

January 17, 2001

Mr. Gary Sugano  
Principal Planner  
Planning and Environmental Services Division  
City of Oxnard  
305 West Third Street  
Oxnard, CA 93030

RE: DRAFT EIR – RIVERPARK SPECIFIC PLAN

Dear Mr. Sugano:

Thank you for the opportunity to comment on the Draft EIR for the RiverPark Specific Plan. As a responsible agency for this project, LAFCO must be able to make findings that the CEQA determinations made by the lead agency are appropriate for proposed reorganizations. Having the opportunity to comment on Notice of Preparations and draft environmental documents helps to ensure that all of the CEQA issues as they pertain to the LAFCO process are addressed prior to application to LAFCO.

Specifically, LAFCO is a responsible agency for the proposed reorganization of the City of Oxnard for the area described in the Draft EIR as RiverPark Area B. The following comments are submitted about the Draft EIR:

1. Section 2.0, Surrounding Land Uses: Figure 2.0-7 shows existing land uses of the proposed project and adjacent areas. Areas numbered as 5 and 6 represent unincorporated islands of territory. The EIR should discuss potential impacts of areas 5 and 6 once the project is annexed to the City of Oxnard. It is LAFCO's understanding that the City of Oxnard intends to file concurrent reorganization requests for these two areas. If the proposed RiverPark EIR does not discuss future plans and potential impacts to these areas, the proposals will need a separate environmental review process in order to be accepted by LAFCO.

LAFCO-1

Similarly, with the annexation of Area B into the City of Oxnard, the site of the Ventura County Juvenile Justice Center (JJC) would become contiguous with the City's boundaries. The City of Oxnard and the County have an out of area service agreement that provides for the annexation of the JJC site if requested by the City. Given this agreement, it is probable that LAFCO staff will request the City of Oxnard to request annexation of the JJC site concurrent with, or as part of, the RiverPark reorganization for Area B of the RiverPark Project. The

LAFCO-2

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RiverPark EIR should reference the out of area service agreement between the City and the County, and the JJC EIR, and should discuss the possibility of the RiverPark reorganization including the JJC site.

LAFCO-2

2. Section 3.0, Project Description: As part of the project description, the annexation to the City of Oxnard should be listed as a reorganization, not solely an annexation. The reorganization includes the annexation to the City of Oxnard, annexation to the Calleguas Municipal Water District, detachment from the Ventura County Fire Protection District, and detachment from the Ventura County Resource Conservation District.

LAFCO-3

Additionally, as the City of Oxnard has conveyed to LAFCO that they have one-hundred percent consent of the owners of the El Rio West area to annex their properties, LAFCO recommends that annexation of this area be included in the project description.

LAFCO-4

Separately, the project description should discuss the out of area service agreement between the City and the County relating to sewer service for the JJC site, the MOU between the City, the County, the Ventura County Flood Control District, and RiverPark LLC, and the County's agreement with the City to annex the JJC site.

LAFCO-5

3. Section 3.0, Project Description: A figure or map specifically showing the annexation area to the Calleguas Municipal Water District should be shown **in addition** to the annexation for the City of Oxnard. In the Commissioner's Handbook, under Specific Policies, Section 3.2.2., it states that annexations to the City of Oxnard shall be considered and approved if the territory is already within the Calleguas Municipal Water District, or is approved concurrently with an annexation to the Calleguas Municipal Water District, unless it is clearly demonstrated that the subject territory has no foreseeable need for potable water service. In this case, it is our understanding that the City of Oxnard, does not want to annex a portion of Area B, the proposed water quality/storm water control basins, to the Calleguas Municipal Water District as there will be no need for potable water service in those areas. Therefore, the annexations to the City of Oxnard and the Calleguas Municipal Water District will have different boundaries and legal descriptions and should be shown separately.

LAFCO-6

4. Section 3.0, Responsible Agencies: As Area B will be detaching from the Ventura County Fire Protection District and the Ventura County Resource Conservation District, these agencies should be listed and treated as responsible agencies.

LAFCO-7

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5. Section 4.6, Agriculture, On-Site Characteristics: The agricultural areas are separated into two sections. One section which is 155 acres in size and another area 54 acres in size.

The portion that is 155 acres in size is classified as Prime Farmland as shown on the State Important Farmlands maps, and is in Specific Plan Area A.

LAFCO is concerned and has comments on the agricultural impacts of Specific Plan Area B. The Cortese-Knox-Hertzberg Act has its own definitions for Prime agriculture.

*Prime Agriculture is defined as: (Government Code (G.C.) Section 56064)*

*"...an area of land whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets the following qualifications:*

- (a) Land that qualifies, if irrigated, for rating as class I or II in the USDA Natural Resource Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.*
- (b) Land that qualifies for rating 80 and 100 Storie Index Rating.*
- (c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre...*
- (d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during commercial bearing period on an annual basis...of not less than \$400 per acre.*
- (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than \$400 per acre for three of the previous five years."*

LAFCO-8

There is no discussion or analysis on the USDA class ratings and Storie Index Ratings for both Area A and Area B. While the City of Oxnard's Threshold of Significance may only be based on the State Farmland Maps, typical impact analysis give full detail of the agricultural soil characteristics of the site.

For LAFCO purposes, the USDA Class and Storie Rating for the agricultural area in Area B will need to be addressed. Additional factors such as the production thresholds and revenues would need to be addressed either in the Draft EIR or at the time of the reorganization application.

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Additionally, LAFCO has adopted specific policies, or factors, for conversion of prime agriculture for reorganization proposals. Section 3.1.5. of the Commissioner's Handbook, dated January 1, 2002, attached, states those policies that LAFCO must address before approving annexations of prime agriculture lands. These factors should be addressed in the EIR. Specific attention should be made to Section 3.1.5.2. that requires an evaluation of all vacant, non-prime agricultural lands within the boundaries of the jurisdiction that could be developed for the same or similar uses.

LAFCO-9

6. Section 4.10.1, Public Schools: Although the EIR discusses the phases of the project and related schools per phase, there are no timetable discussion/analysis on when the schools will be built and ready for student population.

There should be additional tables in the section stating the timetables and development benchmarks of the proposed schools for the project and the overall capacity result for the two school districts with the inclusion of the new schools and build-out of the residential units. Special attention should be made to discuss impacts to the surrounding high schools in the area as the project only proposes two elementary schools and one middle school for the area of development.

LAFCO-10

In the Cumulative Impacts section, there is discussion that there would be cumulative impacts of the project to both school districts. If these impacts will require a Statement of Overriding Considerations in order to approve the project, it should be addressed in this section or in the Executive Summary.

LAFCO-11

There should also be some type of timetable for Mitigation Measure #4.10.1-2. When do the school facilities need to be built and dedicated? Is there a deadline? Without any enforceable time frame or deadline, this mitigation measure seems infeasible. Additionally, there should be discussion of the development agreement between the school districts, City of Oxnard, and the RiverPark LLC that requires schools to be constructed.

LAFCO-12

7. Section 7.0, Executive Summary: This summary should be put in the front of the document for ease to the reader and general public. Most EIR's have a summary discussion in the beginning of the document and often have a Summary of Impacts chart that informs the public of the major issues/impacts of the project.

LAFCO-13

8. Section 7.0, Executive Summary, Irreversible Environmental Changes: The summary does not discuss or list the unavoidable impacts to agriculture or the cumulative impacts to schools.

LAFCO-14



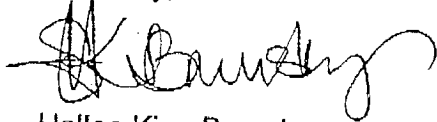
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9. Section 7.0, Executive Summary: The summary should have a section on impacts that will require a Statement of Overriding Considerations for the final project approval. The Executive Summary is not clear as to what the unavoidable impacts of the project are.

LAFCO-15

Again, thank you for the opportunity to comment. If there are any questions regarding our comments, please feel free to contact me at 805-654-2866.

Sincerely,



Hollie King Brunsky

Attachment: Section 3.1.5., LAFCO Commissioner's Handbook, January 1, 2002

- c: John Flynn, Supervisor, District 5  
Marty Robinson, Deputy CEO  
Ron Coons, Director, Public Works Agency  
Tom Berg, Director, Resource Management Agency  
Lowell Preston, Manager, Water Resources Division  
Joseph Wisenhunt, L# 1740 – RMA Reference # 00-056  
Donald Kendall, Calleguas Municipal Water District  
Pat Oliver, Ventura County Resource Conservation District  
Bob Roper, Ventura County Fire Protection District

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### SECTION 3.1.5 AGRICULTURE AND OPEN SPACE PRESERVATION

3.1.5.1 Findings and criteria for prime agricultural and open space land conversion: LAFCO will approve a proposal for a change of organization or reorganization which is likely to result in the conversion of prime agricultural or open space land use to other uses only if the Commission finds that the proposal will lead to planned, orderly, and efficient development. For the purposes of this policy, a proposal for a change of organization or reorganization leads to planned, orderly, and efficient development only if all of the following criteria are met:

- i. The territory involved is contiguous to either lands developed with an urban use or lands which have received all discretionary approvals for urban development.
- ii. The territory is likely to be developed within 5 years and has been pre-zoned for non-agricultural or open space use. In the case of very large developments, annexation should be phased wherever possible.
- iii. Insufficient non-prime agricultural or vacant land exists within the existing boundaries of the agency that is planned and developable for the same general type of use.
- iv. The territory involved is not subject to voter approval for the extension of services or for changing general plan land use designations. Where such voter approval is required by local ordinance, such voter approval must be obtained prior to LAFCO action on any proposal unless exceptional circumstances are shown to exist.
- v. The proposal will have no significant adverse effects on the physical and economic integrity of other prime agricultural or open space lands.

3.1.5.2 Findings that insufficient non-prime agricultural or vacant land exists: The Commission will not make affirmative findings that insufficient non-prime agricultural or vacant land exists within the boundaries of the agency unless the applicable jurisdiction has prepared a detailed alternative site analysis which at a minimum includes:

- i. An evaluation of all vacant, non-prime agricultural lands within the boundaries of the jurisdiction that could be developed for the same or similar uses.
- ii. An evaluation of the re-use and redevelopment potential of developed areas within the boundaries of the jurisdiction for the same or similar uses.
- iii. Determinations as to why vacant, non-prime agricultural lands and potential re-use and redevelopment sites are unavailable or undesirable for the same or similar uses, and why conversion of prime agricultural or open space lands are necessary for the planned, orderly, and efficient development of the jurisdiction.

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3.1.5.3 Impacts on adjoining prime agricultural or open space lands: In making the determination whether conversion will adversely impact adjoining prime agricultural or open space lands, the Commission will consider the following factors:

- i. The prime agricultural and open space significance of the territory and adjacent areas relative to other agricultural and open space lands in the region.
- ii. The economic viability of the prime agricultural lands to be converted.
- iii. The health and well being of any urban residents adjacent to the prime agricultural lands to be converted.
- iv. The use of the territory and the adjacent areas.
- v. Whether public facilities related to the proposal would be sized or situated so as to facilitate the conversion of prime agricultural or open space land outside of the agency's sphere of influence, or will be extended through prime agricultural or open space lands outside the agency's sphere of influence.
- vi. Whether natural or man-made barriers serve to buffer prime agricultural or open space lands outside of the agency's sphere of influence from the effects of the proposal.
- vii. Applicable provisions of local general plans, applicable ordinances that require voter approval prior to the extension of urban services or changes to general plan designations, Greenbelt Agreements, applicable growth-management policies, and statutory provisions designed to protect agriculture or open space.
- viii. Comments and recommendations by the Ventura County Agricultural Commissioner.

#### SECTION 3.1.6 SCHOOL CAPACITY

In addition to the factors and determinations required by state law, LAFCO will consider whether or not the territory involved in a proposal for a change of organization or reorganization can be served by affected school districts. LAFCO will not favor any change of organization or reorganization proposal where any affected school district certifies that there is not sufficient existing school capacity, or will not be sufficient school capacity at the time of development, to serve the territory involved.

**Ventura Local Agency Formation Commission (LAFCO)**

**LAFCO-1**

The areas numbered 5 and 6 on Figure 2.0-7 are part of the same unincorporated “island” surrounded by the City, known as El Rio West. El Rio West is not part of the proposed RiverPark Specific Plan Area and, for this reason, the potential impacts of annexation of these areas are not addressed in the EIR.

The City of Oxnard intends to annex this area within the same general time frame as the RiverPark Project in a separate proceeding. Area 6 is the site of a proposed residential project that has been submitted to the City of Oxnard for review.

The annexation of El Rio West will be subject to environmental review separate from RiverPark. It is noted that LAFCO previously found annexing this area to the Calleguas MWD to be Categorically Exempt from CEQA (Class 19). As these existing areas are almost completely developed and can be served by existing or planned utilities identified in the Water, Wastewater and Drainage Master Plans prepared by the City of Oxnard, extensive environmental review of these separate annexation efforts should not be required.

**LAFCO-2**

The RiverPark Draft EIR recognizes and discusses the Ventura County JJC project. The County of Ventura prepared an EIR for the JJC project. The JJC project is considered in the cumulative impact analysis in the RiverPark Draft EIR. The out of area service agreement addresses the provision of services to the JJC by the City of Oxnard. Including the JJC in the RiverPark Reorganization is a policy question for LAFCO and the City of Oxnard. Should the JJC be added to the RiverPark Reorganization, the analysis in the Ventura County EIR on the JJC and the RiverPark Draft EIR provides sufficient information to serve as the environmental review documents for this action.

**LAFCO-3**

The text on page 3.0-38 is revised to read as follows:

### ***Annexation***

~~RiverPark Area 'B' is currently located outside of the City of Oxnard but within the City's Sphere of Influence and CURB lines. The City will request approval of annexation of this area from the Ventura County Local Agency Formation Commission (LAFCO).~~

### ***Local Government Boundary Changes***

RiverPark Area 'B' is outside of the City of Oxnard but within the City's sphere of influence and CURB lines. The City will submit a reorganization proposal to the Ventura Local Agency Formation Commission (LAFCO) to annex the territory to the City of Oxnard and concurrently detach it from the Ventura County Fire Protection District and Ventura Resource Conservation District.

In addition the Calleguas Municipal Water District will submit an annexation proposal to LAFCO for a portion of RiverPark Area 'B,' specifically all portions of the project that may utilize water from the City and hence from the Calleguas MWD and Metropolitan Water District of Southern California.

#### **LAFCO-4**

The El Rio West area is not part of the RiverPark project. Its annexation to the City can occur independently of the RiverPark project. This is not an environmental issue but rather a matter of policy for the City and LAFCO. The City has indicated its willingness to annex the property and is already providing municipal water services to this area in exchange for the consent of property owners to annex to the City in the future.

#### **LAFCO-5**

These existing executed agreements are discussed on page 2.0-22 of the Environmental Setting Section. These existing agreements are not part of the RiverPark project as proposed by the applicant and are not discussed in the Draft EIR Project Description section for this reason.

#### **LAFCO-6**

Please see **Figure 2-22** on the following page which shows the areas proposed for annexation to the City of Oxnard and Calleguas Municipal Water District (MWD). As indicated in the comment, annexation of the existing mine pits to Calleguas MWD is not proposed as the pits will be reclaimed for use for the

# **CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION** **RiverPark** **(ANNEXATION NO. 80)**

That portion of Rancho Santa Clara Del Norte, in the County of Ventura, State of California, as shown on the map recorded in the office of the County Recorder of said County, in Book 3, Page 26 of Miscellaneous Records.

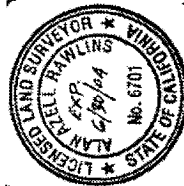
February 10, 2002

Sheet 1 of 2



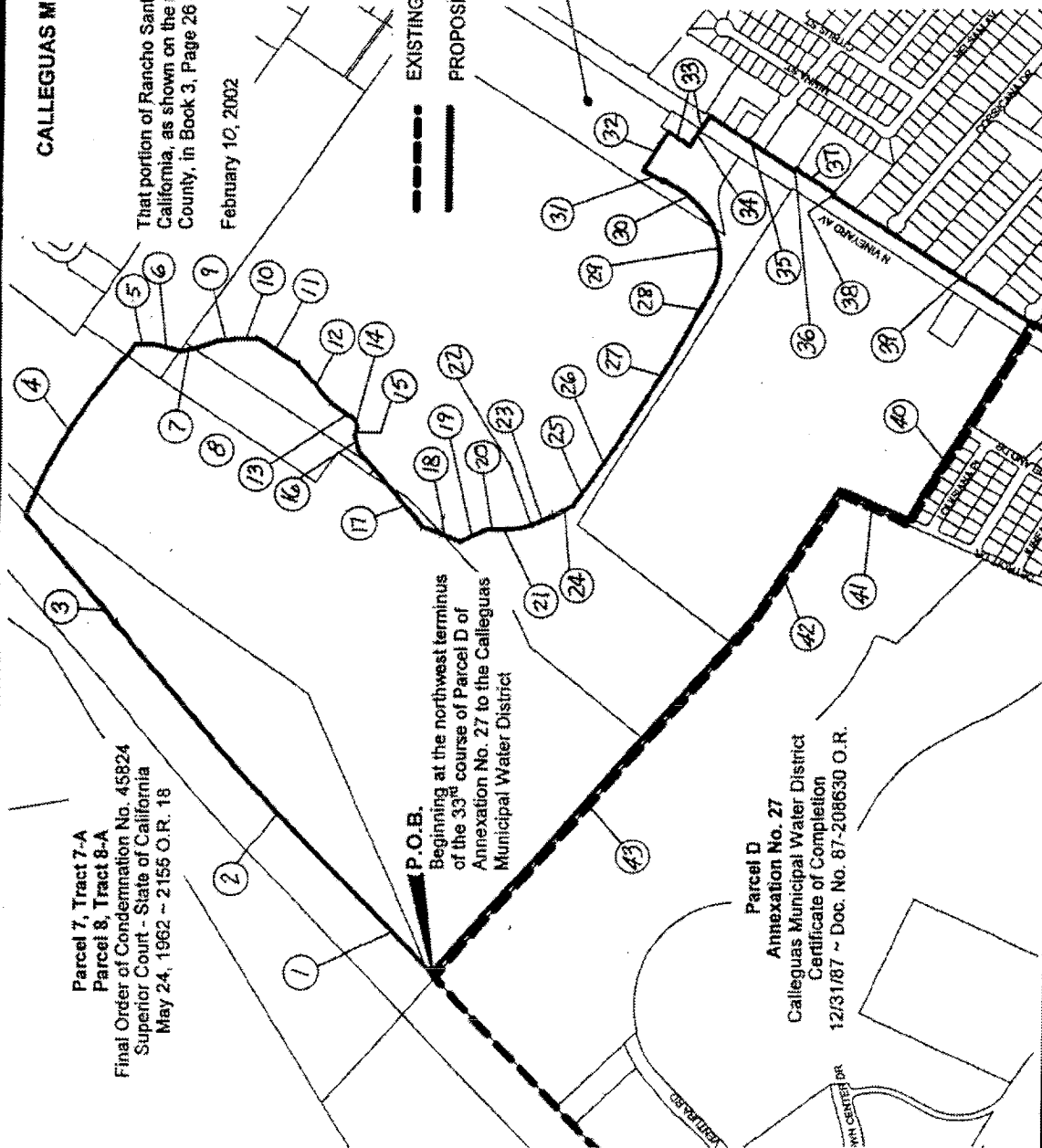
--- EXISTING CALLEGUAS MUNICIPAL WATER DISTRICT BOUNDARY  
 --- PROPOSED ANNEXATION BOUNDARY

Tract 10, 192.3F  
 11/1/95 ~ Doc. No. 95-122785 O.R.



*Alan Rayell Rawlins*  
 11-FEB-02

Prepared By:  
**Braitman & Associates**  
 8277 Cheshire Street  
 Ventura, California 93004  
 (805) 647-7612



SOURCE: Braitman & Associates, Feb 11, 2002

FIGURE 2-22

Calleguas Municipal Water District Annexation No. 80

storage of water by UWCD and will not receive or be eligible to receive water from the City, Calleguas MWD or Metropolitan Water District.

#### LAFCO-7

The Ventura County Fire Protection District and Ventura Resource Conservation District are not “responsible agencies” as defined by CEQA. Special districts are not empowered to prevent detachments and, therefore, are not responsible agencies with authority over the project.

These two special districts are recognized by the City as affected agencies, meaning those agencies whose boundaries would be changed as a result of the reorganization.

#### LAFCO-8

It should be noted that the 155 acres of agricultural located within RiverPark Area ‘A.’ is within the City of Oxnard and Calleguas MWD, having been previously annexed. No further LAFCO approvals are needed for this territory to receive services. The impacts of development of the farmland in RiverPark Area ‘A’ has been previously addressed in the EIR prepared by the City of Oxnard for the Oxnard Town Center Specific previously approved in 1986 and the Oxnard 2020 *General Plan* EIR. In addition, the impact on this agricultural land is also addressed in the RiverPark Specific Plan.

Please see **Figure 2-23** (following this page) which presents an aerial photograph of the portion of RiverPark Area ‘B’ still under agricultural production. As shown in **Figure 2-23**, the construction of the 15 foot deep El Rio Retention Basin No. 2 by the County of Ventura in 1997 impacted the agricultural land on this portion of the proposed Specific Plan Area. Presently only a small strip of agricultural land along Vineyard Avenue remains undisturbed and in agricultural production. This remnant strip of agricultural land is approximately 19 acres in size.

The 54-acre area discussed in the Draft EIR is the entire El Rio Retention Basin No. 2 parcel, which includes approximately 17 of the 19 acres of agricultural land along Vineyard Avenue. The rest of this 54-acre parcel consists of the retention basin.

The USDA Soil Survey for the Ventura Area identifies three related soil types on the 19 acres of remaining agricultural land: Pico Loam; Pico sandy loam - 2 to 9 percent slopes (PcC); and Pico sandy loam - 0 to 2 percent slopes (PcA). The Storie Index Ratings for these three soil types are, respectively: 76, 77 and 86. Based on the Storie Index Ratings only one of these soil types, PcA, qualifies for a 80 to



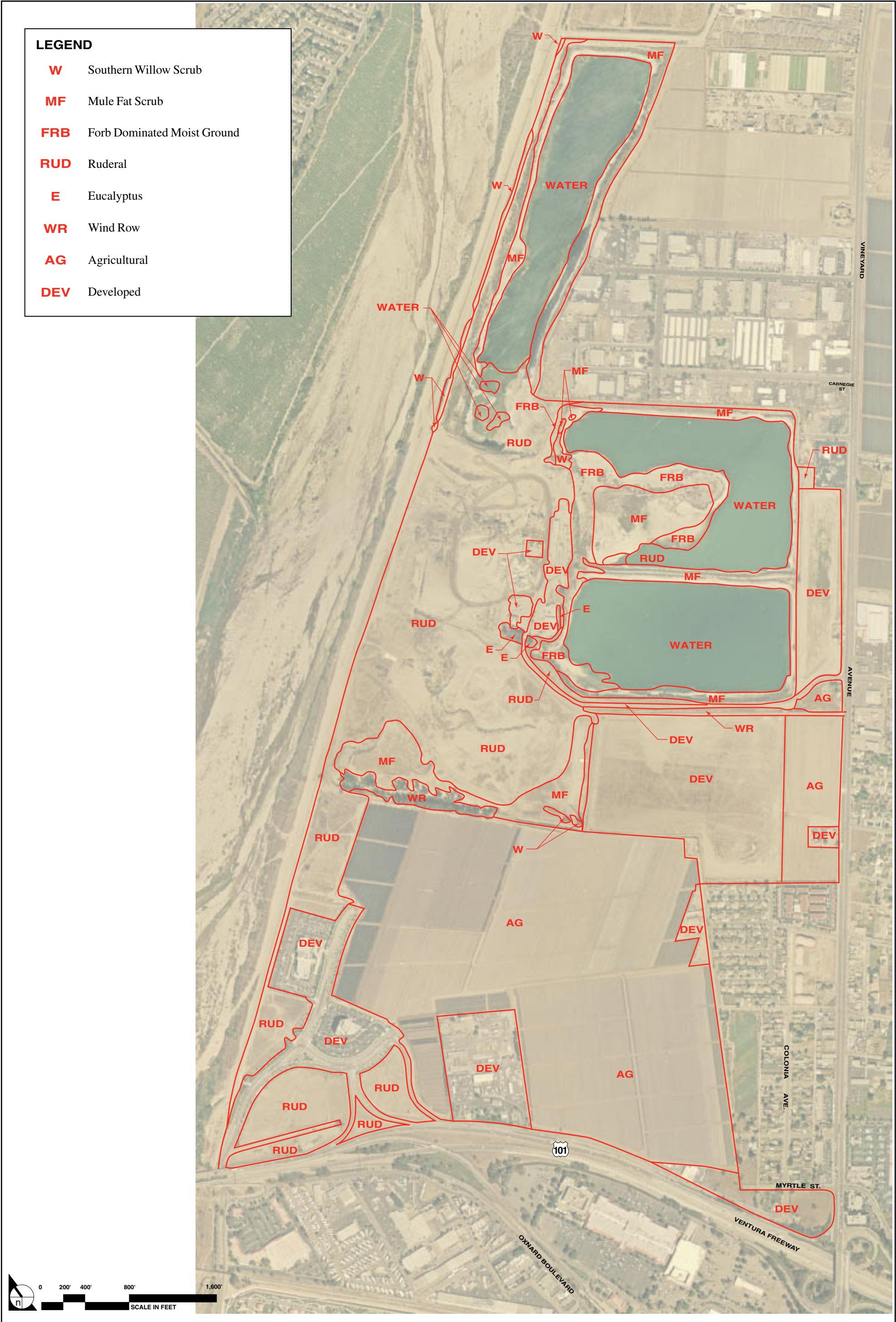


FIGURE 2-23

Revised Vegetation Communities



100 Storie Index Rating, which is identified in Government Code Section 56064 as Prime Farmland. All three soil types are identified as Class I or II soils. Based on these class ratings, the remaining 19 acres of agricultural land meet the definition in Government Code Section 56064 (a) of Prime Farmland.

#### LAFCO-9

The City of Oxnard believes that annexation of this small remnant of agricultural land is justified, as the inclusion of this 19 acres in the 700-acre Specific Plan Area is logical and necessary for the planned, orderly and efficient development of this area. If this area is not included in the annexation, a small island of agricultural land would be left between Vineyard Avenue, the existing El Rio Residential Neighborhood to the south and proposed urban uses to the west. This 19-acre area would be part of a planned elementary and middle school site to be developed by the Rio Elementary School District. No other vacant non-prime agricultural areas exist north of the Ventura Freeway in the El Rio Community and the boundaries of the Rio Elementary School District that are available for the development of an elementary and middle school.

#### LAFCO-10

Elementary schools (grades K-8) are under the jurisdiction of the Rio School District. The Rio School District and the developer of the RiverPark Project intend to provide two elementary schools and one junior high school within the RiverPark Specific Plan Area with capacity to serve 100% of students generated from RiverPark. Furthermore, current plans are to provide school capacity before occupancy of residential units, to avoid the need to house RiverPark students at existing district schools or temporary portable schools. The initial development benchmarks identified for construction are as follows:

1. Open Elementary School No. 1 simultaneously with occupancy of the first dwelling unit
2. Open Junior High School simultaneously with occupancy of the 1,000<sup>th</sup> dwelling unit
3. Open Elementary School No. 2 simultaneously with occupancy of the 1,600<sup>th</sup> dwelling unit.

The impact of the project on K-8 schools is summarized in **Table 15** below. As shown, RiverPark's impact on elementary school facilities is fully mitigated.

**Table 15**  
**Project Impact on K-8 Schools**

	<b>RiverPark School Capacity</b>	<b>Cumulative RiverPark Students</b>	<b>Available Capacity</b>
Status Quo	0	0	0
Open Elementary School No. 1	530	0	530
Occupancy of up to 1,000 units	530	590	-60
Open Junior High School	1,130	590	540
Occupancy of up to 1,600 units	1,130	944	186
Open Elementary School No. 2	1,660	944	716
Occupancy of up to 2,805 units	1,660	1,654	6

High schools (grades 9-12) are under the jurisdiction of the Oxnard Union High School District. Residential development in RiverPark falls within the existing attendance boundaries of Rio Mesa High School, which means that RiverPark high school students would normally attend Rio Mesa High School. Application of OUHSD's student generation rates estimate that 337 high school students<sup>2</sup> will be generated at build-out if all 2,805 dwelling units allowed by the proposed RiverPark Specific Plan are built (1,328 multi-family, 1,014 single family attached, and 463 single family detached). OUHSD recently opened a new high school in the City of Oxnard (Pacific High School) and is considering the potential need to open additional new high schools if student enrollment grows significantly. Specifically, the District is considering opening new schools in two areas: (i) Ormond Beach in Oxnard, primarily to service the City of Oxnard, including relief of overcrowding and accommodating growth, and (ii) Camarillo High School No. 2, to relieve overcrowding at the existing Camarillo High School and accommodate growth. Cumulative impacts from enrollment growth in the Rio Mesa/Camarillo areas will most likely be accommodated as follows:

1. If cumulative growth in enrollment merits the need for an additional high school, Camarillo High School No. 2 will be constructed. Camarillo High School No. 2 would house (i) enrollment growth of 600-800 students, (ii) roughly 700 City of Camarillo students from areas currently within Rio Mesa High School attendance area, and (iii) roughly 500-700 students from areas currently within the existing Camarillo High School attendance area. This would relieve overcrowding at the existing Camarillo High School, provide space for growing enrollments in the Camarillo area, and "free up" space for 700 students at Rio Mesa High School.

<sup>2</sup> Eric Ortega, Assistant Superintendent-Business Services, Oxnard Union High School District and Louis Cunningham, Director of Facilities, Oxnard Union High School District. Communication with NewSchools on February 12, 2002.

2. If cumulative growth in enrollment does not merit the need for an additional high school, OUHSD will add capacity to Rio Mesa High School on a long-term basis to serve RiverPark and adjacent areas.
3. In both cases, OUHSD will utilize portable facilities to house students at Rio Mesa High School until the decision to construct a new high school is made and construction is completed. OUHSD indicates it has sufficient space to add portable facilities at Rio Mesa High School until a permanent solution is implemented.

OUHSD collects developer impact fees which must be paid by homebuilders in RiverPark. With the collection of impact fees and implementation of the facilities strategy summarized above, the impact of RiverPark on high school facilities is fully mitigated.

**LAFCO-11**

As discussed above in the response to Comment LAFCO-10, impacts of the project on school facilities will be fully mitigated.

**LAFCO-12**

Please see the response to Comment LAFCO-10 for a discussion of the timing of the provision of additional school facilities.

**LAFCO-13**

The first section of the Draft EIR is a 15 page summary prepared to meet the content requirements defined in Section 15123 of the CEQA *Guidelines*. For each topic addressed in the EIR, this summary identifies any significant impacts identified, measures proposed to mitigate these impacts and any unavoidable significant impacts. Section 7.0 is provided in the Draft EIR consistent with Section 15126.2 (c) of the CEQA *Guidelines* which requires an EIR to identify "Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented."

**LAFCO-14**

Please see the response to Comment LAFCO-13 above. The Summary in the Draft EIR identifies the unavoidable impacts of the project for each topic where applicable.

**LAFCO-15**

The Summary Section identifies the unavoidable adverse impacts for each topic, as applicable.