Madera's use of an Addendum to document the finding that there were no new significant environmental effects.[10] In *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538, a new use permit was requested for changes to a medical research and laboratory complex, including changes in size, building pattern, water supply requirements and adjacent uses (a wilderness park had been expanded since the original EIR, and by the time the new use permit was sought, the wilderness park surrounded the research and laboratory complex).[11] The Court of Appeal upheld the County's finding that none of the changes required major revisions in the original EIR.[12]

Even substantial modifications to a project are not sufficient to authorize an agency to require a subsequent or supplemental EIR where the lead agency previously certified an EIR and then evaluated the project modifications in an addendum.[13] In *Mani Brothers Real Estate Group, supra,*153 Cal.App.4th at pages 1398-1403, the court held that substantial evidence supported the agency's determination that changes to a project were considered *modifications* to a project and did not constitute a new project. The agency had approved an office/hotel/retail project with 2.7 million square feet in five buildings.[14] The original project was delayed after the 1989 EIR, and the applicant requested a change to residential development in

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[7] See, e.g., *Bowman v City of Petaluma* (1986) 185 Cal.App.3d 1065; *Fund for Envt'l Defense v County of Orange* (1988) 204 Cal.App.3d 1538; *San Diego Navy Broadway Complex Coalition v City of San Diego* (2010) 185 Cal.App.4th 924; *Melom v. City of Madera* (2010) 183 Cal.App.4th 41; *Moss v. County of Humboldt* (2008) 162 Cal.App.4th 1041; *Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4th 91; *River Valley Preservation Project v. Metropolitan Transit Dev. Bd.* (1995) 37 Cal.App.th 154; *County of Santa Clara v. Redev. Agency* (1993) 18 Cal.App.4th 1008; *Temecula Band of Luiseño Mission Indians v Rancho Cal. Water Dist.* (1996) 43 Cal.App.4th 425; *Snarled Traffic Obstructs Progress v. City & County of San Francisco* (1999) 74 Cal.App.4th 793; see also 2 Kostka & Zischke, Practice Under the California Environmental Quality Act (Cont.Ed.Bar. 2012) §§ 19.2, 19.42.

[8] See 2 Kosta & Zischke, Practice Under the California Environmental Quality Act (Cont.Ed.Bar. 2012) § 19.2 and cases cited therein.

[9] *City of Madera*, *supra*, 183 Cal.App.4th at p. 44.

[10] *Id.* at pp. 47-51.

[11] *Fund for Environmental Defense*, *supra*, 204 Cal.App.3d at pp. 1542-1543.

[12] *Id.* at pp. 1552-1553.

[13] See, e.g., *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385.

[14] *Id.* at p. 1389.

2004.[15] The agency prepared an Addendum to the EIR to address the change in use, finding that even though the square footage would increase to over 3.2 million square feet, the impacts would be reduced because the lower traffic generation rates for residential use would cause fewer impacts.[16]

The Court emphasized that CEQA focuses solely on "the potential environmental impacts of a project" and, in particular, "where there is a previously certified EIR, changes in the size, ownership, nature, character, etc., of a project are of no consequence in and of themselves. Such factors are meaningful *only* to the extent they affect the environmental impacts of a project."[17]

The Court noted that *Save Our Neighborhood v. Lishman* (2006) 140 Cal.App.4th 1288, did not compel a different result because:

> *Save Our Neighborhood*, however, involved an addendum to a previously certified negative declaration and not, as here, an addendum to a previously certified EIR. That is significant because an addendum is only appropriate to a previously certified negative declaration where "minor technical changes or additions are necessary" (Guidelines, § 15164, subd. (b)) and, as noted before and contrary to the contention of Mani Brothers, this limitation does not apply where the addendum is to a previously certified EIR. (Guidelines, § 15164, subd. (a).) Because in the present case the 2005 Addendum was to the FEIR previously certified for the project, not a previously certified negative declaration, *Save Our Neighborhood* is distinguishable and inapplicable.[18]

The relevant facts regarding the Tesoro Extension are indistinguishable from those of *Mani Brothers Real Estate Group, supra*, 153 Cal.App.4th 1385. The F/ETCA certified the FSEIR for the SOCTIIP followed by the Addendum evaluating the modifications to the SOCTIIP. The Addendum to the FSEIR demonstrates that not only will the Tesoro Extension ***not*** have any new significant impacts, it will reduce the impacts of the Preferred Alternative evaluated in the FSEIR between Oso Parkway and Cow Camp Road. The Tesoro Extension alignment is substantially the same as alignments previously evaluated between Oso Parkway and Ortega Highway. Compared to the Preferred Alternative evaluated in the SOCTIIP FSEIR, the Tesoro Extension changes the prior folded diamond interchange at Cow Camp Road to a simpler T-intersection configuration and includes some shifts to minimize impacts to surface waters and avoid an existing reservoir used for Rancho Mission Viejo (RMV) ranch operations. The Tesoro Extension avoids impacts to Corps of Engineers jurisdictional wetlands and limits permanent impacts to waters of the state to 0.40 acre (four tenths of an acre).

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[15] *Id.* at p. 1391.
[16] *Ibid.*
[17] *Id.* at p. 1401.
[18] *Mani Brothers Real Estate Group, supra*, 153 Cal.App.4th at p. 1400.

The Addendum determined that the changes to the Tesoro Extension would not result in significant individual or cumulative effects not discussed in the SOCTIIP FSEIR. In addition, impacts associated with the Tesoro Extension would not be more severe, new, or more severe in comparison to the analysis of the Preferred Alternative between Oso Parkway and Cow Camp Road in the SOCTIIP FSEIR.[19]

In addition, the Tesoro Extension modifications do not change any of the options studied for further extension of the SR 241 south of Ortega Highway. F/ETCA may in the future implement other extensions, and other agencies may implement other non-corridor transportation improvements as evaluated in the SOCTIIP FSEIR.

These facts demonstrate that the Tesoro Extension is a modification of the SOCTIIP. The majority of refinements made to the SOCTIIP alignment were made to reduce environmental impacts, consistent with the goals of CEQA. The Tesoro Extension disturbance limits are almost entirely within disturbance limits analyzed in the FSEIR as shown in Attachment A. The only areas that vary slightly from the previously evaluated footprint are: (1) the potential alignment shift to the east to avoid the RMV stock pond which is being made at the request of the landowner, and (2) at the southern end of the Tesoro Extension (around G Street), the alignment is proposed to shift slightly to the west, but this shift occurs entirely within the Ranch Plan PA 2, which is approved for development. The Addendum determined no significant impacts would result from either of these revisions.

The magnitude of the Tesoro Extension modifications to the SOCTIIP footprint are much less than the type of modifications cited by the court in *Mani Brothers Real Estate Group, supra*, 153 Cal.App.4th 1385, for which "courts have upheld the use of addenda and not required preparation of an SEIR," including projects where "the project's appearance had changed fairly dramatically, .. . number of buildings increased, [or the] raising the elevation of a segment of a berm by a factor of two to three times the original height."[20]

The fact that it is not presently known whether or where an additional extension of the SR 241 south of Cow Camp Road might be implemented does not convert the Tesoro Extension into a new project under CEQA. The courts have established the focus of modifications to a project on the impacts of that modification, and the Tesoro Extension will not result in any new significant or substantially more severe impacts as a result of terminating at Cow Camp Road.

In their prior submissions to the Water Board the project opponents cited two cases where the courts held that the evidence indicated that the changes to the previously approved project ***would*** create new significant effects ***not analyzed in the prior EIR***. In one case, the project was changed from a shopping center to a super-center including a Walmart.[21] The evidence indicated that the change from a traditional shopping center to a super-center with a Walmart would cause significant traffic and other impacts not evaluated in the prior EIR.[22] In

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[19] See Addendum, Section 3.0, 3-1; see also *id.*, pp. 1-8 – 1-9 and 3-23 (specific findings).
[20] *Mani Brothers Real Estate Group, supra*, 153 Cal.App.4th at p. 1399.
[21] *American Canyon Community United v. City of American Canyon* (2006) 145 Cal.App.4th 1062.
[22] *Id.* at p. 1078.

contrast, the evidence before the Water Board here (the Addendum) documents that the Tesoro Extension Project will not result in a new significant effect or an increase in the severity of any significant effect identified in the FSER. Indeed, the Addendum documents that the Tesoro Extension Project will reduce the impacts identified in the FSEIR.

In the other case[23] cited by the project opponents, section 21166 and Guidelines section 15050 did not even apply. The court ***was not*** considering a change to a project evaluated in a prior EIR. Rather, the court determined that the EIR for the project violated CEQA on several grounds.[24]

The project opponents' attempted distinction of *Santa Teresa City Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689 also fails. *Santa Teresa,* like the other section 21166 cases cited by the F/ETCA, stands for the proposition that CEQA does not require an agency to prepare additional CEQA documentation even in circumstances where the agency makes substantial changes to the project – unless the **changes** to the project will result in significant new environmental effects. Nothing in *Santa Teresa* suggests that section 21166 does not apply where the agency elects to proceed with only a portion of a project evaluated in the prior EIR.

4. The Water Board is Required to Assume that the FSEIR Complies with CEQA.

The project opponents have claimed that the Water Board may not rely on the FSEIR as the CEQA document for the Tesoro Extension. The opponents' claim is contrary to the express requirement of CEQA section 21167.3 that requires the Water Board to assume that the FSEIR complies with CEQA.

Section 21167.3 of CEQA states:

> If an action or proceeding alleging that an [EIR] . . . does not comply with [CEQA] is commenced . . . ***pending final determination of the issue of such compliance, responsible agencies shall assume that the EIR . . . does comply with [CEQA]*** . . . .[25]

On March 23, 2006, the project opponents filed a petition for writ of mandate ("Petition") in the Superior Court of San Diego County challenging the certification of the FSEIR and other actions by the F/ETCA with regard to the extension of SR-241. Among other allegations, the Petition alleged that the FSEIR did not comply with CEQA.[26] The petitioners in the lawsuit

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[23] *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70.

[24] *Id.* at pp. 75-79.

[25] Pub. Resources Code, § 21167.3, emphasis added; Guidelines, § 15233 ("If a lawsuit is filed challenging an EIR . . . for noncompliance with CEQA, responsible agencies shall act as if the EIR . . . complies with CEQA and continue to process the application for the project according to the time limits for responsible agency action [in the Permit Streamlining Act]").

[26] *California State Parks Foundation et. al. v. Foothill/Eastern Transportation Corridor Agency*, Petition for Writ of Mandate, (San Diego Superior Court Nos. GIN051194 and GIN0513721.)

subsequently elected to enter into a settlement with the F/ETCA. Pursuant to the settlement, the parties agreed to stay the lawsuit pursuant to the Superior Court Rules and to dismiss the lawsuit without prejudice.

On January 12, 2011 the Superior Court of San Diego County entered the "Stipulated Order Approving Interim Settlement with Tolling Agreement ("Interim Settlement ") and Dismissal Without Prejudice, and Retaining the Court's Jurisdiction to Set Aside Dismissal and Enforce Interim Settlement."[27] As provided in the Interim Settlement, the Court's Order effectuated a stay of the lawsuit. The Order provided that the "stay shall terminate and no longer be in effect upon the written request filed in Court by any Petitioner in either of the consolidated proceedings to set aside the dismissal and reinstate the proceedings."

As the Court of Appeal held in *City of Redding v. Shasta County Local Agency Formation Commission*, (1989) 209 Cal.App.3d 1169, the Legislature enacted section 21167.3 in order to avoid the kind of collateral attack on the validity of the FSEIR advanced here by the project opponents:

> The evident intent of section 21167.3 is to expedite CEQA review where a lawsuit contesting CEQA documentation is pending by designating ***one forum*** for resolution of claims of unlawful documentation [*i.e.*, a negative declaration or EIR] and by requiring project review to proceed while the claims are resolved. ***That forum is the court.***[28]

The Court of Appeal recognized the intent of the Legislature to preclude a collateral attack on the validity of CEQA documentation (whether it is a negative declaration or an EIR) in two forums. Having filed the lawsuit challenging the FSEIR, and having agreed to stay the litigation, the project opponents are now foreclosed from attacking the adequacy of the FSEIR before the Water Board.

Just as section 21167.3 barred the City of Redding from adjudicating the validity of the lead agency's negative declaration and from assuming the role of lead agency to prepare a subsequent or supplemental EIR, it also bars the Water Board from re-litigating the validity of the Final SEIR or assuming the lead agency role.[29]

Thus, in light of the Legislature's clear mandate in CEQA section 21167.3 and controlling case law, the Regional Board must assume the FSEIR complies with CEQA with regard to the Water Board's approval of the WDR.

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[27] We previously provided to the Water Board a copy of the Interim Settlement and the Stipulated Order regarding the Settlement Agreement.

[28] *City of Redding, supra,* 209 Cal.App.3d at p. 1181, first emphasis in the original, second emphasis added.

[29] See the discussion of CEQA lead agency requirements in the response to Question No. 3 below.

5. Phased Project Implementation is Common and Accepted CEQA Practice.

There is nothing unprecedented or unusual for a transportation agency to complete a CEQA analysis for a segment of a larger project while the precise location and design of subsequent segments has not yet been determined. The following are just a few of the many examples where agencies have analyzed a larger transportation project, and then decided to proceed with the construction of a phase or portion of the larger project before determining the alignment of future phases of the project.

Consider, for example, the California High-Speed Rail Project. The larger project is described as extending from San Francisco and Sacramento through Los Angeles and into San Diego. This project is being analyzed in a number of different environmental documents covering different segments of the project. Of particular interest here is the Merced to Fresno section. Along the Merced to Fresno section, there will be a triangular junction (also called a "wye") where the set of train guideways traveling east-west from San Francisco will branch off into two sets of train guideways, one set heading north to Modesto and the other heading south to Fresno. While the wye is to be located somewhere along the Merced to Fresno section of the project, the California High-Speed Rail Authority (Authority) certified an EIR/EIS for the Merced to Fresno section without determining its location.[30]

Even though the original project was proposed in segments, the wye issue was originally planned to be resolved within the Merced to Fresno section. But, once it realized that resolving the wye location would delay the remainder of the segment, the Authority determined it could properly postpone analysis of the wye to another segment's environmental document. The Authority deferred analysis of the wye and its location to a future environmental document related to a future separate project.[31]

Another example is provided by the Mid-City/Exposition Transit Corridor Light Rail Transit project (Expo line) in Los Angeles. The Los Angeles County Metropolitan Transportation Authority (Metro) undertook CEQA analysis for this project in two distinct segments. In its draft EIR/EIS, Metro considered a light rail transit system operating between downtown Los Angeles and Santa Monica.[32] Because there was controversy regarding the selection of a project alternative west of Culver City, Metro elected to approve a light rail transit project extending from downtown Los Angeles to Culver City and to defer adoption of an alternative from Culver City to Santa Monica pending completion of additional CEQA studies. The Federal Transit Administration, in its Record of Decision issued in 2006, identified the Los

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[30] *See* Cal. High-Speed Rail Auth. *et al.*, Final California High-Speed Train Project Environmental Impact Report/Environmental Impact Statement and Final Section 4(f) Statement and Draft General Conformity Determination Merced to Fresno (April 2012) Section 2-23 ("This Merced to Fresno Section EIR/EIS does not analyze the...Wye.").

[31] *Id.* at pp. 2-23 – 2-24.

[32] Los Angeles County Metropolitan Transportation Auth. *et al.*, Final Environmental Impact Statement/Environmental Impact Report for the Mid-City/Westside Transit Corridor Mid-City/Exposition LRT Project 2.3-4 (Sept. 2005).

Angeles to Culver City segment as "Phase 1" of the larger project.[33] After the approval of Phase 1, the lead agency, Metro, initiated the preparation of an environmental impact report evaluating alternatives for extending the light rail project from Culver City to Santa Monica.

These examples demonstrate that the process proposed by the F/ETCA is consistent with CEQA and general practices for constructing regional transportation projects.

2. WHAT FURTHER APPROVAL(S) DOES TCA INTEND TO MAKE PRIOR TO COMMENCING CONSTRUCTION OF THE TESORO EXTENSION 5.5 MILE TOLL ROAD? AT WHAT POINT IN THE PROCESS DOES TCA INTEND TO MAKE SUCH APPROVAL(S)? WILL PROJECT APPROVAL BE MADE BY THE TCA BOARD OF DIRECTORS OR CAN IT LEGALLY BE MADE BY THE PROJECT MANAGER OR OTHER EXECUTIVE STAFF?

A. Answer.

The F/ETCA Board will be required to make several additional discretionary approvals of the Tesoro Extension prior to commencing construction. The F/ETCA Board will be taking the following discretionary actions, among others, regarding the Tesoro Extension prior to commencing construction:

- Approval of conceptual design and engineering plans;
- Approval of preliminary design and engineering plans;
- Approval of final design and engineering plans;
- Approval of a financing plan and financing documents;
- Approval of construction contracts
- Issuance of notice to proceed with construction.

All of the above approvals will be made by the F/ETCA Board of Directors.

B. Discussion.

The process leading to the construction of the TCA projects starts with the regional transportation planning processes, including the Southern California Association of Governments Regional Transportation Plan and the Orange County Transportation Authority Master Plan of Arterial Highways. The regional transportation planning process, and the Tesoro Extension role and consistency in that process, is described in more detail in the answer to Water Board Question 4. F/ETCA implements projects that are on these regional transportation plans through a complex approval process that includes multiple steps. The general steps for that process are as follows:

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[33] Federal Transit Administration, Record of Decision Los Angeles Mid-City Westside Transit Corridor Mid-City/Exposition Corridor Light Rail Transit Project 23 (Feb. 2006).

1. Projects are first identified in regional transportation needs analysis studies. In the case of the SR 241, the County of Orange completed studies for regional transportation studies in southeastern Orange County in the 1970s.

2. Regional transportation projects are then evaluated for inclusion in the Orange County Master Plan of Arterial Highways and in the Southern California Regional Transportation Plan approved by the Southern California Association of Governments. In the case of SR 241, the County of Orange added SR 241 to the Master Plan of Arterial Highways in 1981 and the Southern California Association of Governments added SR 241 to the Regional Transportation Plan in 1989.

3. The F/ETCA Board considers on an annual basis what to include as part of its programmed Capital Improvement Plan.

4. The F/ETCA conducts CEQA analyses as the lead agency, and, if appropriate, NEPA environmental analyses with the appropriate federal lead agency. As described above, two EIRs have been previously certified by the F/ETCA Board concerning the extension of SR 241 south of Oso Parkway. The F/ETCA staff also approved the Addendum in pursuant to authority delegated by the F/ETCA Board These CEQA documents were in addition to the program level EIR certified by the County of Orange in 1981.

5. The F/ETCA Board approves engineering plans in sequential steps (conceptual, preliminary and final) and project costs are estimated.

6. The F/ETCA staff obtains necessary permits and other approvals to construct the project pursuant to authority delegated by the F/ETCA Board.

7. The F/ETCA Board approves financing plans and financing documents.

8. The F/ETCA Board approves construction contracts.

9. The F/ETCA Board acquires necessary right-of-way.

10. The F/ETCA Board authorizes commencement of construction, and construction is completed under the direction and supervision of the F/ETCA Board.

11. The F/ETCA Board transfers ownership of the project to the California Department of Transportation.

12. The project is opened to traffic.

Subsequent to the 2008 decision of the Secretary of Commerce regarding impacts of the SOCTIIP on coastal zone resources at the connection of SOCTIIP with

Interstate-5, F/ETCA made a decision to pursue the Tesoro Extension as a modification of the SOCTIIP while deferring decisions regarding future extensions of SR 241 south of the Tesoro Extension. In October 2011, the F/ETCA Board authorized staff to develop conceptual engineering plans, complete environmental assessments and develop a financial strategy for the SR 241 extension from Oso Parkway to the vicinity of Ortega Highway. At that time, the Board also authorized F/ETCA staff to complete environmental analysis regarding the Tesoro Extension.[34]

On August 9, 2012, the F/ETCA Board authorized the TCA staff to obtain environmental clearances and permits from applicable resource agencies for the Tesoro Extension.[35] F/ETCA conducted an environmental analysis of the Tesoro Extension and determined that an Addendum to the SOCTIIP FSEIR was the appropriate CEQA document for the Tesoro Extension. This Addendum was prepared and approved by F/ETCA staff pursuant to the F/ETCA Boards authorizations described above.

3. WHAT ARE THE CONSEQUENCES FOR CEQA PURPOSES OF THE ADDENDUM PREPARED BY TCA IN FEBRUARY 2013 SINCE IT WAS PREPARED WITHOUT AN ASSOCIATED LEAD AGENCY PROJECT APPROVAL OR NOTICE OF DETERMINATION BEING FILED?

A. Answer.

The question is premised on incorrect assumptions regarding the applicable facts and the law. As provided in CEQA Guidelines section 15164(e), the F/ETCA prepared the Addendum to determine whether the modifications to the Preferred Project identified in the FSEIR as proposed by the F/ETCA and reflected in the Tesoro Extension would require the preparation of a subsequent or supplemental EIR. The F/ETCA prepared and approved the Addendum to be used by the F/ETCA Board and the Water Board, along with the 2006 SOCTIIP FSEIR, in the F/ETCA's discretionary approvals of the Tesoro Extension. CEQA does not require that a lead agency approve a project at the same time that the agency approves an addendum.

The findings and determinations of the F/ETCA in the Addendum are final and conclusive for the Water Board.[36] As discussed above, CEQA prohibits the Water Board from requiring the preparation of a subsequent or supplemental EIR where, as here, the modifications proposed by the Tesoro Extension do not have a significant new environmental effect or a substantially more severe significant effect.[37]

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[34] Report No. 15, 2011F-033.
[35] Report No. 14, 2012F-022.
[36] Guidelines, § 15050, subd. (c).
[37] See § 21166; Guidelines, §§ 15062, subd. (c), 15062.