

**ADDENDUM TO THE
SOUTH ORANGE COUNTY TRANSPORTATION
INFRASTRUCTURE IMPROVEMENT PROJECT (SOCTIIP)
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
SCH # 2001061046**

TESORO EXTENSION PROJECT

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TABLE OF CONTENTS

Section 1.0:	Introduction	1-1
	1.1 Background	1-1
	1.2 Purpose of the Addendum.....	1-8
	1.3 Findings of this Addendum	1-8
	1.4 Conclusion.....	1-8
Section 2.0:	Project Description	2-1
	2.1 Project Location and Setting.....	2-1
	2.2 SOCTIIP Preferred Alternative/A7C-FEC-M.....	2-1
	2.3 Proposed Project	2-2
Section 3.0:	Environmental Analysis.....	3-1
	3.1 Findings	3-22
	3.2 Lead Agency Determination.....	3-23

LIST OF TABLES

Table 1	Project Permits and Approvals Needed.....	2-6
Table 2	Summary of Project Effects on Biological Resources for the Tesoro Extension Project Compared to the Preferred Alternative/A7C-FEC-M.....	3-5
Table 3	Summary of Vehicle Miles Traveled and Vehicle Hours Traveled	3-10
Table 4	Daily Greenhouse Gas Emissions.....	3-10
Table 5	Summary of Environmental Impacts	3-24

LIST OF FIGURES (provided at end of document)

Figure 1	Regional Vicinity
Figure 2	Site Vicinity Map
Figure 3	SOCTIIP and Tesoro Comparison
Figure 4	Future Alignment Alternatives
Figure 5	Proposed Project
Figure 6	Typical Cross Section
Figure 7	RMV Planning Areas

Appendices: Appendix A – Applicable Mitigation Measures/Commitments/Conditions

1.0 Introduction

1.0 INTRODUCTION

The Foothill/Eastern Transportation Corridor Agency (F/ETCA) proposes to construct an approximately 5.5-mile long extension of the existing State Route (SR) 241 (“Tesoro Extension” or “Project”) from its current terminus at Oso Parkway to Cow Camp Road immediately north of SR 74 (Ortega Highway) in Orange County (“County”). F/ETCA is the sponsor and the California Environmental Quality (CEQA) Lead Agency for the proposed Project. Refer to Figure 1, *Regional Vicinity*, and Figure 2, *Site Vicinity Map*.

The existing SR 241 is a tolled road facility owned and maintained by Caltrans with the F/ETCA operating the toll collection facilities. The SR 241 extends for approximately 25 miles within the eastern portion of the County. Beginning at its north-end at SR 91 within the City of Anaheim, SR 241 travels south/southwest through unincorporated areas of the County, and the cities of Irvine, Lake Forest, and Mission Viejo, and then terminates to the south at Oso Parkway. The northern portion of SR 241 is referred to as the Eastern Transportation Corridor (ETC), while the southern portion (south of its confluence with SR 133) is referred to as the Foothill Transportation Corridor (FTC).

F/ETCA has conducted an environmental analysis of the Tesoro Extension Project to determine the appropriate form of CEQA clearance document. Technical support documents are on file and available for review at F/ETCA, 125 Pacifica, Irvine, California. As a result of the analysis, F/ETCA has concluded that an Addendum to the South Orange County Transportation Infrastructure Improvement Project (SOCTIIP) Final Subsequent Environmental Impact Report (SEIR), certified in February 2006 by the F/ETCA is the appropriate CEQA clearance. Minor alterations of the footprint and analysis are addressed in this Addendum. The SOCTIIP Final SEIR and this Addendum serve as the CEQA document addressing the environmental impacts of the proposed Project. In addition, a substantial portion of the Project site is located within areas approved for development under the Rancho Mission Viejo’s (RMV) Ranch Plan, which is covered under *The Ranch Plan Final Program EIR* (Ranch Plan EIR).

1.1 BACKGROUND

Subsequent EIR History

Although the current planning and environmental review effort for the Tesoro Extension has been underway for approximately four years, planning for a transportation corridor in South Orange County began over 30 years ago. In 1981, the County Master Plan of Arterial Highways (MPAH) was amended to include several transportation corridors to meet the long-term needs of fast-growing Orange County (County). While these corridors were initially contemplated to be public parkways, the shortage of federal and State funding for new highway projects led the County to pursue implementation through a toll road funding mechanism.

Between 1989 and 1991, the F/ETCA prepared TCA EIR No. 3, pursuant to CEQA, for the selection of a locally preferred road alignment for the extension of SR 241. F/ETCA EIR No. 3 was circulated for a 60-day review period that included public hearings. Written responses to comments and a Supplemental EIR were circulated for public review, and F/ETCA EIR No. 3 was certified on October 10, 1991.

In December 1993, the F/ETCA initiated the preparation of a Subsequent EIR (SEIR) to evaluate three alternatives: the CP Alignment, the BX Alignment, and the No-Build Alternative. The CP Alignment is

similar to the 2006 Preferred Alternative approved by the F/ETCA as the lead agency under CEQA (the terms “SOCTIIP”, “Preferred Alternative”, and “A7C-FEC-M Alternative” are used interchangeably in this Addendum) and is described in more detail below.

In 1996, the F/ETCA agreed to work with the signatory agencies of the National Environmental Policy Act (NEPA)/404 Memorandum of Understanding (MOU) to implement the policies of the MOU in developing the Environmental Impact Statement (EIS) Section 404 permitting for the SOCTIIP. The SOCTIIP Collaborative was established to implement the NEPA/404 MOU for SOCTIIP, and included representatives from the Environmental Protection Agency, U.S. Army Corps of Engineers (USACOE), U.S. Fish and Wildlife Service (USFWS), Federal Highway Administration, U.S. Marine Corps Base at Camp Pendleton (as a cooperating Agency), TCA (as a non-voting member) and Caltrans.

The first meeting of the above listed agencies was held in August 1999. The participants deliberated over 28 months to develop the Project’s Purpose and Need statement. The group then identified 29 SOCTIIP alternatives (included in the project area), plus transportation demand and transportation system strategies to be studied. The group then narrowed these down to 24 alternatives (19 toll road alternatives, three non-toll road alternatives and two no action alternatives). A technical report was prepared for each of these 24 alternatives. Over the course of this collaborative effort, some alternatives were eliminated from further evaluation in the Draft EIS/SEIR because they did not meet the Project’s Purpose and Need. The remaining eight toll and two non-toll alternatives were included as full alternatives in the Draft EIS/SEIR.

As background, the SOCTIIP has undergone a lengthy, multi-decade evaluation under state and federal law, which demonstrated that the alternative identified by the Collaborative agencies (A7C-FEC-M) is environmentally preferable and that other alternatives (such as the widening of I-5) are not “reasonable and available” because (1) the alternatives entail more severe impacts on the human or natural environment, and (2) there is no identified funding for the non-toll road alternatives. The currently proposed Project is planned for the northerly 5 ½ miles of the A7C-FEC-M alignment and reflects the Collaborative’s evaluation of the appropriate alignment for that portion of the Project and the approved Rancho Mission Viejo Ranch Plan development project. The location of this Project is appropriate in light of the prior SOCTIIP alternatives analysis directed by the Collaborative, the Collaborative agreement on the preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) (which includes this extension) including the USACOE November 1, 2005 letter of agreement on the preliminary LEDPA, the Southern Subregion Habitat Conservation Plan (HCP), the San Juan Creek and Western San Mateo Watersheds Special Area Management Plan (SAMP) and the approved Ranch Plan. The Project alignment in the proposed location is consistent with the infrastructure plan illustrated and addressed in the Southern Subregion HCP. Additional discussion is provided under *Applicability of Project with Approved Plans*.

The Preferred Alternative is a refined alignment based on the A7C-FEC-M Initial corridor alternative. The A7C-FEC-M-Initial Alternative alignment evaluated in the Draft EIS was refined in order to minimize environmental impacts and address engineering requirements. The refined A7C-FEC-M Alternative was approved as the Preferred Alternative by F/ETCA Board at the time the Final SEIR was certified in February 2006. More specifically, the refinements included the following elements to further reduce environmental impacts:

- Reduction in footprint – the cross-section was reduced
- Consistency with RMV Ranch Plan to maximize open space

- Consistency with Southern Orange County Natural Community Conservation Plan (NCCP)
- Minimize impacts on wetlands and other natural resources
- Minimize utility relocation impacts
- Inclusion of additional wildlife crossings
- Minimization of access road impacts
- Minimization of impacts of extended detention basins to cultural resources

The Tesoro Extension Project alignment is substantially the same as alignments previously evaluated between Oso Parkway and Ortega Highway. Refinements to the Project as well as previous refinements to the SOCTIIP Preferred Alternative and the SOCTIIP A7C-FEC-M which resulted in the SOCTIIP Preferred Alternative, have all been incremental refinements with minor adjustments made to reduce or avoid impacts or to respond to landowner requests. For example, the Preferred Alignment in the Final SEIR incorporated some minor revisions compared to the SOCTIIP A7C-FEC-M alignment. Between Planning Area 2N and Planning Area 2S the alignment was shifted slightly to the northeast for reasons as described on pages 2-3 and 2-4 of the Final SEIR. The only other notable difference between these alternatives was the elimination of two full diamond interchanges: one at K-Street and another further south at G-Street. The Preferred Alignment in the FEIR has only one interchange at Cow Camp Road near the southern boundary of PA-2.

The Preferred Alternative design between Oso Parkway and Cow Camp Road was evaluated to determine if any further refinements were appropriate for the Project based on current conditions and input from the landowner and developer of the Ranch Plan. The difference between the Tesoro Extension and the Preferred Alignment in the Final SEIR relates to the conversion of the folded diamond interchange at Cow Camp Road to a simpler T-intersection configuration. The Tesoro Extension also shifted the alignment in PA-2 to the west to help minimize impacts to surface waters. In addition, near the northern end of PA-2, a slight shift of the alignment to the east was done to avoid an existing reservoir used for ranch operations.

The reduction in the total disturbance area limits for the Preferred Alternative was approximately 9 ha (23 ac) compared with the A7C-FEC-M-Initial Alternative, and 15 ha (37 ac) compared with the A7C-FECM-Ultimate Alternative. The ultimate buildout assumption for the Preferred Alternative was a maximum of six lanes. Figure 3, *SOCTIIP and Tesoro Comparison*, shows the Preferred Alternative and the A7C-FEC-M Alternative for comparison.

The F/ETCA was the lead agency for the SEIR, which was subject to CEQA requirements and an approval process separate from the finalization of the EIS. The TCA Board of Directors acted in February 2006 to approve the Preferred Alternative and certify the Final SEIR.

In February 2008, the F/ETCA appeared before the California Coastal Commission (CCC) requesting a Consistency Determination for SOCTIIP, as required through our 404 Permit with the USACOE, but was denied. The CCC denied the F/ETCA request citing other alternatives were reasonable and available to the agency. The F/ETCA appealed this decision to the U.S. Secretary of Commerce, which upheld the CCC's previous decision. However, the ruling issued in December 2008 states:

Based on the foregoing, the record establishes that the Project is not consistent with the objectives of the [Coastal Zone Management Act] because a reasonable alternative is available – namely, the [Central Corridor-Avenida La Pata Variation – CC-ALPV] alternative. The [CCC] stated that the CC-ALPV alternative can be implemented in a manner consistent with California's Program, and has described the alternative with sufficient

specificity. The CC-ALPV alternative is available because it satisfies the Project's primary or essential purpose and presents no financial, legal, or technical barrier to implementation. The CC-ALPV alternative is reasonable because it costs less than [SOCTIIP] and presents a net advantage to coastal uses and resources.

This decision in no way prevents TCA from adopting other alternatives determined by the [CCC] to be consistent with California's Program. In addition, the parties are free to agree to other alternatives, including alternatives not yet identified, or modifications to the Project that are acceptable to the parties.

Subsequent to the February 2008 CCC decision, the F/ETCA received its Streambed Alteration Agreement for SOCTIIP from the California Department of Fish and Wildlife (CDFW), as well as a no jeopardy finding in the biological opinion issued by the USFWS as a result of the Section 7 consultation under the Federal Endangered Species Act.

In early 2009, the F/ETCA launched an outreach program and met with nearly 300 stakeholders over a two year period. The stakeholders included meetings with supporters and opponents of the Project, as well as local and government agencies with the goal of obtaining feedback on the need for the Project. The outreach process concluded that traffic was a major concern for those in South Orange County, especially with the approved development of The Ranch Plan moving forward and the severity of existing congestion on Interstate 5 and local arterials.

In October 2011, the F/ETCA Board of Directors authorized staff to proceed with completing updated environmental studies, engineering plans and develop a financing strategy for the Project. Additionally, in August 2012, the F/ETCA Board of Directors authorized staff to execute and obtain all necessary environmental permits and approvals for the Tesoro Extension Project.

The Tesoro Extension Project does not preclude a connection to any of the 19 toll road alternatives evaluated in the SOCTIIP Technical Reports, as illustrated by the various connections shown on [Figure 4, Future Alignment Alternatives](#). These connections are preliminary layouts and have not been advanced to a concept level of engineering design; however, there is no indication that any of the connections cannot be successfully engineered and all can be constructed with standard cut and fill grading.

Proposed Project

As noted above, the Tesoro Extension Project is proposed to extend the existing SR 241 from Oso Parkway to Cow Camp Road. The alignment is proposed between Cañada Chiquita to the west and Cañada Gobernadora to the east, both of which are tributary to San Juan Creek to the south of the Project site; refer to [Figure 2](#). The Project generally follows the same alignment as SOCTIIP Preferred Alternative/A7C-FEC-M up to Cow Camp Road, with minor alterations in the design to avoid impacts to existing uses and/or surface waters; refer to [Figure 3](#).

The Project, when added to the existing SR 241 facility, would provide for regional transportation circulation. 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 for ranching activities. 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. These design alterations result in Project avoidance of discharge of dredged or fill material to all Waters of the U.S., including wetlands.

The Project is located within the RMV, where the approved RMV Ranch Plan proposes up to 14,000 dwelling units, as well as retail, office, and recreational uses, within a development area of approximately 7,694 acres. Figure 5, Proposed Project illustrates the limits of the proposed Project and RMV Planning Areas. The remaining 15,121 acres would be retained as open space with infrastructure and other uses as provided for in the following documents:

- The Southern NCCP/MSAA/HCP Joint Programmatic EIR/EIS on the HCP: The Southern Subregion NCCP/Master Streambed Alteration Agreement (MSAA)/HCP was approved by the USFWS on January 11, 2006. It established a 32,818-acre permanent wildlife habitat reserve that includes 16,536 acres of the RMV. The HCP is intended to protect numerous sensitive animal species and vegetation communities, while allowing for buildout of the Ranch Plan on other portions of the RMV.
- San Juan Creek and Western San Mateo Creek Watershed SAMP and EIS on the SAMP (the USACOE was the lead agency under NEPA for the EIS). The San Juan Creek and Western San Mateo Creek Watershed SAMP is a watershed-level planning document that provides for reasonable economic development (e.g., buildout of the RMV) within the watershed, while also protecting and managing sensitive aquatic biological and hydrological resources. The SAMP established permitting procedures, aquatic resources preservation, aquatic resources restoration, and aquatic resources management.

Full build-out is proposed to occur over a period of approximately 20 to 25 years. Planning Area (PA) 1, near the Antonio Parkway/Ortega Highway intersection, just west/southwest of the Project site, is currently under construction. As shown on Figures 2 and 3, the Project would traverse PAs 2 North (N) and 2 South (S), residential areas of this County-approved development. The EIR prepared for the RMV Ranch Plan was certified by the County in 2004. Area plans are being developed and reviewed for PA 2S. Related plans such as design studies and applications for applicable permits are being processed.

The Ranch Plan approvals require a certain level of transportation infrastructure to support the development. The Ranch Plan evaluated and incorporated both the Tesoro Extension Project (as part of the SR 241 extension) and, in the alternative, a local arterial (F Street). F Street would follow a similar alignment as the Tesoro Extension Project; however, it would not provide for regional connectivity and free flow of traffic. In addition, F Street is not required for RMV development until somewhere between the 7,501st and 10,000th Equivalent Dwelling Unit. Therefore, construction of F Street as Ranch Plan infrastructure is not projected to occur until several years in the future. Although F Street is not presently planned for implementation by RMV, and would not provide the same regional benefits as the Tesoro Extension, the footprint of F Street has been analyzed in several environmental documents, which provides additional background to the physical effects of a road in that location. These effects have been previously identified and evaluated in the Ranch Plan EIR, the Southern Subregion HCP EIR/EIS, and the SAMP EIS, in addition to the SOCTIIP Final SEIR.

Changes to Project Addressed in this Addendum

This Addendum addresses potential environmental impacts of the Project changes and completes the necessary environmental analysis as required pursuant to provisions of CEQA, Public Resources Code Section 21000 et seq., and the State CEQA Guidelines. This document is an Addendum to the previously certified SEIR for SOCTIIP. These two documents, the 2006 Final SEIR and this Addendum, together with the other environmental documents incorporated by reference herein, serve as

the environmental review of the Preferred Alternative as revised. The Preferred Alternative reviewed in this Addendum includes changes to the project previously approved by the F/ETCA.

Pursuant to provisions of CEQA and State CEQA Guidelines, the F/ETCA is the lead agency charged with the responsibility of deciding whether to adopt these Project changes for incorporation into the Tesoro Extension. As part of its decision-making process, the F/ETCA is required to review and consider potential environmental effects that could result from construction and operation of the Preferred Alternative. The 2006 Final SEIR found the following effects of project development to be significant unavoidable impacts: traffic (short-term), land use, farmland, pedestrian and bicycle facilities, air quality; wildlife, fisheries and vegetation; and threatened and endangered species, archaeological resources, visual resources, military uses, mineral resources, and recreation resources.

In February 2006, the TCA Board of Directors certified the Final SEIR (SCH No. 2001061046) and adopted Findings and a Statement of Overriding Considerations for environmental effects associated with project development found to be significant, unavoidable, and adverse.

The F/ETCA review of the changes to the Preferred Alternative is limited by provisions set forth in CEQA and the State CEQA Guidelines. It is limited to examining environmental effects associated with changes between the Project as currently revised and the project reviewed in the certified 2006 Final SEIR. Pursuant to CEQA and State CEQA Guidelines, the F/ETCA is preparing this Addendum to determine whether there are changes in circumstances or new information of substantial importance that would require preparation of a Subsequent or Supplemental EIR.

According to Section 21166 of CEQA and Section 15162 of State CEQA Guidelines, a subsequent EIR is not required for the Tesoro Extension Project unless F/ETCA determines on the basis of substantial evidence that one of more of the following conditions are met:

1. Substantial changes are proposed in the project that require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in severity of previously identified significant effects.
2. Substantial changes have occurred with respect to circumstances under which the project is undertaken that will require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with exercise of reasonable diligence at the time the previous EIR was certified, shows any of the following:
 - The project will have one or more significant effects not discussed in the previous EIR.
 - Significant effects previously examined will be substantially more severe than identified in the previous EIR.
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.
 - Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the

environment, but the project proponent declines to adopt the mitigation measures or alternatives.

According to State CEQA Guidelines, Section 15163, if any of the conditions noted above are present but only minor additions or changes would be necessary to make the previous Final SEIR adequate to apply to the project in the changed situation, a Supplemental EIR may be prepared.

Section 15164 of State CEQA Guidelines states that an Addendum to an EIR shall be prepared “if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Thus, if none of the above conditions are met, the F/ETCA may not require preparation of a Subsequent or Supplemental EIR. Rather, the F/ETCA can decide that no further environmental documentation is necessary or can require an Addendum be prepared.

This Addendum reviews the changes to the Project and to the existing conditions that have occurred since the 2006 Final SEIR was certified and compares the environmental effects of the proposed Project with the modifications to the original project previously disclosed in the 2006 Final SEIR. It also reviews new information of substantial importance that was not known and could not have been known with exercise of reasonable diligence at the time the 2006 Final SEIR was certified, and evaluates whether there are new or more severe significant environmental effects associated with changes in circumstances under which project development is being undertaken. It further examines whether, as a result of any changes or any new information, a Subsequent or Supplemental EIR may be required. This examination includes an analysis of provisions of Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines and their applicability to the Project. The focus of the examination is on whether the previous 2006 Final SEIR may be used for the Project.

Evaluation of Environmental Impacts

This Addendum compares anticipated environmental effects of the Project as modified by the F/ETCA with those disclosed in the previous SEIR to review whether any conditions set forth in Section 15162 of the State CEQA Guidelines requiring preparation of a Subsequent or Supplemental EIR are met. Potential individual and cumulative environmental effects of the Project are addressed for each of the following areas:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Cumulative

Section 3.0 of this Addendum contains the analysis and explanation of the potential environmental impacts of the proposed changes to the Project. The analysis is the F/ETCA’s basis for its determination that no Subsequent or Supplemental EIR may be required for the proposed Project.

1.2 PURPOSE OF THE ADDENDUM

When a proposed project is changed or there are changes in the environmental setting, a determination must be made by the Lead Agency as to whether an Addendum or Subsequent/Supplemental EIR is prepared. Environmental criteria are set forth in CEQA Section 21166 and CEQA Guidelines Sections 15162-15164 to assess which environmental document is appropriate (an Addendum or a Subsequent/Supplemental EIR).

1.3 FINDINGS OF THIS ADDENDUM

The F/ETCA has determined that analysis of the Project's environmental effects is best provided through use of an Addendum, and that none of the conditions set forth in Public Resource Code Section 21166 or Section 15162 of the State CEQA Guidelines requiring preparation of a Subsequent or Supplemental EIR have been met.

1. There are no substantial changes to the Project that would require major revisions of the 2006 Final SEIR due to new significant environmental effects or a substantial increase in severity of impacts identified in the 2006 Final SEIR.
2. No substantial changes have occurred in the circumstance under which the Project is being undertaken that will require major revisions of the 2006 Final SEIR to disclose new significant environmental effects or that would result in a substantial increase in severity of impacts identified in the 2006 Final SEIR.
3. There is no new information of substantial importance, which was not known at the time the 2006 Final SEIR was certified, indicating that:
 - The Project will have one or more significant effects not discussed in the 2006 Final SEIR;
 - There are no impacts that were determined to be significant in the 2006 Final SEIR that would be substantially more severe;
 - There are no additional mitigation measures or alternatives to the Project that would substantially reduce one or more significant effects identified in the 2006 Final SEIR; and
 - There are no additional mitigation measures or alternatives rejected by the Project proponent that are considerably different from those analyzed in the 2006 Final SEIR that would substantially reduce any significant impact identified in that EIR.

The complete evaluation of potential environmental effects of the Project, including rationale and facts supporting County findings, is contained in [Section 3.0](#) of this Addendum.

1.4 CONCLUSION

This Addendum addresses the environmental effects associated with minor alterations to the Project design and changes in circumstances that have occurred since certification of the Final SEIR. The conclusions of the analysis in this Addendum are not substantially different from those determined in the Final SEIR within the same geographic area. The Tesoro Extension Project generally follows the

**Addendum to the SOCTIIP Final SEIR
Tesoro Extension Project**

same alignment as SOCTIIP Preferred Alternative/A7C-FEC-M, up to Cow Camp Road, with minor alterations to avoid impacts to existing uses and/or surface waters.

Based upon the information provided in Section 3.0, *Environmental Analysis*, of this document, the Tesoro Extension Project would not result in new or increased impacts, major revisions to the Final SEIR, or new information of substantial importance that was not known and could not have been known at the time the Final SEIR was certified. The Project would not result in significant effects not discussed in the Final SEIR, nor would the effects of the Project be more severe, new, or different and no previously rejected mitigation measures are found to be feasible. Therefore, an Addendum is appropriate, and this Addendum has been prepared to describe the minor design alterations to the Tesoro Extension Project in relation to the Final SEIR.

2.0 Project Description

2.0 PROJECT DESCRIPTION

The proposed Project involves the construction of an approximately 5.5-mile long extension of the existing SR 241 from its current terminus at Oso Parkway to Cow Camp Road immediately north of SR 74. As noted above within [Section 1.0](#), the southerly extension of the existing SR 241 was analyzed within the *SOCTIIP Draft EIS/Final SEIR*, in which the A7C-FEC-M alignment was identified as the preferred alternative. The Preferred Alternative/A7C-FEC-M proposed to extend SR 241 from Oso Parkway to I-5, near the Orange/San Diego County border. The Tesoro Extension Project generally follows the same alignment as the Preferred Alternative/A7C-FEC-M up to Cow Camp Road, with minor design alterations to avoid impacts to existing uses and/or surface waters; refer to [Figure 3](#). A detailed description of the Project location and minor alterations to the Project is provided below.

2.1 PROJECT LOCATION AND SETTING

The proposed Project is located north of the City of San Juan Capistrano, in unincorporated Orange County; refer to [Figure 1](#). Generally, the Project is located on presently undeveloped areas within RMV, north of SR 74, south of Oso Parkway, east of Antonio Parkway, and west of Coto de Caza; refer to [Figure 2](#).

The Project site is undergoing residential and commercial development, but has historically been utilized for agricultural and cattle grazing purposes. The alignment is proposed between Cañada Chiquita to the west and Cañada Gobernadora to the east, both of which are tributary to San Juan Creek to the south of the Project site.

The Project site is located within the San Juan Creek Watershed. The San Juan Creek watershed is a diverse mix of open space and urban development, exhibiting a range of physical characters, from mountainous chaparral-covered headwaters, to rolling hills covered with sage scrub to a coastal plain that ends at the Pacific Ocean. The watershed is approximately 496 square miles extending from the Cleveland National Forest in the Santa Ana Mountains to the Pacific Ocean at Doheny State Beach near Dana Point Harbor.

2.2 SOCTIIP PREFERRED ALTERNATIVE/A7C-FEC-M

The SOCTIIP Preferred Alternative/A7C-FEC-M alignment was approximately 16 miles long plus approximately 0.8 miles of improvements along I-5. The proposed facility included four general-purpose travel lanes, two in each direction, for the entire length of the facility. Two additional lanes were proposed to be added in the northern section of the alignment as future traffic conditions warranted. Key components of the SOCTIIP Preferred Alternative/A7C-FEC-M included continuous mainline travel lanes and ramps south of Oso Parkway, several wildlife structures/bridges to facilitate wildlife movement, an approximately 2,100 foot bridge structure crossing San Juan Creek, a toll plaza north of Ortega Highway, ramp toll plazas at Cow Camp Road and Avenida Pico, an approximately 2,859 foot elevated bridge structure spanning San Mateo Creek and I-5 providing a direct connection to I-5, and reconstruction of the existing I-5/Basilone Road interchange.

The total footprint of ultimate A7C-FEC-M was 1,254 acres, while the total footprint for the Preferred Alternative was 1,194 acres. This included areas for grading, remedial grading and construction disturbance, areas for paved roads and associated bridges and interchanges, access roads, materials

storage areas, areas for utility relocations and areas for the construction of water quality Best Management Practices (BMPs). The alignment for the Preferred Alternative/A7C-FEC-M within the vicinity of the Tesoro Extension Project is depicted on [Figure 4](#).

2.3 PROPOSED PROJECT

As noted above, the Tesoro Extension Project generally follows the Preferred Alternative/A7C-FEC-M alignment between Oso Parkway and Cow Camp Road. The primary design alterations considered as part of the Addendum are slight shifts in the alignment to avoid impacts to existing uses and/or surface waters. Specifically, the proposed alignment may be shifted slightly to the east to avoid impacts to an existing irrigation reservoir currently utilized for ranching activities on the RMV. In addition, an alignment shift to the west near the southerly terminus of the Project would occur in order to avoid impacts to an earthen streambed; refer to [Figure 3](#). The proposed terminus would also not prohibit future alternative alignments as defined in the SOCTIIP Final SEIR and as depicted in [Figure 4](#).

The Project will operate as a part of the existing SR 241, and does not require any extensions or other improvements to operate effectively, as demonstrated in the Traffic Study. The Tesoro Extension Project does not preclude a connection to any of the 19 toll road alternatives evaluated in the SOCTIIP Technical Reports, as illustrate by the various connections shown on [Figure 4](#). These connections are preliminary layouts and have not been advanced to a concept level of engineering design; however, there is no indication that any of the connections cannot be successfully engineered and all can be constructed with standard cut and fill grading.

The Tesoro Extension Project and associated impact boundaries are depicted on [Figure 5](#). Final design plans will limit construction of the Project within the existing SR 241 to the existing right of way (R/W). It includes four general-purpose travel lanes, two in each direction. The center median, from Oso Parkway to Cow Camp Road would be revegetated with a native seed mix similar to the median along the existing SR 241 north of Oso Parkway. The median offers future opportunities for bus rapid transit, light rail, or additional lanes as traffic conditions warrant. These transit and rail opportunities are not evaluated in this Addendum, since they are not presently proposed. The typical cross section associated with the Project is shown on [Figure 6](#), *Typical Cross Section*.

Cow Camp Road from Antonio Parkway to SR 241 is a local thoroughfare that is classified as a major highway and would ultimately consist of three lanes in each direction, plus turning lanes, and is projected to carry 30,000+ trips per day (2035). A portion of Cow Camp Road (from Antonio Parkway to west of Chiquita Creek) has been constructed. The next phase of Cow Camp Road (Chiquita Creek to the eastern boundary of PA 2) will be constructed by RMV and County of Orange prior to, or concurrent with, the construction of the proposed Project and is scheduled for initiation of construction in June/July 2013.¹ The PAs associated with the approved RMV Ranch Plan are depicted on [Figure 7](#), *RMV Planning Areas*.

The footprint for the proposed Project includes areas for grading, remedial grading and construction disturbance areas. In addition to the paved road and associated bridges and interchanges, the

¹ Board of Directors Agenda, Interstate 5 South County Projects Update Handout, Orange County Transportation Authority, January 14, 2013.

construction area includes access roads, materials storage areas, areas for utility relocations and areas for the construction of the BMPs.

Both temporary and permanent activities and facilities are anticipated within the proposed Project footprint. Permanent facilities and activities include:

- Paved road areas
- landform modifications
- Tolling points
- Bridge support structures
- Ramps and structures at interchange locations
- Drainage structures (including cross culverts)
- Realignment of existing agricultural and utility access roads
- Sites for water quality BMPs (primarily Austin sand filters, extended detention basins and bioswales)

Temporary facilities and activities include:

- Cut and fill grading to establish final road elevations. Following grading, all slopes within the open space areas would be revegetated with a native habitat by the following fall
- Erection of falsework for bridge construction
- Material storage areas
- Staging Areas
- Temporary utility relocations
- Remedial grading

Bridges have also been incorporated at select drainage crossings to minimize hydrologic impacts, avoid/minimize impacts to the CDFW and U.S. Army Corps of Engineers (USACOE) regulated resources, and provide for continued wildlife movement in the area.

Finished road grade for the proposed Project would be accomplished using standard cut and fill grading operations. Concrete box girder construction is anticipated at the major bridge locations. Concrete would be used to pave the mainline of the road; however, a permeable friction overlay would be constructed over the roadway to allow for infiltration of stormwater.

Heavy-duty earth moving equipment would be used for road grading and paving. It is anticipated that the type of equipment would consist of:

- | | |
|---------------|--------------|
| • Scrapers | • Compactors |
| • Dozers | • Loaders |
| • Dump trucks | • Backhoes |

- Water trucks
- Paving machines
- Steel wheel rollers
- Excavators
- Belly dump trucks
- Rubber tired rollers

Equipment anticipated for bridge construction would include:

- Cranes
- Pile driving hammers
- Low boy trailers
- Drilling rigs
- Forklifts
- Concrete pump trucks
- Concrete trucks

This equipment would be used for clearing and grubbing, grading, excavation, backfilling, materials and equipment delivery and removal, concrete and asphalt installation, and other construction activities. Staging areas within the disturbance limits would be used during construction for materials storage, equipment and employee parking, temporary storage of soils and other related activities. Access to the construction areas would be via existing public roads and existing ranch/utility access roads.

Project Construction

Construction activities and equipment for the Project would be consistent with the Final SEIR and is provided for informational purposes only. No new substantial change or new impacts would occur.

Construction duration is anticipated to be approximately 18-24 months beginning in 2013. Project initiation would occur at Oso Parkway and extend south towards its terminus at Cow Camp Road.

The basic overall construction steps proposed for the Project are listed below:

- Mobilize equipment to the Project site
- Clear road right-of-way (R/W)
- Oso Bridge Construction
 - Relocate Oso Parkway utilities to outside of the proposed Oso Parkway bridge area
 - Build Oso Parkway detour
 - Move traffic to detour
 - Construct one side of the Oso bridge on existing fill
 - Install utilities into new half of Oso bridge
 - Shift traffic from the existing detour to the new bridge
 - Remove fill on Oso Parkway
 - Construct the other side of the Oso Parkway bridge on falsework
 - Install utilities into second half of Oso bridge
 - Construct intersection modifications and adjacent roadway transitions

- Modify signals at ramps
- Restripe
- Perform remedial grading and cut/fill operations
- Cross culvert installation
- Structure construction at Chiquita Wildlife Crossing and Sam Creek Bridge
- Fine grading for roadway section
- Sewer relocation at Wildlife Crossing #3
- Drainage, Corridor Operating System and electrical construction
- BMP installation
- Tolling gantry installation
- Irrigation and landscaping
- Pavement construction
- Signing and striping
- Open to traffic

Right-of-Way Acquisition

The proposed Project is located within RMV and parcels are held by various entities controlled by RMV. The F/ETCA would acquire, in-fee, the parcels required for the Project construction and upon the opening of the roadway, Caltrans would assume facility ownership, maintenance responsibilities, and tort liability. The F/ETCA would construct and be the toll operator for the facility, and maintain tolling equipment through an encroachment permit with Caltrans. The R/W associated with the Preferred Alternative/A7C-FEC-M was similar to the proposed Project (similar landowners, land uses and parcel locations).

The Project site consists of existing Caltrans R/W located along the existing SR 241, north of Oso Parkway and vacant land south of Oso Parkway, owned by RMV. As part of the Project, approximately 260 acres of new R/W would be acquired by the F/ETCA and transferred to the state upon opening day.

Project Permits and Approvals Needed

A description of the permits and approvals required for the Project is provided below within Table 1, *Project Permits and Approvals Needed*.

Table 1
Project Permits and Approvals Needed

Agency	Permit/Approval	Triggering Project Feature
USFWS	Section 7 Consultation for Threatened and Endangered Species	Presence and/or potential presence of Thread-leaved brodiaea, Arroyo toad, Southwestern willow flycatcher, Coastal California gnatcatcher and Least Bell's vireo.
CDFW	1602 Agreement Minor Amendment CESA 2080.1 Consistency Determination	Alteration of Streambed Potential presence of state-listed species
RWQCB	Waste Discharge Requirements	Fill impacts to wetlands and Waters of the State
Caltrans	Encroachment Permit	Construction within R/W at existing SR 241
State Water Resources Control Board	Coverage under General Construction Permit	General construction area greater than one acre
County of Orange	Encroachment Permit	Construction and connection to Cow Camp Road
Various (Utilities)	Encroachment Permit	Construction within existing easements

3.0 Environmental Analysis

3.0 ENVIRONMENTAL ANALYSIS

As discussed in Section 1.0, Introduction, this comparative analysis has been undertaken pursuant to the provisions of Section 21166 of CEQA and CEQA Guidelines Sections 15162 and 15153 to provide the F/ETCA with the factual basis for determining whether any changes in the Project, any changes in circumstances, or any new information since the Final SEIR was certified require preparation of a Subsequent/Supplemental EIR or Addendum to the SEIR previously prepared.

The Tesoro Extension Project alignment remains substantially the same as the SOCTIIP Preferred Alternative/A7C-FEC-M from Oso Parkway to Cow Camp Road. Minor design alterations to the alignment were made to avoid RMV ranch facilities and surface waters; refer to Figure 3. The Project was also designed to avoid discharge of dredged or fill material to Waters of the U.S. (USACOE jurisdictional waters). As a result of these changes, updated analysis for impacts within the Project area is provided in this Addendum. Updates were also conducted to address current conditions of existing resources

The analysis below demonstrates that the Tesoro Extension Project would not result in new or increased impacts in comparison to the Final SEIR, would not require major revisions to the SEIR, or result in new information of substantial importance that was not previously known at the time the Final SEIR was certified. The analysis is based on a comparison of the impacts within the same geographic area. See Appendix A, Applicable Mitigation Measures/Commitments/Conditions for a list of mitigation measures and project design features (PDFs) incorporated into the Project. This list is based on the mitigation measures and PDFs adopted for the Preferred Alternative/A7C-FEC-M, and has been refined to clarify which measures are applicable to the Tesoro Extension Project.

Since the SOCTIIP Final SEIR was certified, construction has begun on the Ranch Plan. Construction in Planning Area 1 and Cow Camp Road has changed the existing conditions in the Project vicinity; however, these developments have not changed circumstances in a way that substantially altered the conclusions of the SOCTIIP Final SEIR.

Aesthetics. Analysis within the Final SEIR concluded that aesthetic impacts related to the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road would be significant and unavoidable. The proposed Project alignment is located within Assessment Units (AU) 1, 36, and 37 of the Final SEIR. Impacts within AU37 north of Ortega Highway were determined to be significant and unavoidable due to remedial grading, cut and fill, and the construction of travel lanes that would alter the panoramic rural view from Ortega Highway. Development within the Ranch Plan will also alter these views.

Aesthetic impacts associated with the proposed Project would be similar in nature to the impacts identified for the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR. Implementation of the proposed Tesoro Extension Project may result in both short-term and long-term impacts to sensitive viewers surrounding the Project site. Grading, cutting of slopes, and construction-related vehicle access and staging of construction materials would occur within proposed roadway R/W along the length of the Project site. Construction associated with the Project would result in exposed surfaces, construction debris, equipment, truck traffic, soil stockpiles, and construction staging areas to nearby sensitive viewers (i.e., motorists, institutional and recreational users, as well as partial distant views from residents at Coto de Caza).

In addition, the Project may result in an alteration to the visual character of the Project area after construction of the Project is completed. The Project may also result in minor light/glare impacts. Minimal nighttime safety lighting would be included as part of the Project, and any new lighting would be equipped with shielding in accordance with Caltrans specifications to minimize light spillover impacts to surrounding areas. Similar to the existing SR 241, the majority of the alignment would not be subject to nighttime lighting to minimize light/glare impacts within open space areas. Additionally, approximately half of the proposed Project site is located within areas already approved for development under the RMV Ranch Plan (PAs 2N and 2S). The remainder of the alignment replicates areas that have been designated for infra in the approved HCP/SAMP/RMV Ranch Plan.

The level of disturbance, impact area, and alignment of the Project are substantially the same as the Preferred Alternative/A7C-FEC-M within the Project limits. As such, a significant and unavoidable impact is expected to remain. Development associated with build out of the RMV would occur regardless of the proposed Project, and a substantial alteration in the aesthetic character of areas within and surrounding PAs 2N and 2S is expected to occur as RMV development progresses. Analysis of aesthetic impacts within the RMV area as part of the Ranch Plan EIR, Southern Subregion HCP EIR/EIS, and SAMP EIS also concluded that significant aesthetic impacts would occur due to landform alteration, alterations to visual character, ridgelines and light and glare, even in the absence of the proposed Project.

While minor design alterations have been incorporated into the Project, the change in the aesthetic 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 for ranching activities 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 Preferred Alternative/A7C-FEC-M and are void of any unique development, topography, or other characteristics that would alter the conclusions reached within the Final SEIR.

Conclusion for Aesthetics: The Tesoro Extension Project would not result in new significant individual or cumulative effects not discussed in the Final SEIR. In addition, Project impacts would not be substantially more severe 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.

Agriculture and Forestry Resources. The Final SEIR concluded that a significant and unavoidable impact would occur in relation to farmland impacts under the Preferred Alternative/A7C-FEC-M. However, these significant impacts associated with the Preferred Alternative/A7C-FEC-M alignment would occur south of Cow Camp Road, beyond the boundaries associated with the Tesoro Extension Project. The Final SEIR indicated that no farmland of prime, unique, or statewide importance exists within the RMV.

Farmlands within and immediately adjacent to the Tesoro Extension Project alignment are limited to cattle grazing areas. The central portion of the alignment would affect a small area utilized for limited barley production used as cattle feed on the RMV ranch. The nearest row crops to the Project site are situated north and south of the existing Chiquita Wastewater Reclamation Plant (CWRP) in Chiquita Canyon, approximately 0.25-mile west of the Project site. In addition, the 244-acre Color Spot Nursery is situated approximately 0.5-mile east of the southerly terminus of the Project site, north of San Juan Creek. No agricultural areas outside of the Project alignment (including the Color Spot Nursery and row crops adjacent to CWRP) would be affected by the Project. Based on Natural Resources

Conservation Service (NRCS) ratings for agricultural lands, the entirety of the Project site is designated as “Grazing Land”, and no farmland of prime, unique, or statewide importance exists. Moreover, there are no timberland areas within or adjacent to the Project site, as the Project area has been previously disturbed by agricultural and cattle grazing activities. Moreover, no existing forestry resources or zoning for forest land exists within the Project area. While minor design alterations have been incorporated into the Project, these changes would not result in any additional impacts to agriculture or forestry resources. 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 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 agriculture/forestry resources that would alter the conclusions reached within the Final SEIR.

Conclusion for Agriculture and Forestry 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.

Air Quality. The Final SEIR included an analysis of the Preferred Alternative/A7C-FEC-M’s short-term (construction) and long-term (operational) air quality impacts. The Final SEIR concluded that the Preferred Alternative/A7C-FEC-M would result in significant and unavoidable impacts during the short-term construction process, in addition to significant and unavoidable impacts during operations due to NO_x emissions in exceedance of South Coast Air Quality Management District (SCAQMD) thresholds.

Based on the Project’s Air Quality modeling the Tesoro Extension Project is not expected to result in new or increased air quality 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 emissions 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 as the Preferred Alternative/A7C-FEC-M (e.g., similar design, topography, geologic conditions, and equipment). 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. On an operational basis, background conditions and traffic volumes identified in the Final SEIR have not substantially changed.² The Project would result in regional transportation and air quality benefits by: 1) reducing congestion on I-5 and on the arterial network and local circulation system in south Orange County; 2) transferring through-vehicle trips, particularly intra- and inter-regional trips between south Orange County and north Orange County and Riverside County, to portions of the regional highway system that have, or will have free-flowing conditions, thereby providing congestion relief on I-5; and 3) improving regional goods movement.

The proposed Project would remain a Transportation Control Measure (TCM) as the Project is included in the Southern California Association of Governments (SCAG) 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) that reduces air pollutant emissions by providing

² Tesoro Extension Project Traffic Analysis, Stantec Inc.

relief of existing and projected congestion. The TCMs include toll roads, express lanes, high occupancy vehicle lanes, and dedicated truck toll lanes.

The proposed Project has also been reviewed by the SCAG Transportation Conformity Working Group (TCWG) to determine if the Project represents a Project of Air Quality Concern (POAQC). Based on the particulate matter (PM) analysis for the Project, it is not expected that PM_{2.5} and PM₁₀ emissions would result in violations of Federal air quality standards, increase in the frequency or severity of existing violations, or delay timely attainment of National Ambient Air Quality Standards (NAAQS). On October 23, 2012, the TCWG determined that the proposed Project does not represent a POAQC.

Conclusion for Air Quality: 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.

Biological Resources. A Biological Opinion (BO) was issued for the SOCTIIP Preferred Alternative/A7C-FEC-M in April of 2008. The USFWS determined that the SOCTIIP Preferred Alternative/A7C-FEC-M was not likely to jeopardize the continued existence of any listed species.

Because the proposed Project overlaps with the northerly 5.5 miles of the previously evaluated Preferred Alternative/A7C-FEC-M footprint, the 2012 Biological Assessment³ for the Project determined that two federally listed species are within the Project footprint and three are located outside the Project footprint, compared to the nine identified in the previous Section 7 consultation process for the SOCTIIP Preferred Alternative/A7C-FEC-M (refer to Table 2, Summary of Project Effects on Biological Resources for the Tesoro Extension Project Compared to the Preferred Alternative/A7C-FEC-M). The impacts of the Project on biological resources are significantly reduced from the impacts described in the Final SEIR.

For fish and wildlife resources within the responsibility of the CDFW, a 1602 Streambed Alteration Agreement was issued in May 2008 for the Preferred Alternative/A7-FEC-M. In September 2012, the CDFW amended its 1602 Agreement with the F/ETCA to include the Tesoro Extension Project.

Table 2 describes impacts of the Project on threatened and endangered species compared to the impacts described in the Final SEIR.

The Project is located within the Southern Subregion HCP and thread-leaved brodiaea is a Covered Species under this program. The HCP designates a system of reserves designed to provide for no net loss of habitat value from the present, taking into account management and enhancement. No net loss means no net reduction in the ability of the Subregion to maintain viable populations of target species over the long-term. The Project will impact a small population of brodiaea, but will not substantially reduce the habitat components that are essential for the primary biological needs of the species. In consideration of the proposed avoidance and minimization measures, the loss of these locations is unlikely to adversely affect the conservation of the species. With implementation of mitigation measures, there will be no net loss of primary constituents for the thread-leaved brodiaea. For the

³ The 2012 Biological Assessment is available at the F/ETCA.

specific plant populations in the Project footprint and the combined avoidance and minimization measures in conjunction with the Project's mitigation, Project impacts to brodiaea are less than significant.

Table 2
Summary of Project Effects on Biological Resources for the Tesoro Extension Project
Compared to the Preferred Alternative/A7-FEC-M

Common Name and Scientific Name	Federal/State Endangered Species Act Status	Number of Locations Within Direct Impact Area	Comparison to Final SEIR CEQA Determination
Thread-leaved brodiaea <i>Brodiaea filifolia</i>	Threatened/Endangered	Two locations consisting of a total of 15-23 individuals each (up to 46 individuals)	Mitigated to less than significant as identified for the Preferred Alternative/A7-FEC-M.
Arroyo toad <i>Anaxyrus [Bufo] californicus</i>	Endangered/--	None	Less than significant, avoids direct impact identified in the Preferred Alternative/A7C-FEC-M
southwestern willow flycatcher <i>Empidonax traillii extimus</i>	Endangered /Endangered	None	Mitigated to less than significant as identified for the Preferred Alternative/A7-FEC-M.
Coastal California gnatcatcher <i>Poliophtila californica californica</i>	--/Threatened	6 territories/ 118.29 acres scrub habitat	No change in level of impact within Project footprint compared to the Preferred Alternative/A7C-FEC-M
Least Bell's vireo <i>Vireo bellii pusillus</i>	Endangered /Endangered	None	Mitigated to less than significant as identified for the Preferred Alternative/A7-FEC-M.
Source: BonTerra Consulting, <i>Tesoro Extension Project Biological Assessment</i> .			

The Project would not cross San Juan Creek and therefore, would not directly impact the arroyo toad. Avoidance and minimization measures would be implemented to minimize the potential for direct or indirect impacts on this species. Since the San Juan Creek crossing is not included, the Project impacts on the arroyo toad are less than significant from the Preferred Alternative/A7C-FEC-M.

Additionally, the Project is not expected to directly impact southwestern willow flycatcher or least Bell's vireo. Neither species was observed within the Project area during the 2012 focused surveys. With implementation of avoidance and minimization measures, the potential for direct or indirect impact on these species would be minimized; hence, the Project would be mitigated to less than significant, the same as the Final SEIR conclusion for the Preferred Alternative/A7-FEC-M.

The Project impacts six coastal California gnatcatcher territories. When compared to the impacts identified in the Final SEIR, and considering the annual fluctuations that occur with this species, the impact is consistent with the Final SEIR and does not result in any new significant impact or an increase in severity of an impact. Through avoidance and minimization measures, the potential for direct or indirect impacts on the gnatcatcher would be minimized and would not increase within the Project footprint compared to the Preferred Alternative/A7-FEC-M.

The Final SEIR identified some significant effects to non-listed wildlife and vegetation for the Preferred

Alternative/A7C-FEC-M during construction and operation. The Project will not result in any new significant impacts or any substantial increase in the severity of an impact identified in the Final SEIR. The impacts of the Project are significantly reduced based on the setting and footprint of the Project in the context of the regional plans (the Southern Subregion HCP and SAMP) that provide for a combination of habitat preservation and development, including infrastructure, as described earlier in this Addendum.

Conclusion for Biological 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.

Cultural Resources. The Final SEIR included an analysis of potential impacts to historic, archaeological, and paleontological resources. The Final SEIR concluded that with mitigation, the Preferred Alternative/A7C-FEC-M would not result in adverse impacts to historic or archaeological resources. Several archaeological sites within the Preferred Alternative/A7C-FEC-M study area between Oso Parkway and Cow Camp Road will be avoided. In addition, mitigation measures provided within the Final SEIR minimized impacts to a level below significance. No historical resources were determined to be present along the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road. The results of the paleontological resources survey within the Final SEIR remain confidential to prevent vandalism. However, it was determined that potential impacts to paleontological resources could occur based on the geologic formations beneath the site. The Final SEIR also included mitigation measures to reduce paleontological impacts to a level below significance.

As noted above, the Project generally follows the same alignment as the Preferred Alternative/A7C-FEC-M, with minor alterations to avoid impacts to existing uses and/or surface waters. There are five previously recorded archaeological sites within the disturbance limits.^{4, 5} Three of the sites have been determined to not be significant resources for the purposes of CEQA (and determined not eligible for listing on either the National Register of Historic Places or the California Register of Historical Resources). The remaining two resources were determined eligible for listing on the National Register (and thereby for the California Register) under Criterion D. One of these sites is wholly outside the area of direct impact for the Project and would not be affected by the proposed Project and would be protected with the establishment of an environmentally sensitive area (ESA). A small portion of the remaining site extends into the Project site. Work conducted through an Extended Phase I analysis for the Preferred Alternative/A7C-FEC-M demonstrated that the portion of this site that extends into the disturbance limit is not a contributing element of the overall site (it is highly disturbed because the portion that extends into the site is the alluvial flow from the upland archaeological site). The eligible portions of this site are outside of the Project disturbance limits, and would be protected as part of the established ESA.

Portions of the Project area are considered sensitive in relation to paleontological resources due to underlying geologic formations.⁶ During construction, there is potential for the destruction of fossils (non-renewable, limited resources), damage to fossils during grading, destruction of rock units (non-

⁴ *Historic Property Survey Report, Tesoro Extension Project*, LSA Associates, Inc.

⁵ *Archaeological Survey Report, Tesoro Extension Project*, LSA Associates, Inc.

⁶ *Paleontological Resources Identification and Evaluation Report, Tesoro Extension Project*, LSA Associates, Inc.

renewable, limited resources) in the study area, loss of contextual data associated with fossils and loss of associations between fossils. During operations, potential indirect adverse impacts are associated with the provision of access to currently inaccessible areas of Orange County, thereby increasing human presence and potential for damage to paleontological resources and/or unauthorized collecting of resources.

However, as shown in [Appendix A, *Applicable Mitigation Measures/Commitments/Conditions*](#), a similar range of mitigation measures as for the Preferred Alternative/A7C-FEC-M, minimizing impacts to paleontological resources within the Final SEIR, would be applicable to the Tesoro Extension Project. These measures include preparation of a Paleontological Mitigation Plan (PMP) in accordance with Caltrans standards. The PMP would include requirements for construction worker training, preconstruction surveys, monitoring, and resource recovery measures. Since the design characteristics of the Project and the Preferred Alternative/A7C-FEC-M between Oso Parkway and Cow Camp Road are substantially the same, paleontological impacts are anticipated to be similar and mitigation measures would reduce impacts to a level below significance.

Additionally, 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 Cultural 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.

Geology and Soils. The analysis within the Final SEIR for geology and soils indicates that the Preferred Alternative/A7C-FEC-M would not result in adverse impacts after mitigation related to temporary construction impacts, earthquake damage, destruction of a unique geologic feature, exposure of people or structures to an increased hazard of landslide or mudslide, exposure of structures to potential damage from expansive or collapsible soil, increased soil erosion above natural conditions or exposure of structures to a potential for distress due to foundation settlement or subsidence.

The Tesoro Extension Project would not result in additional impacts to geology and soils beyond those identified in the Final SEIR. As described in [Section 2.0, *Project Description*](#), minor design alterations have been incorporated into the Project to avoid impacts to existing uses and/or surface waters. These minor design alterations would result in a slight shift in grading activities in comparison to the Preferred Alternative/A7C-FEC-M. However, this shift in grading would not result in any new or increased geological impacts as geological conditions are expected to be similar.⁷ It is anticipated that the Tesoro Project would result in a total of approximately 5.6 million cubic yards of excavation and 5.5 million cubic yards of remedial grading. 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. Similar geologic conditions would be encountered during construction and the long-term use (extension of the SR 241) would remain the same.

⁷ Personal communication between P. Bopp, F/ETCA, and R. Beck. RBF Consulting, December 10, 2012.

The primary concern in regards to geology, soils, seismicity, and topography is related to long-term operations. The Project would have a minimal potential to result in construction-related geological hazards. The primary short-term concern would be due to erosion and sedimentation during the construction phase, when new cut and fill slopes and other graded areas would be exposed to wind and water. The construction phase impacts will be mitigated as described in [Appendix A](#). The proposed Project would not result in new or increased impacts pertaining to faulting, seismic ground shaking or seismic-related ground failure, landslides, soil erosion, and unstable geologic units than those described in the Final SEIR.

While minor design alterations have been incorporated into the Project, the overall change in the geological 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 unique geological characteristics that would alter the conclusions reached within the Final SEIR.

As described in the Final SEIR, approximately half of the proposed Project site is located within an 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 Geology and Soils: 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.

Greenhouse Gas Emissions. At the time of certification of the Final SEIR, GHG emissions were not part of the required CEQA analysis. Effective March 18, 2010, the State adopted amendments to the *CEQA Guidelines* requiring the analysis and mitigation of the effects of GHG emissions in draft CEQA documents.

Recent case law regarding the analysis of GHG found that GHG emissions and global climate change are not “new information” since these effects have been generally known for quite some time (even though previously not a listed topic in the CEQA Guidelines Appendix G). Therefore, for this Project, would not be considered new information pursuant to *CEQA, Public Resources Code* Section 21166, for which recirculation is required, if the analysis demonstrates no new significant impact or increased severity of an impact. A detailed analysis is provided within the Tesoro Extension Project Air Quality Assessment, and is summarized below.

Operational Emissions

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system. An ever-increasing body of scientific research attributes these climatological changes to greenhouse gases (GHGs), particularly those generated from the production and use of fossil fuels. An individual project does not generate enough GHG emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the

contributions of all other sources of GHG.⁸ In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable" (refer to CEQA Guidelines sections 15064[h][1] and 15130). To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. The GHG emissions analysis is based on traffic data from the *Tesoro Extension Project Traffic Study*, prepared by Stantec, Inc. This data consists of regional traffic volumes and includes growth from past, current, and probable projects.

The AB 32 Scoping Plan contains the main strategies California will use to reduce GHG emissions. As part of its supporting documentation for the AB 32 Scoping Plan, CARB released the GHG inventory for California (forecast last updated October 28, 2010). The forecast is an estimate of the emissions expected to occur in year 2020 if none of the foreseeable measures included in the AB 32 Scoping Plan were implemented. The base year used for forecasting emissions is the average of statewide emissions in the GHG inventory for years 2006, 2007, and 2008.

VMT for Existing, Opening Year (2015), and Horizon Year (2035) No Build and With Project scenarios are depicted in Table 3, *Summary of Vehicle Miles Traveled and Vehicle Hours Traveled*. The Opening Year scenario addresses conditions soon after the anticipated opening of the Project. The Horizon Year scenario is a long-range cumulative time frame, consistent with the horizon year used for transportation planning in Orange County and the recently adopted 2012-2035 Southern California Association of Governments (SCAG) *Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS). Table 3 includes data within the regional area beyond the Project limits, including freeways, arterial roads, and collector streets. As indicated in Table 3, daily VMT for the proposed Project would generally decrease when compared to No Build conditions for both the opening year and the horizon year. Based on the Tesoro Extension Project Traffic Study, prepared by Stantec Inc., total daily VHT would be 322,263.4 during the Opening Year With Project scenario and 387,538.5 during the 2035 With Project scenario. Both the Opening Year and Horizon Year With Project scenarios would result in improvements in VHT when compared to No Build conditions.

Table 4, *Daily Greenhouse Gas Emissions* depicts the estimated future emissions from vehicles traveling within the Project study area (i.e., the regional area surrounding the Project limits, including freeways, arterial roads, and collector streets). The study area for this analysis includes all or portions of Rancho Santa Margarita, Mission Viejo, San Juan Capistrano, San Clemente, Dana Point, and unincorporated Orange County. As shown in Table 4, the existing VMT in the study area generates 7,216 tons per day of carbon dioxide (CO₂). CO₂ emissions would increase during the Opening Year and Horizon Year scenarios due to VMT growth in the region. Table 4 also indicates that emissions would decrease during the with Project conditions compared to No Build conditions due to the decrease in VMT with the Build Scenario. If the further emissions improvements under AB 1493 (Low Carbon Fuel Standard) were included, the Project would have an even greater decrease in CO₂ emissions.

⁸ This approach is supported by the AEP: *Recommendations by the Association of Environmental Professionals on How to Analyze GHG Emissions and Global Climate Change in CEQA Documents*, March 5, 2007, as well as the SCAQMD (Chapter 6: The CEQA Guide, April 2011) and the US Forest Service (Climate Change Considerations in Project Level NEPA Analysis, July 13, 2009).

Table 3
Summary of Vehicle Miles Traveled and Vehicle Hours Traveled

Scenario	Peak	Non Peak	Total
Vehicle Miles Traveled			
Existing	7,367,237.3	6,456,223.4	13,823,460.7
2015 Opening Year - No Build	7,864,644.4	6,919,588.5	14,784,188.2
2015 Opening Year - With Project	7,866,988.6	6,917,141.1	14,784,129.7
<i>Percent Change from No Build</i>	0.03%	-0.04%	0.00%
2035 Horizon Year - No Build	9,467,047.4	8,432,187.5	17,899,234.9
2035 Horizon Year - With Project	9,459,865.7	8,420,485.6	17,880,351.3
<i>Percent Change from No Build</i>	-0.08%	-0.14%	-0.11%
Vehicle Hours Traveled			
Existing	167,003.4	134,521.0	301,524.4
2015 Opening Year - No Build	178,324.6	144,106.0	322,430.6
2015 Opening Year - With Project	178,251.5	144,011.9	322,263.4
<i>Percent Change from No Build</i>	-0.04%	-0.07%	-0.05%
2035 Horizon Year - No Build	241,171.5	174,766.1	388,937.6
2035 Horizon Year - With Project	213,289.6	174,248.9	387,538.5
<i>Percent Change from No Build</i>	-0.41%	-0.30%	-0.36%
Source: Stantec, Inc., <i>Tesoro Extension Project Traffic Study</i> .			

Table 4
Daily Greenhouse Gas Emissions

Scenario	CO ₂ ^{1,2}	CO ₂ (Pavley I + LCFS) ^{1,2}
	tons/day	tons/day
Existing	7,216	6,953
Opening Year (2015)		
No Build	7,717	6,919
With Project	7,717	6,919
<i>Difference from Existing (Percent Change)</i>	501 (6.95%)	-34 (-0.49%)
<i>Difference from No Build (Percent Change)</i>	0 (0%)	0 (0%)
Horizon Year (2035)		
No Build	9,755	6,766
With Project	9,745	6,759
<i>Difference from Existing (Percent Change)</i>	2,529 (35.05%)	-194 (-2.80%)
<i>Difference from No Build (Percent Change)</i>	-10 (-0.11%)	-7 (-0.11%)
CO ₂ = carbon dioxide; LCFS = Low Carbon Fuel Standard		
Notes:		
1. Emissions calculated using EMFAC2011.		
2. Based on traffic volumes provided by Stantec, Inc.		

Construction Emissions

The Project may also result in GHG emissions during the construction process. Construction GHG emissions may include emissions produced as a result of material processing, on-site construction equipment, and truck/passenger vehicle trips to and from the Project site. As noted above under the discussion for Air Quality impacts, the Preferred Alternative/A7C-FEC-M and the Project generally follow the same alignment through the RMV and share similar design characteristics. Construction emissions 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 as the Preferred Alternative/A7C-FEC-M (e.g., similar design, topography, geologic conditions, and equipment). 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. Moreover, mitigation for construction-related air quality impacts within the Final SEIR would remain applicable to the Tesoro Extension Project; refer to Appendix A, *Applicable Mitigation Measures/Commitments/Conditions*.

CEQA Conclusion

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 (approximately 10 tons per day) during the 2035 horizon year. As described above, 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. As shown in Table 4, emissions would also be reduced with the implementation of the Pavley fuel standards.

The proposed Project is a transportation infrastructure facility that would reduce existing and forecast deficiencies and congestion on I-5 and the surrounding arterial network, implement a TCM project adopted by SCAG, and reduce vehicle hours traveled in the Project area. The proposed Project would result in slightly beneficial impacts in regards to GHG emissions. The Project would result in a reduction in congestion on I-5 and on the arterial network and local circulation system in south Orange County, and is forecast to decrease CO₂ emissions by 0.11 percent (approximately 10 tons per day) in comparison to the No Build condition.

As stated above, the proposed Project is included in the SCAG SCS to reduce GHG emissions from passenger vehicles. The Project is programmed in the RTP (RTP ID ORA052 and FTIP ID ORA052) and is therefore recognized as an improvement project that would improve transportation operations in the region. The proposed Project would reduce congestion and provide better traffic flow through Project area. The 2012 RTP/SCS includes programs, policies, and measures to address air emissions, including GHGs. RTP/SCS measures that help mitigate air emissions, including GHG emissions, are comprised of strategies that reduce congestion, increase access to public transportation, improve air quality, and enhance coordination between land use and transportation decisions.

The proposed Project is located within the unincorporated County of Orange, which does not have an Orange County specific applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Therefore, the proposed Project neither conflicts with a locally adopted plan, policy, or regulation pertaining to GHGs, nor does it impede the state from meeting its AB 32 obligations. The proposed Project is included in the SCAG region's SCS required under SB 375 to reduce GHG emissions from passenger vehicles. The SCS integrates land use and transportation strategies to achieve CARB GHG emissions reduction targets. The SCS includes the proposed Project in its transportation network designed to reduce regional GHG emissions, and the population and employment growth served by the proposed Project is assumed in the SCS. Additionally, the proposed Project is included within the RTP/SCS as Transportation Control Measure (TCM)-01. TCMs are projects that implementing strategies to reduce congestion and emissions from on-road mobile sources. The FCAA Section 108 (f) identifies the types of projects that are eligible to be TCMs. The SR 241 Toll Road Project has been designated as a TCM in all RTPs since 1991, and all AQMPs since 1994. As the

Project is consistent with the RTP and SCS adopted by SCAG pursuant to SB 375, it is consistent with a plan adopted to reduce GHG emissions.

As such, the proposed Project would result in a less than significant impact in regards to GHG emissions and consistency with applicable plans, policies, and regulations.

In addition, as described in the Final SEIR, approximately half of the 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 Greenhouse Gas Emissions: The Tesoro Extension Project would not result in significant impacts related to the emission of GHGs. The analysis presented above does not represent new information pursuant to CEQA, Public Resources Code Section 21166.

Hazards and Hazardous Materials. The Final SEIR included an analysis of the Preferred Alternative/A7C-FEC-M's impacts related to hazards and hazardous materials, and concluded that all impacts would be mitigated to a level below significance. Based on the hazardous materials analysis within the Final SEIR, no documented hazardous materials sites were determined to exist along the Preferred Alternative/A7C-FEC-M alignment between Oso Parkway and Cow Camp Road.

As noted above, the Preferred Alternative/A7C-FEC-M and the proposed Project generally follow the same alignment and encounter similar existing conditions in relation to hazardous materials. Based upon the Project's Initial Site Assessment (which considers the minor design alterations incorporated into the Project), no known hazardous materials sites were found to occur along the Project site upon review of governmental hazardous materials records. In addition, site reconnaissance indicates that no Recognized Environmental Conditions (REC) were found to exist within Project site boundaries. Impacts are anticipated to be similar and applicable mitigation measures within the Final SEIR would also apply to the Tesoro Extension Project. The Project would not involve the routine use or disposal of large quantities of hazardous materials, and would not interfere with the implementation of an emergency response or emergency evacuation plan. The Project would provide additional access facilitate emergency response or evacuation.

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 Hazards and Hazardous Materials: 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.

Hydrology and Water Quality. Based on analysis of hydrology and floodplain impacts within the Final SEIR, the Preferred Alternative/A7C-FEC-M included PDFs between Oso Parkway and Cow Camp Road that minimized impacts to floodplains, waterways, and hydrologic systems to a level below significance. In addition, impacts related to water quality were determined to be less than significant due to the incorporation of various water quality PDFs, which included various BMPs such as bioswales and biostrips, Austin Sand Filters and permeable friction overlay.

The Project would not result in additional impacts to hydrology and water quality beyond those identified in the Final SEIR. As noted above, minor design alterations have been incorporated into the Project to avoid impacts to existing uses and/or surface waters. These minor design alterations would result in a slight shift in grading activities in comparison to the Preferred Alternative/A7C-FEC-M. It is anticipated that the Project would result in a total of approximately 5.6 million cubic yards of excavation and 5.5 million cubic yards of remedial grading. 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. Similar hydrological conditions would be encountered during construction and the long-term use (extension of the SR 241) would remain the same.

Based upon the Runoff Management Plan (RMP) prepared for the Project, the Tesoro Extension Project would include a similar range of PDFs/BMPs to provide adequate drainage and minimize potential water quality impacts, such as extended detention basins, bioswales, and flow splitters.⁹ However, additional PDFs/BMPs that were not proposed as part of the Preferred Alternative/A7C-FEC-M are included in the Tesoro Extension Project, such as Austin Sand Filters and the use of permeable pavement throughout the entire alignment. These additional features are anticipated to result in less runoff and reduced impacts in comparison to the Final SEIR as the use of Austin Sand Filters and permeable pavement was not proposed. The Project would continue to be subject to applicable water quality regulations, which include coverage under the NPDES Construction General Permit and preparation of a Storm Water Pollution Prevention Plan (SWPPP). Moreover, the proposed Project would include a range of on- and off-site drainage facilities that would adequately convey storm water through the Project area, and would maintain pre-project hydrologic conditions in the downstream off-site tributaries.

While minor design alterations have been incorporated into the Project, the overall change in hydrology/water quality impacts 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 unique development, topography, or other characteristics that would alter the conclusions reached within the Final SEIR. The updated RMP prepared for the Project addressed these minor design alterations and determined that the PDFs noted above would be sufficient to meet existing water quality standards.

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 Hydrology and Water Quality: 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 A7C-FEC-M between Oso Parkway and Cow Camp Road within the Final SEIR.

⁹ Runoff Management Plan, 241 Tesoro Extension Project, Saddleback Constructors.

Land Use and Planning. The analysis of land use and planning impacts related to the Preferred Alternative/A7C-FEC-M within the Final SEIR concluded that impacts in regards to land use and planning would be less than significant. The Tesoro Extension Project would not result in any new or increased land use impacts in comparison to A7C-FEC-M between Oso Parkway and Cow Camp Road.

In addition, the Project would not result in conflicts with existing or proposed land uses in the Project area. The Project generally follows the same alignment as A7C-FEC-M and has been designed to avoid conflicts with future development under The Ranch Plan. The County of Orange approved The Ranch Plan in November 2004, after the publication of the SOCTIIP Draft SEIR. 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. Thus, no conflicts with The Ranch Plan would occur under the proposed Project, and no disruption or division of future development would occur. Moreover, mitigation within the Final SEIR would remain applicable to the Tesoro Extension Project; refer to Appendix A, *Applicable Mitigation Measures/Commitments/Conditions*.

While minor design alterations have been incorporated into the Project, the overall change in the land use 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 and would not 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 Land Use and Planning: 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.

Mineral Resources. The analysis of mineral resources within the Final SEIR concluded that the Preferred Alternative/A7C-FEC-M would not result in significant impacts between Oso Parkway and Cow Camp Road. The Final SEIR identified the availability of mineral resources in San Juan Creek; however, the Tesoro Extension Project would not affect these resources, since it would terminate at Cow Camp Road and would not extend to, or impact, San Juan Creek.

The proposed Project and associated minor design alterations would not result in additional impacts to mineral resources beyond those identified in the Final SEIR. The Project study area is not located within an area of known mineral resources, either of regional or local value; the Final SEIR did not

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-5¹¹; 2) elimination or reduction in deficiencies in the Antonio Parkway and Ortega Highway arterial corridors¹²; 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

Valarie McFall, Director, Environmental Services

Printed Name

Foothill/Eastern Transportation Corridor Agency

Agency

February 15, 2013

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	<p>Impact: A reduction in visual quality and conflicts with existing visual/aesthetic policies.</p> <p>Finding: Significant and unavoidable impact.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, page 7-40.</p>	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	<p>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.</p> <p>Finding: Significant and unavoidable impact.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, page 7-7.</p>	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	<p>Impact: CO, HC, NO_x and PM₁₀ impacts during construction would exceed SCAQMD thresholds. NO_x emissions during long-term operation would also exceed SCAQMD thresholds.</p> <p>Finding: Significant and unavoidable impact.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, page 7-20.</p>	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?
	<p>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.</p>				
Biological Resources	<p>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.</p> <p>Finding: Significant and unavoidable impact.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, page 7-24, 7-25, and 7-33.</p>	NO	NO	NO	<p>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</p>
	<p>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.</p>				
Cultural Resources	<p>Impact: A7C-FEC-M would not result in significant impacts to archaeological, historical, or paleontological resources.</p> <p>Finding: Less than significant impact with mitigation.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, pages 7-37 and 7-45.</p>	NO	NO	NO	<p>AR-1 through 3; HR-1; P-1 through 3</p>
	<p>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.</p>				
Geology/Soils	<p>Impact: A7C-FEC-M would not result in significant impacts related to temporary impacts or long-term geological hazards.</p> <p>Finding: Less than significant impact with mitigation.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, page 7-43.</p>	NO	NO	NO	G-1 through 5

**Addendum to the SOCTIIP Final SEIR
Tesoro Extension Project**

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	<p>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.</p> <p>Finding: Not addressed in the SOCTIIP CEQA Findings. Subsequently determined to be a less than significant impact, and confirmed in this Addendum.</p> <p>Reference: N/A</p>	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	<p>Impact: No documented hazardous materials sites were determined to exist along A7C-FEC-M between Oso Parkway and Cow Camp Road.</p> <p>Finding: Less than significant impact with mitigation.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, page 7-38.</p>	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	<p>Impact: Project design features (PDFs) minimize impacts to a less than significant level.</p> <p>Finding: Less than significant impact with mitigation.</p>	NO	NO	NO	WO-1 through 6 WDR-1 through 7; PDF-9-1 through 9-9

**Addendum to the SOCTIIP Final SEIR
 Tesoro Extension Project**

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?
	<p>Reference: SOCTIIP Final SEIR, Section 7.0, pages 7-23 and 7-24.</p> <p>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.</p>				
Land Use/Planning	<p>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.</p> <p>Finding: Less than significant impact.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, pages 7-5.</p>	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	<p>Impact: The A7C-FEC-M alignment between Oso Parkway and Cow Camp Road would not affect mineral resources.</p> <p>Finding: Less than significant</p>	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	<p>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</p>	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?
	<p>result in significant impacts as there would be no exceedance of Community Noise Equivalent Level (CNEL) criteria.</p> <p>Finding: Less than significant with mitigation.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, pages 7-12.</p>				
Population/Housing	<p>Impact: A7C-FEC-M could potentially contribute to impacts relating to facilitating or supporting growth.</p> <p>Finding: The facilitated growth, in and of itself, is not an adverse impact.</p> <p>Reference: SOCTIIP Final SEIR, Section 6.0, pages 6-23 and 6-24.</p>	NO	NO	NO	YES
	<p>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.</p>				
Public Services	<p>Impact: The A7C-FEC-M alignment between Oso Parkway and Cow Camp Road would not significantly affect public services.</p> <p>Finding: Less than significant with mitigation.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, pages 7-46.</p>	NO	NO	NO	PS-1 through 9; -13
	<p>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.</p>				



**Addendum to the SOCTIIP Final SEIR
Tesoro Extension Project**

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	<p>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.</p> <p>Finding: Significant and unavoidable impact.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, pages 7-48.</p>	NO	NO	NO	R-5
	<p>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.</p>				
Transportation/Traffic	<p>Impact: A7C-FEC-M would not significantly impact tollway, highway, or arterial operations.</p> <p>Finding: Less than significant impact with mitigation.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, pages 7-4.</p>	NO	NO	NO	CT-1
	<p>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.</p>				

**Addendum to the SOCTIIP Final SEIR
Tesoro Extension Project**

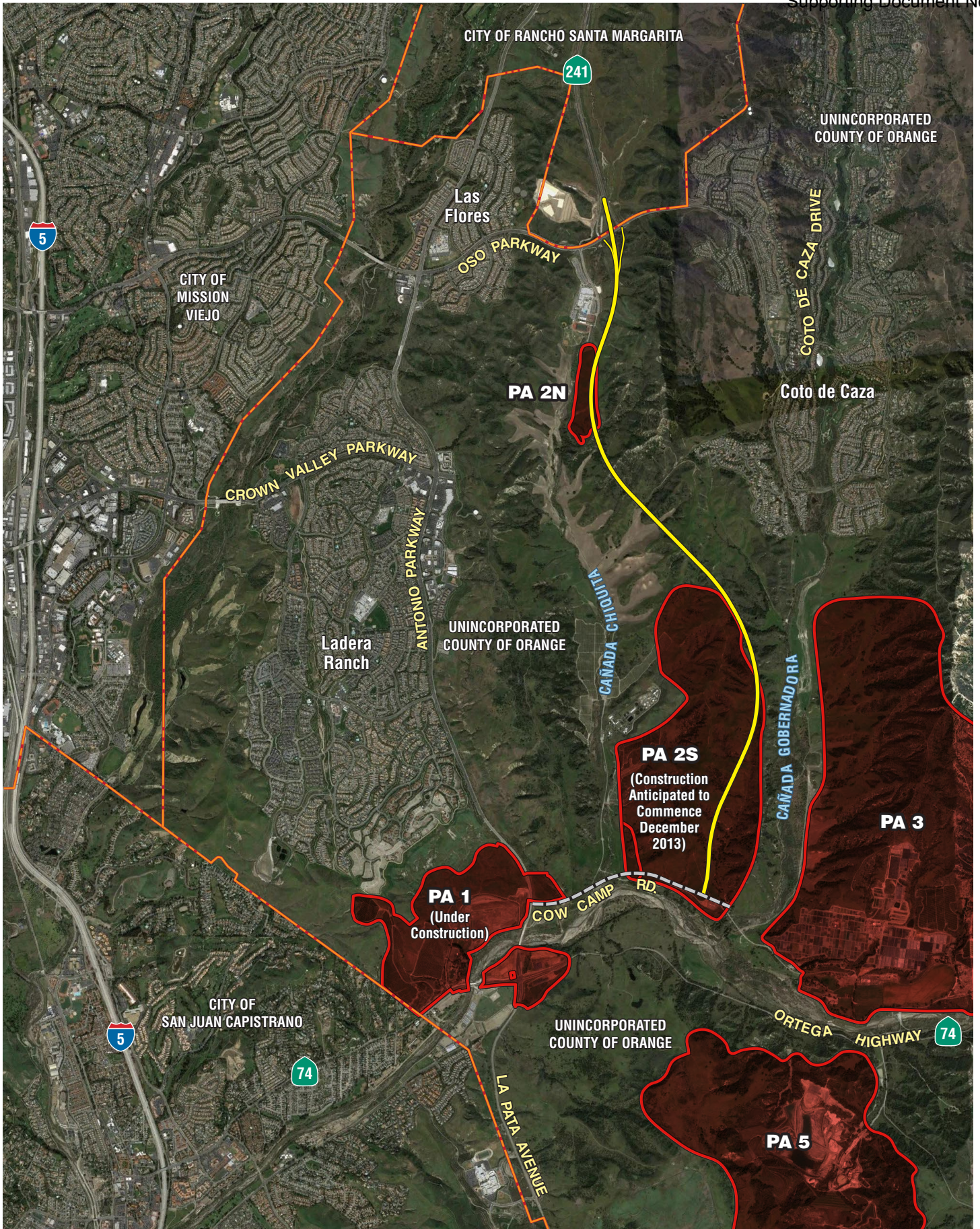
Environmental Issue	Impacts Analysis and Findings for Preferred Alternative/ATC-FEC-M and Reference	Does Proposed Project Involve New or Substantially More Severe Impacts?	Any New Circumstances Involving New or Substantially More Severe Impacts?	Any New Information Requiring New Analysis or Verification?	Prior Environmental Document's Mitigation Measures Implemented or Addressing Impacts?
Utilities/Service Systems	<p>Impact: No significant impacts to utilities and services systems would occur with implementation of recommended mitigation.</p> <p>Finding: Less than significant impact with mitigation.</p> <p>Reference: SOCTIIP Final SEIR, Section 7.0, pages 7-46.</p>	NO	NO	NO	U-1; U-2
<p>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.</p>					





-  Proposed Extension
-  Rancho Mission Viejo Boundary

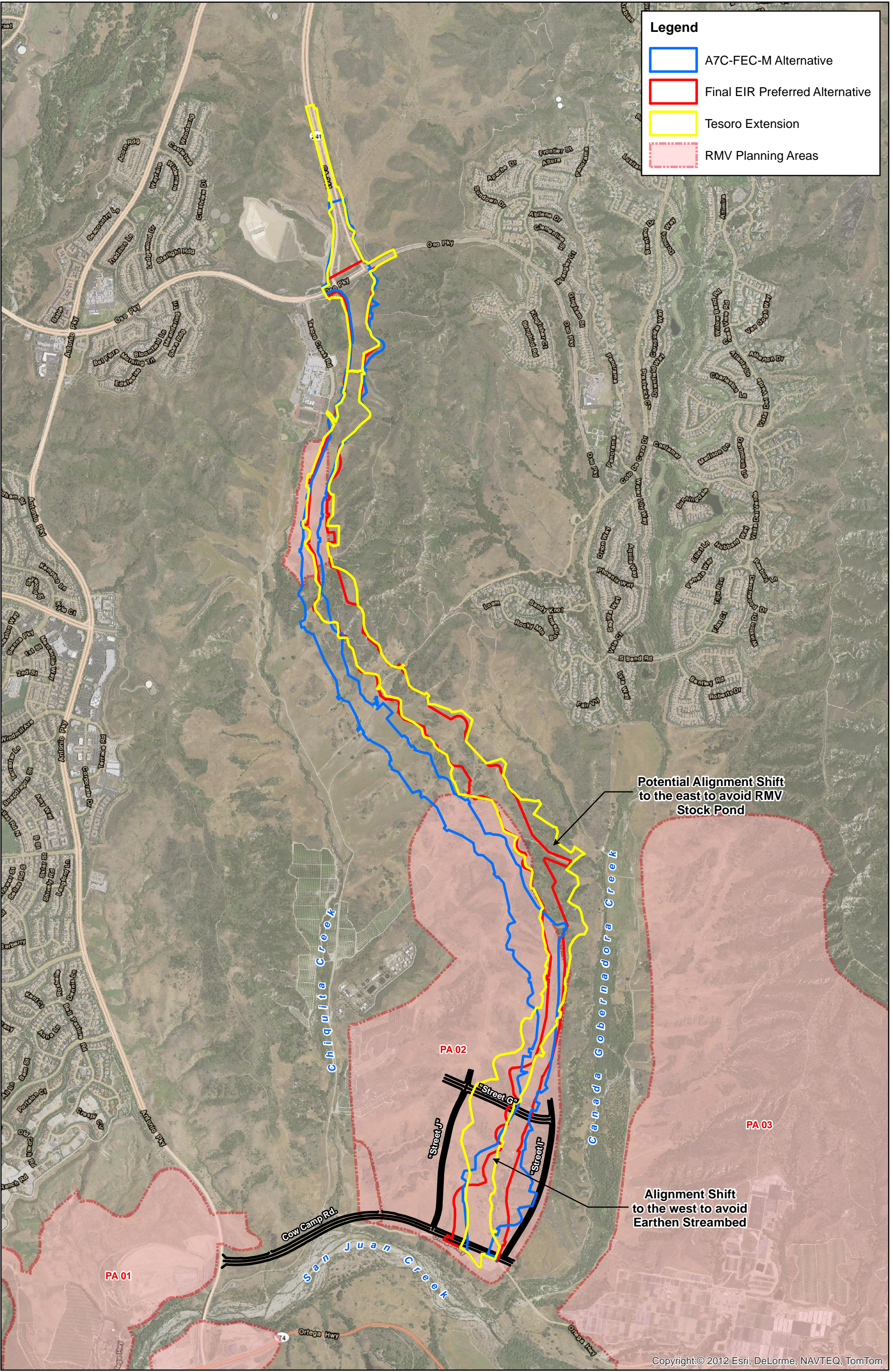


TESORO EXTENSION PROJECT
Regional Vicinity
 CEQA ADDENDUM



-  Proposed Extension
-  Approved RMV Development Area

TESORO EXTENSION PROJECT
Site Vicinity Map
CEQA ADDENDUM



Legend

- A7C-FEC-M Alternative
- Final EIR Preferred Alternative
- Tesoro Extension
- RMV Planning Areas

Potential Alignment Shift to the east to avoid RMV Stock Pond

Alignment Shift to the west to avoid Earthen Streambed

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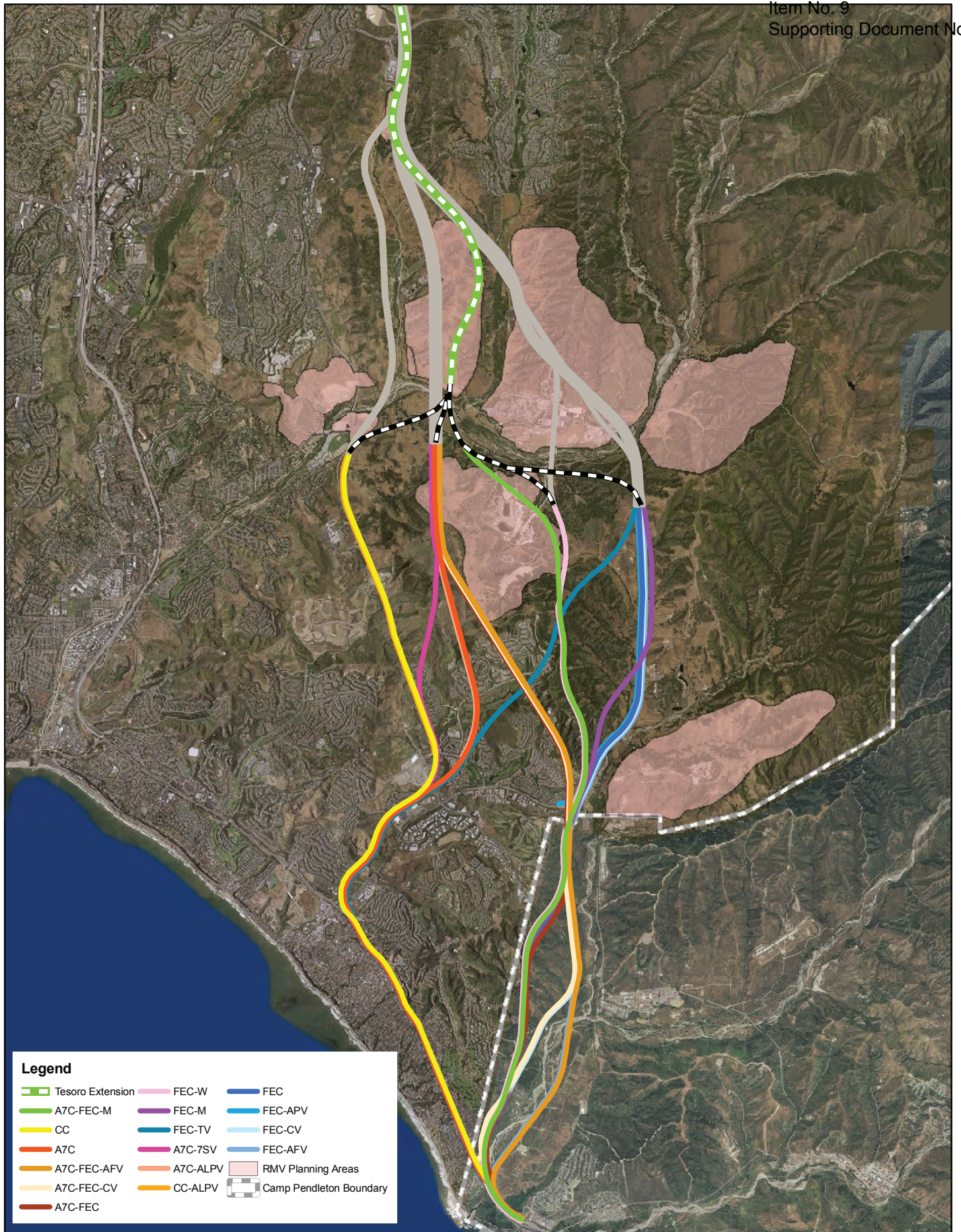
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TESORO EXTENSION PROJECT
SOCTIIP and Tesoro Comparison

Figure 3

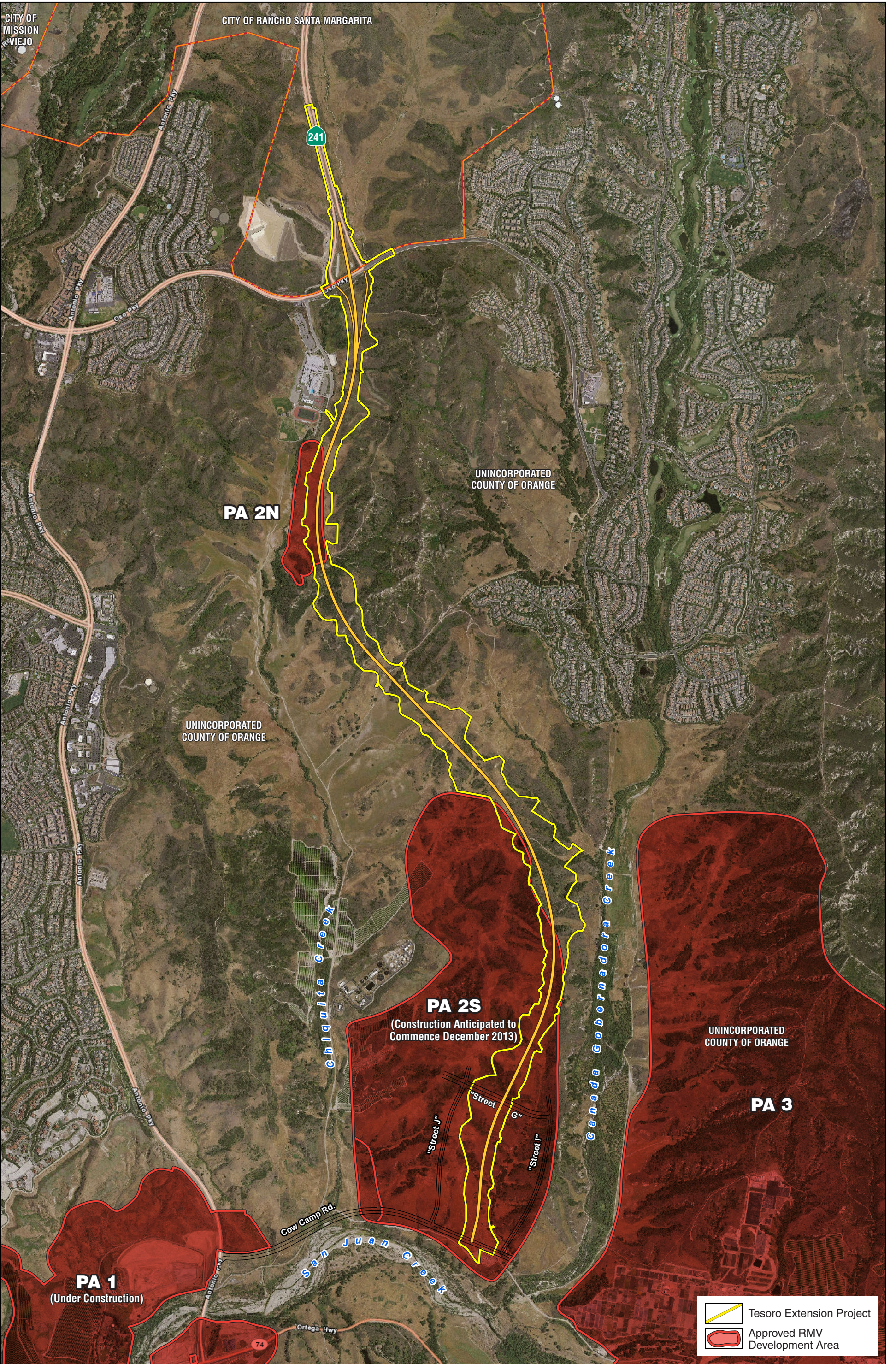
Source: TCA, Eagle Aerial Imaging -- 2011



TESORO EXTENSION PROJECT
Future Alignment Alternatives

CEQA ADDENDUM

Figure 4



Source: TCA, Eagle Aerial Imaging, 2011.

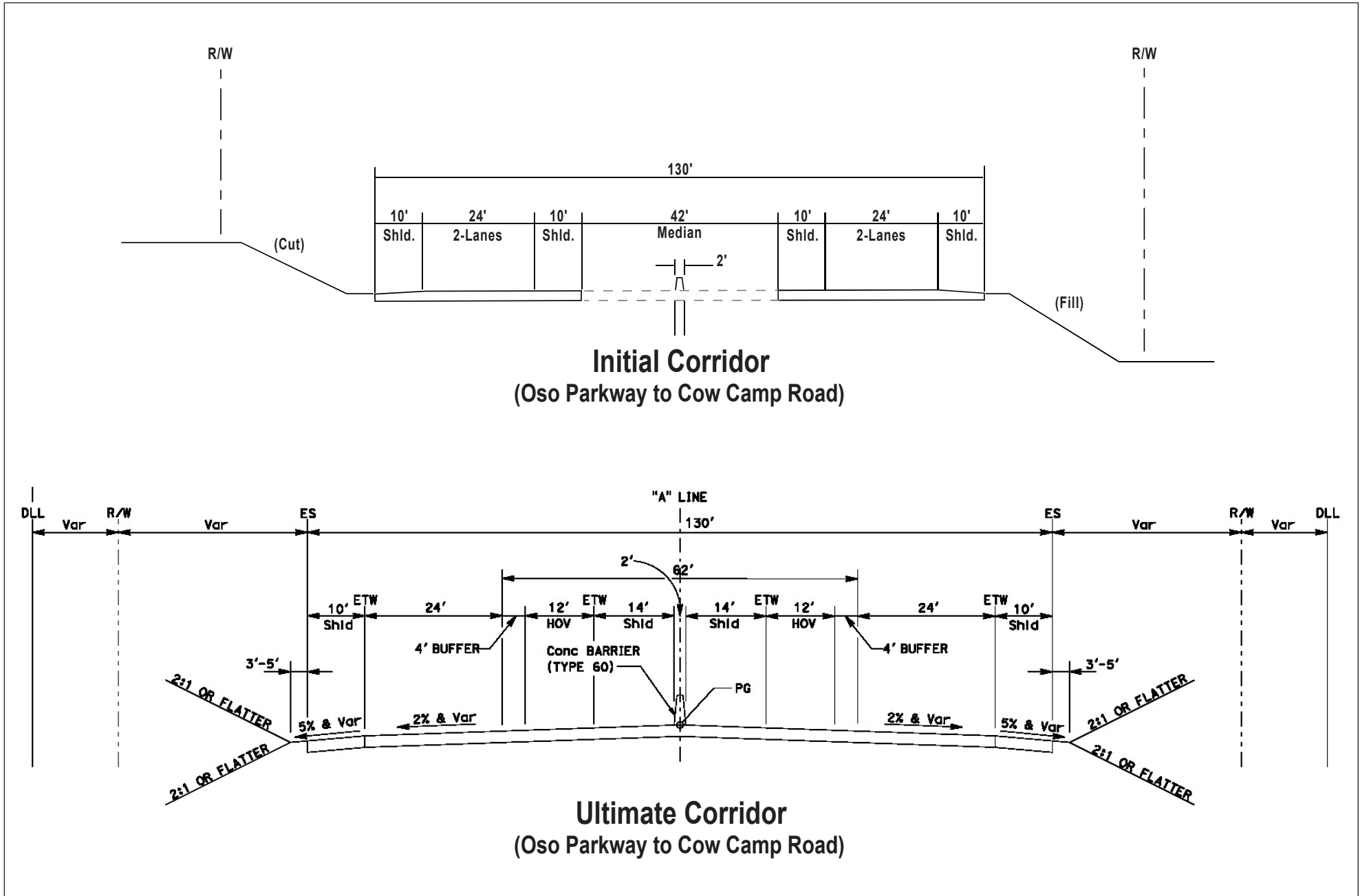


2/14/13 JN 129895-189793 MAS

Tesoro Extension Project
 Approved RMV Development Area

TESORO EXTENSION PROJECT
Proposed Project
CEQA ADDENDUM

Figure 5



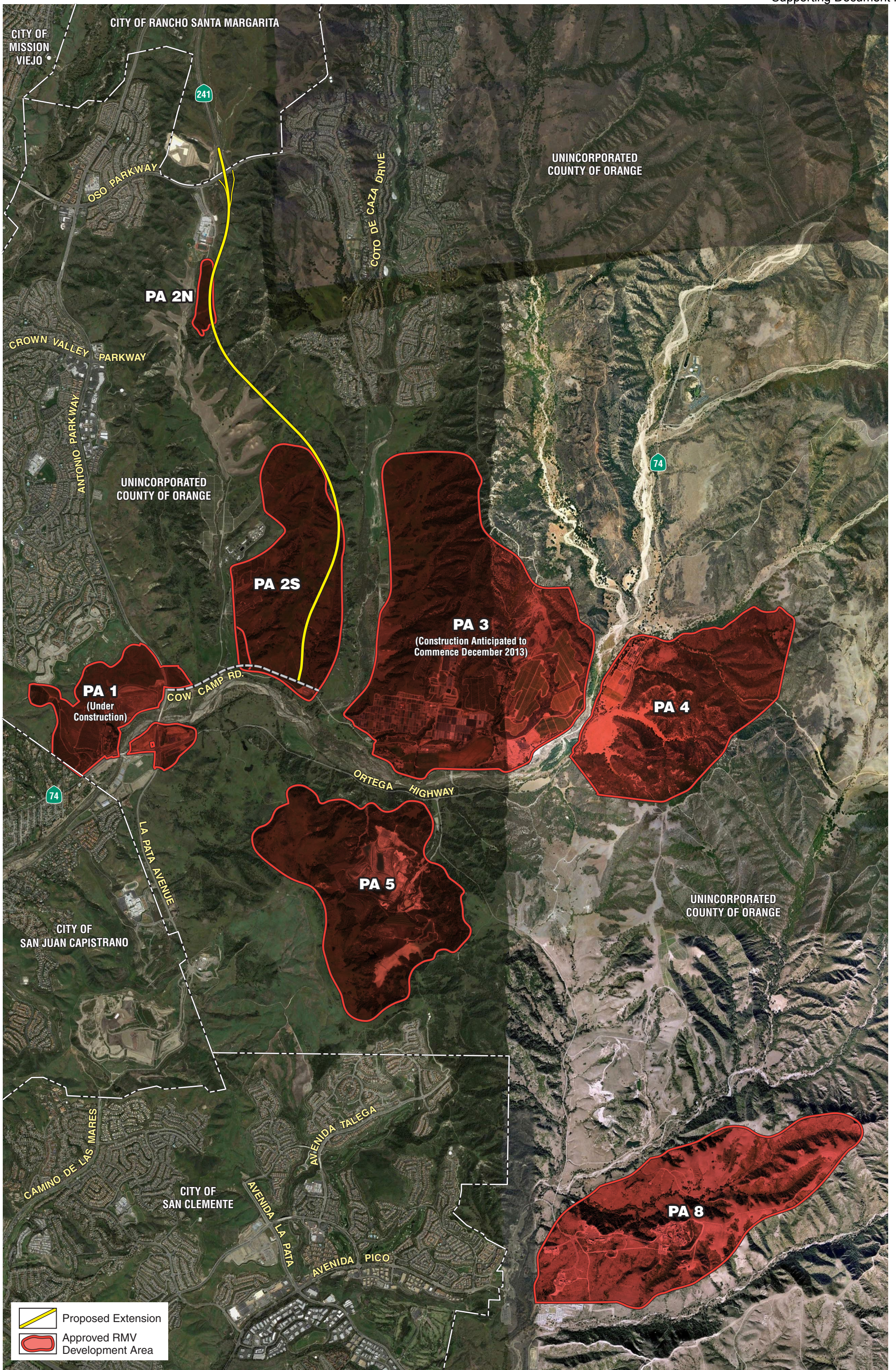
Source: TCA 2012



2/13/13 JN 129895-18793 MAS

TESORO EXTENSION PROJECT
Typical Cross-Section
 CEQA ADDENDUM

Figure 6



APPENDIX A
APPLICABLE MITIGATION
MEASURES/COMMITMENTS/CONDITIONS

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

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	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 4.3.4.3
AGC-1	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 4.3.4.4
Air Quality		
AQ-1	<p>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:</p> <ul style="list-style-type: none"> 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	<p>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.</p> <p>[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.]</p>	2006 SOCTIIP FSEIR, Section 4.7.4.2 SCAQMD Rule 403
AQ-3	<p>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.</p>	2006 SOCTIIP FSEIR, Section 4.7.4.2 SCAQMD Rule 403
AQ-4	<p>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.</p>	2006 SOCTIIP FSEIR, Section 4.7.4.2 SCAQMD Rule 403
AQ-5	<p>During final design, contractor specifications shall require that contractors implement the following measures:</p> <ul style="list-style-type: none"> - 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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> - 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	<p>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.</p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 4.16.4.2
AR-2	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 4.16.4.2
AR-3	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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. <i>Environmentally Sensitive Areas (ESAs) will be established and protected through fencing or other means prior to construction.</i> 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</p>	2006 SOCTIIP FSEIR, Section 4.16.4.2

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

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	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	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	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	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: <ul style="list-style-type: none"> - 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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <ul style="list-style-type: none"> - 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. <p>Identification of alternative routes and routes across the construction areas for emergency and school vehicles developed in coordination with the affected agencies.</p> <ul style="list-style-type: none"> - 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	<p>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:</p> <ul style="list-style-type: none"> - 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. <p>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.</p>	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	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 4.17.4.2

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <p>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.</p>	
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	<p>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.</p> <p>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.</p>	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

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	will include monitoring the progress of UST closure activities through periodically updating the regulatory database review.	
HM-18	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 4.17.4.2
Noise		
N-1	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p> <p>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.</p> <p>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.</p>	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	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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).</p>	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

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
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	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p> <p>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.</p>	2006 SOCTIIP FSEIR Section 4.6.4.1
PDF-6-1	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	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

Appendix A

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

Addendum to the Final SOCTIIP
 Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <p>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.</p> <p>d. The Orange County Certified Paleontologist will prepare monthly progress reports to be filed with the client and the lead agencies.</p> <p>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.</p> <p>f. At each fossil locality, field data forms will record the locality, stratigraphic columns will be measured and appropriate scientific samples submitted for analysis.</p> <p>g. The Orange County Certified Paleontologist will prepare a final mitigation report to be filed with the client, the lead agencies, and the repository.</p>	

Public Services

PS-1	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-2	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-3	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-4	<p>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.</p>	2006 SOCTIIP FSEIR, Section 4.24.4.2
PS-5	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension alignment).</i></p> <p>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</p>	2006 SOCTIIP FSEIR, Section 4.24.4.2

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	for areas on MCB Camp Pendleton.	
PS-6	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> Prior to construction of a build Alternative which <i>if the Project</i> 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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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 <i>Project.</i>	2006 SOCTIIP FSEIR, Section 4.4.4
Threatened and Endangered Species		
TE-1 WW-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 WW-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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i>	2006 SOCTIIP FSEIR Section 4.12.4

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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, <u>southwestern willow flycatcher</u>, coastal California gnatcatcher, <u>and</u> least Bell's vireo, <u>and</u> Pacific pocket mouse.</p>	
TE-4 WV-5	<p>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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-5	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p> <p>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.</p> <p>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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-6	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>Prior to construction of the selected alternative <u>Project</u>, 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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-7	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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</p>	2006 SOCTIIP FSEIR Section 4.12.4

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <p>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 corms were collected).</p> <p>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.</p>	
TE-10	<p><i>(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).</i></p> <p>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 <u>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.</u> 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.</p> <p>The ATRMP will identify areas pre-construction surveys adjacent to and within the Project. 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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-11	<p><i>(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).</i></p> <p>Prior to initiating any ground-disturbing activities in occupied/suitable habitats, or habitats proximal to suitable or occupied habitats for arroyo toad, <u>in upland areas in the vicinity or adjacent to occupied habitat,</u> exclusionary fencing shall be installed around <u>on</u> the perimeter of the construction area <u>closest to the creek supporting this species.</u> 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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-12	<p><i>(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).</i></p> <p>The Project Biologist shall conduct three focused arroyo toad surveys within the fenced construction</p>	2006 SOCTIIP FSEIR Section 4.12.4

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <p>If arroyo toads are <i>incidentally</i> 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.</p>	
TE-13	<p>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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-14	<p><i>(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).</i></p> <p>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.</p>	
TE-15	<p><i>(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).</i></p> <p>The Contractor shall not drive upon construction roads or other roads/surfaces <u>within 300 feet of adjacent</u> 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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-18	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>To minimize and offset adverse effects of the selected alternative <u>Project</u> 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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-19	<p>If grubbing activities are unavoidable during the coastal California gnatcatcher breeding season, which is between February and August, the following measures will be implemented:</p> <p>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.</p> <p>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</p>	2006 SOCTIIP FSEIR Section 4.12.4

Appendix A

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

Addendum to the Final SOCTIIP
 Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <p>During construction, no activity will occur within approximately 150 m (500 ft) of active nests.</p>	
TE-20	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>To minimize and offset adverse effects of the selected alternative <u>Project</u> 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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-21	<p>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:</p> <p>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.</p> <p>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.</p> <p>c. During construction, no activity will occur within approximately 150 m (500 ft) of active nests.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-22	<p>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.</p> <p>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.</p> <p>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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-25 MV-11	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>To <u>partially</u> 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 <u>and other projects</u>. 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.</p> <p>There are also opportunities for restoration activities on site that would include additional acres of</p>	2006 SOCTIIP FSEIR Section 4.12.4

Appendix A

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

Addendum to the Final SOCTIIP
 Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <p>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 2.54:1 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.</p> <p>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.</p> <p>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.</p>	
TE-26 WV-12	<p>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.</p> <ul style="list-style-type: none"> - 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. <p>Restoration areas shall be considered successful at five years if the following standards are achieved:</p> <ul style="list-style-type: none"> - 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. <p>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.</p>	2006 SOCTIIP FSEIR Section 4.12.4
TE-27 WV-38	<p>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</p> <p>Impacts to floodplain sage scrub, riparian herb, and other sub-types within the Vernal Pools, Seeps,</p>	2006 SOCTIIP FSEIR Section 4.12.4

Appendix A

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

Addendum to the Final SOCTIIP
 Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <ul style="list-style-type: none"> - 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. <p>Creation areas shall be considered successful if the following standards are achieved:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>	
<p>TE-28 WV-39</p>	<p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> - 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. <p>For southern coast live oak riparian forest, the following standards shall apply:</p> <ul style="list-style-type: none"> - 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. 	<p>2006 SOCTIIP FSEIR Section 4.12.4</p>

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	Monitoring shall be conducted for a minimum of five <i>ten</i> 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	<u>Flycatcher Avoidance Measure #1.</u> 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	<u>Flycatcher Avoidance Measure #2.</u> 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	<u>Flycatcher Avoidance Measure #3.</u> 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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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.

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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, <i>relocated</i> , and/or permanently acquired to determine appropriate action and/or compensation to mitigate for the temporary use, <i>relocation</i> and/or permanent acquisition of their property <i>easement rights</i> .	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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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 (<i>March 2003</i> 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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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: <ul style="list-style-type: none"> - 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.

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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 WV-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: <ul style="list-style-type: none"> - 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.

Appendix A

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

Addendum to the Final SOCTIIP
 Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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 WV-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	<p>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.</p> <p>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.</p> <p>The following performance standards shall apply for the restoration of elderberry woodland areas. Restoration shall be considered successful if:</p> <ul style="list-style-type: none"> - 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. <p>For coast live oak woodland, the following standards shall apply:</p> <ul style="list-style-type: none"> - 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. <p>Monitoring shall be conducted for five years (or less if success criteria are met earlier) to ensure</p>	2006 SOCTIIP FSEIR Section 4.11.4.

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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	<p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>e. Materials such as rip-rap will not be used in or around the underpass entrances unless required by hydrology/hydraulic conditions.</p>	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.

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <p>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.</p>	
WV-18	<p>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.</p>	2006 SOCTIIP FSEIR Section 4.11.4.
WV-19	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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, USACE 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.).</p>	2006 SOCTIIP FSEIR Section 4.11.4.
WV-20	<p>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.</p>	2006 SOCTIIP FSEIR Section 4.11.4.
WV-22	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>Prior to construction of the selected alternative <u>Project</u>, 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.</p>	2006 SOCTIIP FSEIR Section 4.11.4.
WV-23	<p>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.</p> <p>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</p>	2006 SOCTIIP FSEIR Section 4.11.4.

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>Project Biologist shall coordinate all salvaging and relocation effort so that these operations occur in the appropriate season for maximum success.</p> <p>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.</p>	
WV-24	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	2006 SOCTIIP FSEIR Section 4.11.4.
WV-25	<p>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, vernal 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.</p> <p>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.</p> <p>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).</p> <p>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</p>	2006 SOCTIIP FSEIR Section 4.11.4.

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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	<p>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.</p> <p>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.</p> <p>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.</p>	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	<p><i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i></p> <p>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.</p> <p>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).</p>	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.

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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.

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
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	<i>(This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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-

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	conditions.	Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)
CDFG-13	<p>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.</p> <p>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.</p>	<p>2008 SAA 1600-2006-0182-R5, Page 5</p> <p>Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)</p>
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.	<p>2008 SAA 1600-2006-0182-R5, Page 6</p> <p>Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)</p>
CDFG-15	<p>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:</p> <p>(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.</p>	<p>2008 SAA 1600-2006-0182-R5, Page 6</p> <p>Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)</p>
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.	<p>2008 SAA 1600-2006-0182-R5, Page 6</p> <p>Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)</p>
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.	<p>2008 SAA 1600-2006-0182-R5, Page 6</p> <p>Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)</p>
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	<p>2008 SAA 1600-2006-0182-R5, Page 6</p> <p>Extension and Amendment 1 of Lake or SAA Notification No. 1600-2006-0182-R5 SOCTIIP (9-20-2012)</p>

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
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

Appendix A

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

Addendum to the Final SOCTIIP
 Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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 be 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-

Appendix A

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

Addendum to the Final SOCTIIP
 Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
		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)

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
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-

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
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).

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
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	<i>(This measure has been revised from its original form in the 2008 BO to address the Tesoro Extension Project).</i> 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

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
FWS-4a	<p><i>(This measure has been revised from its original form in the 2008 BO to address the Tesoro Extension Project).</i></p> <p>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.</p>	2008 USFWS Biological Opinion FWS-OR/MCBCP-08B0352/08F0487 Terms & Conditions 4a
Caltrans – Natural Environment Study Conditions		
NES-12	<p><i>(Included for informational purposes only. Substantially similar to and implemented by WW-7).</i></p> <p>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.</p>	2003 Final Natural Environment Study for the SOCTIIP Project
NES-13	<p><i>(Included for informational purposes only. Substantially similar to and implemented by WW-8).</i></p> <p>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.</p>	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	<p><i>This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project.</i></p> <p>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. These noise walls would be adjacent to existing sensitive land uses to maximize the noise reduction benefits of these walls for the adjacent sensitive uses.</p> <p>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.</p>	2006 SOCTIIP FSEIR, Section 2.5.1.7
PDF-9-1	<p>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):</p> <ul style="list-style-type: none"> - 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

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	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	<i>This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> 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	<i>This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> The build Alternatives Project includes 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	<i>This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> Bridges for Wildlife Crossings under the Corridor Alternatives Project. As described earlier in Section 2.5.1.5, the corridor Alternatives Project includes 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

Appendix A

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

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	<i>This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> The corridor Alternatives <u>Project</u> 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	<i>This measure has been revised from its original form in the Final SEIR to address the Tesoro Extension Project).</i> The corridor Alternatives <u>Project</u> 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 <u>Project</u> 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	<i>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.</i>	Feb 2013 Addendum
San Diego RWQCB – Waste Discharge Requirements Compensatory Mitigation¹		
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.

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions		
NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <p>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.</p> <p>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.</p> <p>7. A description and schedule of maintenance requirements to ensure the continued viability of the aquatic resources once initial construction is completed.</p> <p>8. A description of ecologically based, and measureable, performance standards that will be used to determine whether the compensatory mitigation objectives are being met.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
WDR-4	<p>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</p> <p>Follow-up applications shall be made, as needed, to cover bare spots and to maintain adequate soil protection.</p>	Tentative Waste Discharge Requirements No. R9-2013-0007, Section VII.
WDR-5	<p>E. Timing of Compensatory Mitigation. The Discharger shall implement the compensatory mitigation projects in accordance with the tasks and schedule described below:</p> <p>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.</p> <p>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.</p> <p>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.</p>	Tentative Waste Discharge Requirements No. R9-2013-0007, Section VII.
WDR-6	<p>F. Conservation Easement. The Discharger must comply with the following requirements:</p>	Tentative Waste Discharge

Appendix A

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

Addendum to the Final SOCTIIP
Subsequent Environmental Impact Report

Mitigation Measures/Commitments/Conditions

NO.	DESCRIPTION OF COMMITMENT	COMMITMENT SOURCE
	<p>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.</p> <p>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.</p> <p>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.</p> <p>4. The Conservation Easement must provide the Assessor's Parcel Numbers for all the properties in the compensatory mitigation sites.</p> <p>5. Endowment funding for the interim and long-term management of the compensatory mitigation sites must meet the following requirements:</p> <ul style="list-style-type: none"> 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. 	<p>Requirements No. R9-2013-0007, Section VII.</p>
WDR-7	<p>G. Letter of Credit. The Discharger must comply with the following requirements to use a letter of credit as a form of financial assurance:</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Tentative Waste Discharge Requirements No. R9-2013-0007, Section VII.</p>