



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

September 26, 2008

Ronald Kosinski, Deputy District Director *RK*  
Division of Environmental Planning  
California Department of Transportation – District 7  
100 South Main Street, Suite 100  
Los Angeles, CA 90012

Subject: Scoping Comments for Interstate 710 (I-710) Corridor Project from Ocean Boulevard in the City of Long Beach to State Route 60 (SR-60) in Los Angeles County, California

Dear Mr. Kosinski:

The U.S. Environmental Protection Agency (EPA) has reviewed the August 15, 2008 Notice of Preparation (NOP) and the August 20, 2008 Federal Register Notice of Intent (NOI) for the proposed **Interstate 710 (I-710) Corridor Project from Ocean Boulevard in the City of Long Beach to State Route 60 (SR-60) in Los Angeles County, California**. The nature of the improvements for this 18-mile segment is to add lanes in each direction, including high-occupancy vehicle (HOV) lanes, dedicated truck lanes and/or general purpose lanes. Additionally, the project may also include modifications to I-405, State Route 91, I-105, SR-60 and I-5 interchanges.

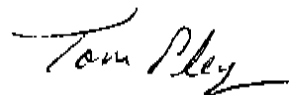
In an August 15<sup>th</sup> cover letter to the Notice of Preparation, the California Department of Transportation (Caltrans) indicates that an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) will be prepared for the project pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The State of California has assumed responsibilities under NEPA for this project pursuant to the *Memorandum of Understanding Between the Federal Highway Administration (FHWA) and Caltrans Concerning the State of California's Participation in the Surface Transportation Project Delivery Pilot Program*.

Our comments at this stage are provided pursuant to NEPA, Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. These comments should be addressed in the preparation of the Draft Environmental Impact Statement (DEIS).

Additionally, EPA has accepted Caltrans' request to become a Cooperating Agency for the I-710 Corridor in a September 15, 2008 letter. This letter outlines EPA's anticipated role in future stages of this project. EPA also accepted Caltrans's invitation to become a "Participating Agency" (as defined in 23 USC 139 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)). We look forward to working with Caltrans to ensure that the SAFETEA-LU implementation procedures assist both our agencies in meeting our statutory missions. EPA's participation as a Participating Agency pursuant to SAFETEA-LU and a Cooperating Agency pursuant to NEPA does not constitute formal or informal approval of any part of this project under any statute administered by EPA, nor does it limit in any way EPA's independent review of the Draft and Final EISs pursuant to Section 309 of the Clean Air Act.

EPA appreciates the opportunity to comment on the NOP and NOI. Once the DEIS is released for public review, please send two hard copies and, if available, two electronic copies to the address above (mail code: CED-2). We look forward to participating in the project's EIS development and reviewing the DEIS. Please feel free to direct any questions you may have concerning our comments to me at (415) 972-3238, or [plenys.thomas@epa.gov](mailto:plenys.thomas@epa.gov). Thank you in advance for your interest and cooperation.

Sincerely,



Tom Plenys  
Environmental Review Office

Enclosures: EPA's Detailed Comments

CC: Stephanie J. Hall, U.S. Army Corps of Engineers  
Garrett Damrath, Caltrans  
Cynthia Marvin, California Air Resources Board  
Dr. Ralph Appy, Port of Los Angeles  
Richard Cameron, Port of Long Beach  
Hasan Ikhata, Southern California Association of Governments  
Susan Nakamura, South Coast Air Quality Management District  
Dr. Paul Simon, Los Angeles County Department of Public Health

## **Project Scope and Purpose**

The I-710 freeway serves as a primary freight corridor connecting the Ports of Los Angeles and Long Beach with downtown intermodal railyards and the goods movement network extending east into the Inland Valley. The U.S. Environmental Protection Agency (EPA) has particular concerns about the I-710 Corridor as it currently accommodates tens of thousands of diesel fueled freight trucks daily through numerous densely populated communities south of downtown Los Angeles. In light of the significant public health concerns stemming from such high volumes of traffic, EPA was particularly encouraged to see the first purpose of the proposed project included in the Notice of Intent (NOI) stated as 'Improve air quality and public health.' EPA is supportive of this purpose as a critical goal for this project and encourages Caltrans to ensure it serves as a guiding tenet as project evaluation moves forward.

Serving as a gateway for our nation's trade, the I-710 Corridor is a key component of a complex goods movement network. In light of the I-710's critical role in the goods movement network in Southern California, if the completion of the proposed action along the 18-mile segment of I-710 triggers the need to improve additional stretches of I-710 or connecting corridors, such as a shift of this segment's congestion bottleneck to north of SR-60, then the project scope may need to be expanded. As a result, the National Environmental Policy Act (NEPA) evaluation should include the full extent of the planned high-occupancy vehicle (HOV), general purpose and truck lane corridors, and how it will operate. The proposed improvements for the I-710 Corridor would have independent utility if the intended benefit of congestion reduction and the intended need of the project could be met independent of any future planned HOV, general purpose or dedicated truck lane expansion on I-710 north of SR-60 or other connecting corridors.

Future analyses and the DEIS should clearly demonstrate the independent utility of the project within its current geographic limits as it relates to the need for the project. If the project need cannot be met without future planned improvements, the scope of the project should be expanded accordingly, such as including an analysis of future improvements to I-710, I-105, SR-91, SR-60, I-10 and I-405, since these would be considered connected and similar actions (40 CFR 1508.25). EPA believes this is the most effective way to address indirect and cumulative environmental impacts, and also ensures that a broader scope is applied in the identification and evaluation of project alternatives that may be less environmentally damaging. Generally, funding or constraints of project staging and construction should not be used as a basis for segmenting the evaluation of environmental impacts under NEPA.

## **Alternatives Analysis**

Future environmental documents and the DEIS should explore and objectively evaluate a range of reasonable alternatives, including the no action alternative, and briefly discuss the

reasons for eliminating some alternatives from further evaluation (40 CFR 1502.14). The alternatives should explore opportunities to avoid or minimize adverse environmental impacts while fulfilling the project purpose. While we understand that a Major Corridor Study (MCS) was completed for the project in March 2005, Caltrans ultimately must ensure that a proper evaluation of alternatives is conducted if the analyses will be used to meet obligations under NEPA. EPA recommends that the DEIS present the environmental impacts of a reasonable range of alternatives considered (including the locally preferred alternative(s) and the No-Build Alternative) in comparative form, sharply defining the issues and providing a clear basis for choice among options for the decision maker and the public (40 CFR 1502.14). Further, the Purpose and Need Statement that will be developed for this project should not be limited at the outset to potentially preclude alternatives from being evaluated in the future. Rather, an appropriately defined Purpose and Need Statement should ultimately inform the range of alternatives and subsequent analysis and sufficiently justify the need for the project itself.

Additionally, the No-Build Alternative should be analyzed in sufficient detail to allow for this comparison. EPA recognizes that it may be difficult to project with certainty the environmental impacts over the next 20 years of the proposed transportation projects that make up the No-Build Alternative. However, a more rigorous comparison of the merits of each alternative better achieves the purposes of NEPA. The DEIS must evaluate the No-Build Alternative as a bench mark against which to compare both the performance and environmental consequences of the other project alternatives. Additionally, expanding the I-710 corridor to provide and enhance HOV access and freight movement should not preclude *also* enhancing transit access, the evaluation of rail alternatives for passengers and freight or implementing a comprehensive Transportation System Management and Transportation Demand (TSM/TDM) plan. We encourage Caltrans to explore the feasibility of implementing more than one of these alternatives simultaneously in the interest of minimizing environmental impacts.

In describing the HOV and dedicated truck lane alternatives, we recommend that the DEIS analyze a range of HOV and truck related operational parameters and the associated impacts on facility performance, e.g. variations in the minimum number of passengers in the HOV dedicated lanes and variations in the number of hours the HOV lane restriction will be in effect. The DEIS should describe how these operational parameters might be adjusted to accommodate future increased travel demands.

In exploring the option to enhance transit access and rail capacity, the DEIS should clearly identify what forms of transit and cargo facilities are currently in operation and the plans for future expansion. The DEIS should identify activities that can be undertaken by Caltrans and/or other responsible agencies to enhance transit ridership and rail freight movement that will effectively increase overall mobility within and through the corridor. Again, we strongly encourage Caltrans to consider concurrently implementing measures that provide incentives for increased HOV *and* transit ridership as a means of decreasing single occupancy vehicle travel.

The DEIS should fully justify the elimination of any alternatives that would result in fewer environmental impacts than the locally preferred alternative(s) and should clearly explain why certain alternatives are not fully analyzed, including a description of the criteria used to eliminate potential alternatives from further study.

## **Air Quality**

The DEIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment areas, and potential air quality impacts of the project (including cumulative and indirect impacts) for each fully evaluated alternative.

The proposed project is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) implements local air quality regulations in the SCAB to carry out Federal Clean Air Act (CAA) requirements, as authorized by the EPA. The current SCAB nonattainment designations under the CAA are as follows: carbon monoxide - serious nonattainment; 8-hour ozone - severe nonattainment; particulate matter with a diameter of 10 microns or less (PM<sub>10</sub>) - serious nonattainment; and particulate matter with a diameter of 2.5 microns or less (PM<sub>2.5</sub>) - nonattainment. The SCAB has the worst 8-hour ozone and PM<sub>2.5</sub> problems in the nation, and attainment of these NAAQS will require massive reductions from mobile sources, given the rapid growth in this emissions category and the long lifespan of diesel engines. Because of the air basin's nonattainment status, it is important to reduce emissions of ozone precursors, mobile source air toxics (MSAT) and particulate matter from this project to the maximum extent.

### ***Mobile Source Air Toxics***

EPA believes a robust MSAT analysis should be undertaken for the proposed I-710 project because 1) the project is a potentially large expansion of an already major freeway; 2) the proposed project is likely in close proximity to residences and other sensitive receptors, such as schools and hospitals; 3) the project could have significant health impacts on low-income and minority communities along the corridor; 4) the project impacts may occur in areas of Wilmington and Long Beach that are already heavily impacted by air toxics; and 5) there is an increasing public awareness of air quality impacts associated with transportation projects, as reflected in the passage of Proposition 1B, which includes \$1 billion in air quality mitigation measures. Caltrans has indicated a willingness to perform a human health risk assessment of all project operation and construction emissions. EPA supports this decision and encourages Caltrans to consider the results of the human health risk assessment for purposes of distinguishing between project alternatives, informing design changes, and describing the adequacy of possible mitigation.

Many studies have measured elevated concentrations of pollutants emitted directly by motor vehicles near large roadways. These elevated concentrations generally occur within approximately 200 meters of the road, although the distance may vary depending on traffic and environmental conditions. Pollutants measured with elevated concentrations include benzene, polycyclic aromatic hydrocarbons, carbon monoxide, nitrogen dioxide, black carbon, and coarse, fine, and ultrafine particles. For a thorough review of near-roadway monitoring studies, see Section 3.1.3 of EPA's "Regulatory Impact Analysis: Control of Hazardous Air Pollutants from Mobile Sources" (February 2007, <http://www.epa.gov/otaq/regs/toxics/fr-ria-sections.htm>).

A large number of recent studies have examined the association between living near major roads and different adverse health endpoints. Several well-conducted epidemiologic studies have shown associations with cardiovascular effects, premature adult mortality, and adverse birth outcomes, including low birth weight and size. Traffic-related pollutants have been repeatedly associated with increased prevalence of asthma-related respiratory symptoms in children. Also, based on toxicological and occupational epidemiologic literature, several of the MSATs, including benzene, 1,3-butadiene, and diesel exhaust, are classified as known and likely human carcinogens. Thus, cancer risk, including childhood leukemia, is a potential concern in near roadway environments. For additional information on MSATs, please see EPA's MSAT website (<http://www.epa.gov/otaq/toxics.htm>).

Given the significant concerns about adverse health effects from mobile source pollutants and the project's potential for emissions in close proximity to residential communities and sensitive receptors, EPA recommends performing an analysis of potential MSAT impacts to inform decision-making between project alternatives and to inform avoidance, minimization, and mitigation options. In general, when considering appropriate and useful levels of analysis, EPA recommends that the lead agency consider the following:

- The likelihood of impact and potential magnitude of the effect, including both the magnitude of emissions and the proximity of the project emissions to potential residential and sensitive receptors, such as schools, hospitals, day care facilities, and nursing homes;
- The severity of existing conditions;
- Whether the project is controversial and whether air toxics concerns have been raised by the public for this project or for other projects in the area in the past;
- Whether there is a precedent for analysis for projects of this type, either under NEPA or other environmental laws; and
- Whether the analysis could be useful for distinguishing between alternatives, informing design changes, and targeting mitigation.

For most transportation projects, EPA generally recommends that the following levels of analysis be considered (in order of increasing complexity):

1. Qualitative discussion,
2. Quantify emissions,
3. Toxicity-weight emissions,
4. Dispersion modeling, and
5. Risk assessment.

These analyses are further described in the March 2007 report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process" conducted for the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on the Environment and funded by the Transportation Research Board ([http://www.trb.org/NotesDocs/25-25\(18\)\\_FR.pdf](http://www.trb.org/NotesDocs/25-25(18)_FR.pdf)). Procedures for toxicity-

weighting, which EPA has found to be especially useful for the targeting of mitigation, are described in EPA's Air Toxics Risk Assessment Reference Library (Volume 3, Appendix B, beginning on page B-4, [http://epa.gov/ttn/fera/data/risk/vol\\_3/Appendix\\_B\\_April\\_2006.pdf](http://epa.gov/ttn/fera/data/risk/vol_3/Appendix_B_April_2006.pdf)). EPA would be happy to work with Caltrans to evaluate the appropriate level of MSAT analysis for this project.

These recommendations, and the recommendations included in the report for AASHTO referenced above, differ substantially from the FHWA interim guidance (February 2006) on MSAT analysis for transportation projects under NEPA. While there are positive elements to this guidance, especially the willingness to acknowledge potential MSAT concerns, EPA continues to disagree with major elements of this approach nationally. The analysis of potential MSAT impacts is especially important in California, where the awareness of air toxics impacts, the knowledge of background conditions, and the familiarity with tools to assess potential impacts are very high.

Recently, there have been good examples of human health risk assessments under NEPA for transportation-related projects in the Ports of Los Angeles and Long Beach. In particular, the "Berths 97-109 [China Shipping] Container Terminal Project" DEIS is a good example of a thorough analysis of project alternatives and mitigation benefits, with defensible choices of health-related significance levels under NEPA ([http://www.portoflosangeles.org/EIR/ChinaShipping/DEIR/deir\\_china\\_shipping.asp](http://www.portoflosangeles.org/EIR/ChinaShipping/DEIR/deir_china_shipping.asp)). EPA looks forward to working with Caltrans to identify how the experience with these risk assessments under NEPA can be applied to the proposed I-710 project.

### ***Construction***

Caltrans should include a Construction Emissions Mitigation Plan for fugitive dust and diesel particulate matter (DPM) in the DEIS and adopt this plan in the Record of Decision (ROD). Due to the serious nature of the PM<sub>10</sub> and PM<sub>2.5</sub> conditions in the SCAB, EPA recommends that the best available control measures (BACM) for these pollutants be implemented at all times. We recommend that all applicable requirements under SCAQMD Rules and the following additional measures be incorporated into a Construction Emissions Mitigation Plan:

#### ***Fugitive Dust Source Controls:***

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earthmoving equipment to 10 mph.

*Mobile and Stationary Source Controls:*

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification, where applicable, levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at: <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards. In general, use equipment meeting Tier 3 or greater engine standards and commit to the best available emissions control technology. Tier 3 engine standards are currently available; Tier 4 will be available in the 2009-model year and should be used for project construction equipment to the maximum extent feasible. Lacking availability of non-road construction equipment that meets Tier 3 or greater engine standards, Caltrans should commit to using the best available emissions control technologies on all equipment.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of DPM and other pollutants at the construction site.

*Administrative controls:*

- Identify all commitments to reduce construction emissions and update the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet EPA diesel fuel requirements for off-road and on-highway, and where appropriate use alternative fuels such as natural gas and electric.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones

away from sensitive receptors and fresh air intakes to buildings and air conditioners.

### ***Transportation Conformity***

The DEIS should demonstrate the project is included in a conforming transportation plan and a transportation improvement program. The DEIS should ensure that the emissions from both the construction and the operational phases of the project conform to the State Implementation Plan, and do not cause or contribute to violations of the NAAQS.

### ***Greenhouse Gas Emissions***

The State of California has increased its focus on potential climate change and impacts of increasing greenhouse gas emissions. Specifically, the Global Warming Solutions Act of 2006 and Executive Order S-3-05 recognize the impact that climate change can have within California and provide direction for future reductions of greenhouse gases. EPA recommends that, as practicable, the DEIS identify the cumulative contributions to greenhouse gas emissions that will result from implementation of the project. In addition, we recommend that the DEIS discuss the potential impacts of climate change on the project. Finally, the DEIS should identify if there are specific mitigation measures needed to 1) protect projects from the effects of climate change, 2) reduce the project's adverse air quality effects, and/or 3) promote pollution prevention and environmental stewardship.

### **Environmental Justice**

EPA is concerned that the project may result in disproportionately high and adverse air quality impacts to low-income and minority populations. Local communities are already heavily impacted, which could be exacerbated by the many projects currently planned at and around the Port, on the I-710, and along connecting corridors. Therefore, all impacts, even seemingly small impacts, are important to consider and mitigate in order to fully offset the adverse project related impacts to the local community.

Executive Order 12898 addresses Environmental Justice in minority and low-income populations, and the CEQ has developed guidance concerning how to address Environmental Justice in the environmental review process (<http://ceq.eh.doe.gov/nepa/regs/ej/justice.pdf>). Future environmental justice analyses for this project and the DEIS should include a description of the area of potential impact used for the analysis and provide the source of the demographic information. Future environmental justice analyses of this project and the DEIS should identify whether the proposed alternatives may disproportionately and adversely affect low-income or minority populations in the surrounding area and should provide appropriate mitigation measures for any adverse impacts.

Specifically, as the project moves forward, EPA would like to review and comment on the scope or plan for an environmental justice analysis for this project. Recently, there have been good examples of environmental justice analyses for transportation-related projects in the Ports of Los Angeles and Long Beach. In particular, Chapter 5 of the "Berths 97-109 [China

Shipping] Container Terminal Project” DEIS is a good example of a thorough analysis of environmental justice and cumulative impacts:

([http://www.portoflosangeles.org/EIR/ChinaShipping/DEIR/deir\\_china\\_shipping.asp](http://www.portoflosangeles.org/EIR/ChinaShipping/DEIR/deir_china_shipping.asp)).

Additionally, the following link to Port of Long Beach’s website under the “Middle Harbor Redevelopment Project” includes a “White Paper on Environmental Justice” which includes good examples of the key elements EPA would like to see integrated into an environmental justice analysis and public outreach plan: <http://www.polb.com/environment/docs.asp>. EPA looks forward to working with Caltrans to identify how the experience with the above referenced analyses can be applied to the proposed I-710 project.

Caltrans should also document the public involvement methods used to communicate with potential environmental justice communities within the project area and provide an analysis of results achieved by reaching out to these populations. These methods include any newsletters and summary meeting notes that are made available, outreach to tenants in addition to landowners, and/or holding meetings during the evening or weekends when more of the working public would be able to participate. Assessment of the project’s impacts should reflect consultation with affected populations. EPA has developed a model plan for public participation that may assist Caltrans in this effort. *The Model Plan for Public Participation*, EPA OECA, February 2000, is available at: [http://www.epa.gov/compliance/resources/publications/ej/model\\_public\\_part\\_plan.pdf](http://www.epa.gov/compliance/resources/publications/ej/model_public_part_plan.pdf).

The following are additional, specific steps EPA recommends for an adequate analysis of environmental justice impacts and identification of mitigation measures for a project of this nature:

- Define the potential environmental justice concerns, which is the first step in an environmental justice analysis. Include a discussion of any environmental justice issues raised during the scoping meetings. Also briefly discuss the key issues where environmental justice is potentially a concern, such as relocation, air quality, noise, vibration, access to property, pedestrian safety, etc.
- Define the reference community, which, combined with defining the affected community, is the second analysis step. This is a critical step since the definitions are used to analyze whether there are disproportionately high and adverse human health or environmental impacts by comparing the impacts to the affected population with the impacts to the reference community. For this project, the reference population could be defined as Los Angeles County, or potentially, a greater area of Southern California. The DEIS should briefly summarize the affected community and reference community.
- Thirdly, determine whether there are disproportionately high and adverse impacts, as detailed in CEQ’s “Environmental Justice: Guidance Under the National Environmental Policy Act” by considering the following three factors to the extent practicable for each of the identified potential environmental justice concerns:
  - (a) Whether the health effects, which may be measured in risks and rates, are significant (as employed by NEPA), or above generally accepted

norms. Adverse health effects may include bodily impairment, infirmity, illness, or death;

(b) Whether the risk or rate of hazard exposure by a minority population or low-income population to an environmental hazard is significant (as employed by NEPA) and appreciably exceeds, or is likely to appreciably exceed, the risk or rate to the general population or other appropriate comparison group; and

(c) Whether health effects occur in a minority population or low-income population affected by cumulative or multiple adverse exposures from environmental hazards.

- Accurately disclose whether or not the project will result in a disproportionate and adverse impact on minority or low-income populations. Ensure this conclusion is reported consistently throughout the DEIS. If a potential environmental justice issue has been identified, the DEIS should clearly state whether, in light of all of the facts and circumstances, a disproportionately high and adverse human health or environmental impact on minority populations or low-income populations is likely to result from the proposed action and any alternatives. This statement should be supported by sufficient information for the public to understand the rationale for the conclusion.
- Briefly summarize the findings, provide a reference to other relevant sections of the document which describe the specific impacts in greater detail (such as the noise and air quality sections), and comment on whether or not there is an environmental justice impact for those potential environmental justice concerns which are discussed in detail in other sections of the document.
- Propose appropriate mitigation if disproportionately high and adverse human health or environmental impacts on minority populations or low-income populations are likely to result from the proposed action and any alternatives.
- Describe involvement of affected community in proposing mitigation measures.

### ***Health Impact Assessment (HIA)***

There is a growing body of evidence that environmental justice communities are more vulnerable to pollution impacts than other communities.<sup>1</sup> As discussed in EPA's *Framework for*

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<sup>1</sup> O'Neill M, Jerrett M, Kawachi I, Levy J, Cohen AJ, Gouveia N, Wilkinson P, Fletcher T, Cifuentes L, Schwartz J.. Health, Wealth, and Air Pollution: Advancing Theory and Methods. *Environmental Health Perspectives*. Vol 111, No 16, December 2003. This article evaluated 15 different studies of particulate air pollution and socioeconomic conditions and found the majority of the studies evaluating individual-level characteristics did show effect modification with higher health impacts (such as mortality or asthma hospitalizations) among those with lower socioeconomic position. Low educational attainment seemed to be a particularly consistent indicator of vulnerability in these studies.

*Cumulative Risk*<sup>2</sup> and the *National Environmental Justice Advisory Council's Ensuring Risk Reduction in Communities with Multiple Stressors: Environmental Justice and Cumulative Risks/Impacts*<sup>3</sup>, disadvantaged, underserved, and overburdened communities are likely to come to the table with pre-existing deficits of both a physical and social nature that make the effects of environmental pollution more, and in some cases, unacceptably, burdensome. Thus, certain subpopulations may be more likely to be adversely affected by a given stressor than is the general population.

Low-income and minority communities are potentially experiencing more health impacts than would be predicted using traditional risk assessments. An HIA is a potential tool for examining this complex issue. HIAs look at health holistically, considering not only bio-physical health effects, but also broader social, economic, and environmental influences. HIAs also explicitly focus on health benefits and the distribution of health impacts within a population. HIAs strive to anticipate potential impacts for decision-makers and to deliver a set of concrete recommendations targeted at minimizing health risks and maximizing benefits.<sup>4</sup>

EPA recently recommended that the Ports of Los Angeles and Long Beach consider development of port-wide HIAs. Given the magnitude and complexity of potential health impacts related to Port projects and the critical role the I-710 Corridor serves accommodating freight traffic to and from the Ports, EPA recommends that Caltrans partner with the Ports, the Army Corps of Engineers, the local health department and the local community to conduct an HIA which encompasses this project and all upcoming Port expansion projects.

### **Cumulative Impact Analysis**

Cumulative impacts are defined in CEQ's NEPA regulations as the impact on the environment that results from the incremental impact of the action when added to the other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions (40 CFR 1508.7). These actions include both transportation and non-transportation activities. The cumulative impact analysis should consider non-transportation projects such as large-scale developments and approved urban planning projects that are reasonably foreseeable and are identified within city and county planning documents.

The cumulative impact analysis should describe the "identifiable present effects" to various resources attributed to past actions. The purpose of considering past actions is to determine the current health of resources. This information forms the baseline for assessing potential cumulative impacts and can be used to develop cooperative strategies for resource protection (CEQ's Forty Most Frequently Asked Questions #19). In particular, the DEIS should

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<sup>2</sup> Available at: <http://cfpub.epa.gov/ncea/raf/rccordisplay.cfm?deid=54944>

<sup>3</sup> Available at: <http://www.epa.gov/environmentaljustice/nejac/past-nejac-meet.html>

<sup>4</sup> Bhatia, Rajiv and Wernham, Aaron. Integrating Human Health into Environmental Impact Assessment: An Unrealized Opportunity for Environmental Health and Justice. *Environmental Health Perspectives*. Available online April 16, 2008.

identify the impacts of proposed projects on other segments of I-710 and connecting highways that have undergone or will undergo environmental review.

Future analyses for this project should include a thorough cumulative impact assessment. The analysis should include a complete list of reasonably foreseeable actions, including non-transportation projects. EPA recommends the use of published cumulative impact guidance released by Caltrans. This guidance can be found at: [http://www.dot.ca.gov/ser/cumulative\\_guidance/purpose.htm](http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm). The eight steps included in this guidance are provided below.

Steps for Cumulative Impacts Analysis:

- 1) Identify resources to consider in the impact analysis.*
- 2) Define the study area for each resource.*
- 3) Describe the current health and historical context for each resource.*
- 4) Identify direct and indirect impacts of the proposed project that might contribute to a cumulative impact.*
- 5) Identify other reasonably foreseeable actions that affect each resource.*
- 6) Assess potential cumulative impacts.*
- 7) Report the results.*
- 8) Assess the need for mitigation.*

**Water and Wetlands Resources**

The project may involve the discharge of dredged or fill material into jurisdictional wetlands and waterways. Discharges of dredged or fill material into waters of the U.S. require authorization by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act (CWA). The Federal Guidelines at 40 CFR Part 230 promulgated under CWA Section 404 (b)(1) provide substantive environmental criteria that must be met to permit such discharges into waters of the United States. These criteria require a permitted discharge to: (1) be the least environmentally damaging practicable alternative (LEDPA); (2) avoid causing or contributing to a violation of a State water quality standard; (3) avoid jeopardizing a federally listed species or adversely modifying designated critical habitat for a federally listed species; (4) avoid causing or contributing to significant degradation of the waters of the United States; and (5) mitigate for unavoidable impacts to waters. A fully integrated DEIS that adequately addresses these criteria would facilitate the CWA Section 404 permit review process. EPA recommends integrating NEPA and CWA Section 404 requirements in the development of the DEIS.

This project may meet the criteria for coordination under the April 2006 *National Environmental Policy Act and Clean Water Action Section 404 Integration Process for Federal Aid Surface Transportation Projects in California Memorandum of Understanding* (NEPA/404 MOU). The NEPA/404 MOU includes specific agreement points to assist in developing the EIS and involves active participation in meetings and document reviews. It applies to transportation projects that have five or more acres of permanent impacts to waters of the United States and require EIS preparation. We encourage Caltrans to contact the NEPA/404 signatory agencies once more information about the potential impact to waters of the United States is available so that the agreement points can be addressed as early as possible in the EIS process.

### ***Waters Assessment***

The waters assessment should be of an appropriate scope and detail to identify sensitive areas or aquatic systems with functions highly susceptible to change. EPA also recommends the following in the DEIS for the assessment of existing conditions and environmental consequences of each proposed alternative:

- Include the classification of waters and the geographic extent of waters and adjacent riparian areas.
- Characterize the functional condition of waters and adjacent riparian areas.
- Describe the extent and nature of stream channel alteration, riverine corridor continuity, and buffered tributaries.
- Include wildlife species affected that could reasonably be expected to use waters or associated riparian habitat and sensitive plant taxa that are associated with waters or associated riparian habitat.
- Analyze the potential flood flow alteration.
- Characterize the hydrologic linkage to any impaired water body.
- Analyze the potential water quality impact and potential effects to designated uses.
- Address techniques proposed for minimizing surface water contamination due to increased runoff from additional impervious surfaces.

### ***Avoidance and Minimization Measures***

To demonstrate compliance with CWA Guidelines, Caltrans must explore on-site alternatives to avoid or minimize impacts to specific waters. Typically, transportation projects can accomplish this by using spanned crossings, arched crossings, or oversized buried box culverts over drainages to encourage continuity of sediment transport and hydrological processes and wildlife passage.

The DEIS should include a complete systematic analysis for drainage crossings which identifies and prioritizes the potential for improvements to the aquatic system. Additionally, the DEIS should identify measures and modifications to avoid and minimize impacts to water resources. Temporary and permanent impacts to waters of the U.S. for each alternative studied should be quantified. For each alternative, the DEIS should report these numbers in table form for each impacted water and wetland feature.

U.S. Department of Homeland Security  
FEMA Region IX  
1111 Broadway, Suite 1200  
Oakland, CA. 94607-4052



FEMA

August 20, 2008

Ronald Kosinski, Deputy District Director *RK*  
Division of Environmental Planning  
Caltrans District 7  
100 South Main Street, MS16-A  
Los Angeles, California 90012

Dear Mr. Kosinski:

This is in response to your request for comments on the Notice of Preparation of a Draft Environmental Impact Report for Interstate 710 Corridor Project.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the City of Long Beach (Community Number 060136), Map revised July 6 1998. Please note that the City of Long Beach, Los Angeles County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any *development* must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Ronald Kosinski, Deputy District Director

Page 2

August 20, 2008

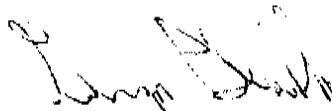
- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The City of Long Beach floodplain manager can be reached by calling Frank Sanchez, Civil Engineer, at (562) 570-6293. The Los Angeles County floodplain manager can be reached by calling Rick Sun, Department of Public Works, at (626) 458-5911.

If you have any questions or concerns, please do not hesitate to call Cynthia McKenzie of the Mitigation staff at (510) 627-7190.

Sincerely,



Gregor Blackburn, CFM, Branch Chief  
Floodplain Management and Insurance Branch

Ronald Kosinski, Deputy District Director

Page 3

August 20, 2008

cc:

Frank Sanchez, Civil Engineer, City of Long Beach, Department of Public Works

Rick Sun, P. E., Los Angeles County, Department of Public Works

Carlos Alvarado, City Engineer, City of Bell

John A. Ornales, City Manager, City of Bell Gardens

Massoud Ghiam, Senior Civil Engineer, City of Carson

Robert Zarrilli, Director, Community Development Department, City of Commerce

Barbara Kilroy, City Manager, City of Compton

George A. Perez, City Manager, City of Cudahy

Scott Pomrehn, Assistant to City Manager, City of Downey

City of Huntington Park

Jack Gonsalves, Director, Community Development Department, City of Lakewood

Rod Tashima, Floodplain Administrator, City of Los Angeles

Joseph Kekula, Assistant Director, City of Lynwood

David J. Mango, Director, Building and Planning Department

William Pagett, City Engineer, City of Paramount

Robert Dicky, Director, Department of Public Works, City of South Gate

Charlie Honeycutt, Director, Department of Public Works, City of Signal Hill

Samuel K. Wilson, Director, Community Services and Water, City of Vernon

Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources,  
Southern District

Cynthia McKenzie, Floodplanner, CFM, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
6010 Hidden Valley Road, Suite 101  
Carlsbad, California 92011

In Reply Refer To:  
FWS-LA-08B0786-08TA0998

SEP 29 2008

Mr. Ron Kosinski *RK*  
Deputy District Director, District 7  
Environmental Planning  
California Department of Transportation  
100 South Main Street  
Los Angeles, California 90012

Attention: Garrett Damrath

Subject: Notice of Preparation (NOP) to Prepare a Draft Environmental Impact Report (DEIR)  
for the I-710 Corridor Project, Los Angeles County, California

Dear Mr. Kosinski:

We have reviewed the above referenced NOP, which was received on August 21, 2008. We requested, and were granted, an extension on the comment period to September 30, 2008. Our primary concern and mandate is the protection of public fish and wildlife resources and their habitats. We have legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. We are also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). We offer the following comments in keeping with our agency's mission to work "with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

The project as proposed would increase capacity on I-710 through the addition of two general purpose lanes as well as a separated four lane freight movement facility for trucks between the Port of Long Beach to the south and State Route 60 to the north.

To facilitate the evaluation of the proposed project from the standpoint of fish and wildlife protection, we recommend that the DEIR include the following information:

1. Our main concern regarding the proposed project is its potential to impact migratory birds. The Los Angeles River, from its mouth to Interstate 105, and to a lesser extent to State Route 60, is the premier spot in Los Angeles County for migrant shorebirds with single day counts numbering up to 15,000 individuals (pers. comm. Kimball Garrett, Ornithologist, Natural History Museum of Los Angeles County, 09-23-08). Black-necked

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stilts (*Himantopus mexicanus*), American avocets (*Recurvirostra americana*), and killdeer (*Charadrius vociferus*) are known to nest in the river channel, and western sandpipers (*Calidris mauri*), long-billed dowitchers (*Limnodromus scolopaceus*), pintails (*Anas acuta*), and teal (*Anas* sp.) also use the area in abundance. Due to the large numbers of migratory birds, raptors such as peregrine falcons (*Falco peregrinus*) use the area extensively to forage, and federally endangered brown pelicans (*Pelecanus occidentalis*) use the river mouth to loaf and bathe (pers. comm. Kimball Garrett, Ornithologist, Natural History Museum of Los Angeles County, 09-23-08). The federally endangered California least tern (*Sternula antillarum browni*) and the federally threatened western snowy plover (*Charadrius alexandrinus nivosus*) are also known to occur nearby. According to the U.S. Shorebird Conservation Plan (Page and Shuford 2000, page 31), "Once part of one of the largest flood plains in the United States, the Los Angeles River is now entirely channelized and operated primarily as a flood control facility by the Los Angeles Department of Water and Power and the U.S. Army Corps of Engineers. Within the intertidal portion of the river, extending inland from the mouth about 2.6 miles to the Willow Street crossing in Long Beach, are approximately 234 acres of wetlands, which provide shorebird habitat when water levels are low. Although the river upstream of Willow Street has a cement bottom, a 4-mile stretch, equivalent to about 40 acres of river channel, annually holds thousands of shorebirds during migration (L. Hays pers. comm.)." Please include in the DEIR a description of the proposed project's impacts to migratory birds and their habitats, as well as any conservation measures that will be used to offset these impacts.

2. Please include a description of the proposed project and the environment in the vicinity of the project, from both local and regional perspectives, including all practicable alternatives that have been considered to avoid and/or reduce project impacts to federally listed and other sensitive species and vegetation types (e.g., riverine, riparian). Include specific acreages and descriptions of the types of wetlands, riparian, and other sensitive habitats that may be affected by the project alternatives as well as aerial photographs, mapping, and tables to summarize such information. Include detailed information on the number and distribution of all Federal candidate, proposed, and listed species; State-listed species; and locally sensitive species on or near the project site that may be affected by the proposed project or project alternatives. Ensure that project information is collected on a sufficiently wide region such that the DEIR addresses the entire project footprint, including borrow and fill sites, staging areas, fuel modification and maintenance zones, and potentially extensive manipulation of adjacent habitat areas, including potential relocation of stretches of the Los Angeles River, as well as areas that may be restored to offset these impacts.
3. Please include an analysis of cumulative effects from proposed developments in the surrounding area, including numerous proposed improvements at the Port of Long Beach.

4. Please address whether the proposed project will include improvements to Long Beach Boulevard which may potentially impact the riparian habitat at DeForest Park, east of the Los Angeles River. Please be aware that this habitat is occupied by the federally endangered least Bell's vireo (*Vireo bellii pusillus*).
5. Please address whether the proposed project will impact any of the habitat creation areas that have been constructed along the Los Angeles River for runoff treatment.
6. Please be aware that there are numerous historic records for the federally endangered Lyon's pentachaeta (*Pentachaeta lyonii*) and salt marsh bird's beak (*Cordylanthus maritimus* subsp. *Maritimus*), as well as federal candidate Brand's phacelia (*Phacelia stellaris*) in the vicinity of the proposed project. If any suitable remnant habitat occurs within the proposed project footprint, focused plant surveys should be conducted during the appropriate time of year by a qualified botanist.

We appreciate the opportunity to comment on the referenced NOP and to participate in the transportation planning process. If you have any questions regarding this letter, please contact Sally Brown of this office at (760) 431-9440, extension 278.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen A. Goebel". To the right of the signature is a handwritten note in parentheses: "(b5?)".

Karen A. Goebel  
Assistant Field Supervisor

cc:

Stephanie Hall, Corps of Engineers, Los Angeles, CA

Adam Fischer, California Regional Water Quality Control Board, Santa Ana Region, CA

Scott Dawson, California Department of Fish and Game, Chino Hills, CA

Kimball Garrett, Natural History Museum of Los Angeles County, CA



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

October 30, 2008

REPLY TO  
ATTENTION OF:

Asset Management Division

Mr. Ron Kosinski  
Deputy District Director  
Division of Environmental Planning  
California Department of Transportation, District 7  
100 S. Main Street, MS 16-A  
Los Angeles, California 90012

Dear Mr. Kosinski:

Thank you for providing the U.S. Army Corps of Engineers (Corps), Los Angeles District, with a copy of the Notice of Intent/Notice of Preparation for the I-710 Corridor project. We would also like to thank you for meeting with the Corps in September to discuss the potential impacts to the Los Angeles River flood control works. We appreciate the opportunity to provide comments on your notice. In accordance with our request for a thirty-day extension of the comment period, we are now providing our initial response to your letter.

Some of the proposed alternatives to be considered for the I-710 Corridor project would require approval by the Corps. Corps approval would be required for (1) proposed alterations to the flood control system, (2) the use of land in which the Corps holds a property interest, and (3) impacts to waters of the United States. These approvals would be major Federal actions for which we, as a Federal agency, have independent legal responsibility to comply with the National Environmental Policy Act ("NEPA").

To ensure that our concerns are considered in the NEPA/CEQA document that will be prepared for this project, and because certain impacts to our flood control channel could result in substantial delay or denial of approval from the Corps, we accept your invitation to become a Cooperating Agency and a Participating Agency for the project. The Corps has jurisdiction by law over impacts to waters of the United States. The Corps also has jurisdiction by law over approval of any proposed changes to Corps projects, and our staff has special expertise regarding the potential impacts on the flood control system. We expect that, as a Cooperating Agency and a Participating Agency for the project, we will be invited to attend coordination meetings, participate in the development of the coordination plan, comment on the purpose and need statement and the range of alternatives, identify issues that could delay or prevent the granting of a permit, consult on technical studies, and include information in the EIS/EIR sufficient for us to perform our NEPA and Clean Water Act responsibilities for all the Corps decisions that the project requires.

The Corps' responsibilities to maintain the function of its flood control features, including the Los Angeles River as a portion of the Los Angeles County Drainage Area, are of paramount importance. To that end, the Corps is required to comply with the terms of 33 U.S.C. 408. This statute requires that, before allowing any alteration, occupation or use of a flood control work, the Corps must determine that such use will not be injurious to the public interest and will not impair the usefulness of the flood control work for its intended purpose. This determination, which may only be made by the Chief of Engineers, requires a detailed evaluation, as described in Corps guidance, which, for your convenience, we have attached to this letter. In order to ensure that the District Commander will be prepared to issue a timely recommendation to the Chief of Engineers regarding the final choice of alternative selected by the agencies, District staff will need to be involved in the review, screening, and analysis of alternatives that would propose modifications to the levee and/or channel system.

We encourage the development of alternatives that reduce or eliminate the need to impact or redesign the Los Angeles River flood control levees and/or channel. This will ensure the safety of the public and make compliance with 33 U.S.C. 408 easier. Please include the Corps as a participant in the formulation of alternatives at the earliest date feasible.

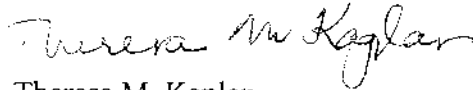
Property interests acquired by the Corps for the safe and effective operation of a flood control project must be managed in accordance with Federal regulation and policy. The Corps performs maintenance on the Los Angeles River flood control channel from Lankershim Boulevard to approximately Stewart & Gray Road, or, from North Hollywood to Downey. A determination that the project will not affect our easement interest, and a consent to use or alteration of our easement area, could only be made after the section 408 analysis is completed.

The third Corps approval potentially required for the Project is a Clean Water Act Section 404 permit for the discharge of dredged or fill material into, including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands. If you have questions regarding specific Clean Water Act issues, please contact Ms. Phuong Trinh, Regulatory Project Manager, by phone at (213) 452-3372 or via email at [Phuong.H.Trinh@usace.army.mil](mailto:Phuong.H.Trinh@usace.army.mil). The final decision on a Section 408 request will precede the final decision on a Section 404 permit.

The Corps appreciates that the I-710 Corridor project is a substantial and serious undertaking, and we thank you for the opportunity to become involved in the development and analysis of this project at an early stage. We are committed to providing early and ongoing project support, and we look forward to continued coordination on this project. Because the section 408 review and analysis required may exceed our normal and ordinary capabilities under our appropriations, the Corps may require additional funds to handle the necessary actions under the environmental review process. We will provide you with additional details on our financial needs for the processing of a section 408 request in a future letter.

If you have any questions, please contact Mr. Phil Serpa, Operations Project Manager, by phone at (213) 452-3402 or via email at [Phillip.J.Serpa@usace.army.mil](mailto:Phillip.J.Serpa@usace.army.mil).

Sincerely,



Theresa M. Kaplan  
Chief, Asset Management Division

Enclosure

cc: Mr. Roy Choi  
Project Manager  
Gateway Cities/Southeast Area Team  
Los Angeles County Metropolitan Transportation Authority  
One Gateway Plaza  
Mail Stop: 99-22-4  
Los Angeles, CA 90012



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET NW  
WASHINGTON, D.C. 20314-1000

CECW-PB

OCT 23 2006

## MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS

SUBJECT: Policy and Procedural Guidance for the Approval of Modification and Alteration of Corps of Engineer Projects

### 1. REFERENCES:

- a. ER 1165-2-119, dated 20 September 1982, Modifications to Completed Projects
- b. 33 CFR 208.10, Local flood protection works; maintenance and operation of structures and facilities
- c. 33 USC 408, Taking possession of, use of, or injury to harbor and river improvements
- d. 33 CFR 320.4, General policies for evaluating permit applications
- e. Section 404 of the Clean Water Act
- f. Section 10 of the River and Harbors Act of 1899

2. PURPOSE. Recent events have demonstrated the need to provide clarification and additional guidance on the policy and procedures for dealing with proposals to modify or alter completed Corps of Engineers projects that are either locally or federally maintained. Often requests for modifications to Corps projects come up in the context of Section 404 permitting actions or for modifications to existing Corps projects for the purposes of O&M. This memorandum addresses the use of the appropriate authority and the proper level of approval for such proposals.

### 3. BACKGROUND.

a. ER 1165-2-119 provides policy and guidance on the modification of completed Corps of Engineers projects, and describes the specific circumstances under which modifications can be approved and accomplished. In general, proposed significant modification of a completed project, involving new Federal construction or real estate acquisition, and any proposed modification that would make the project serve new purposes, or increase the scope of services to authorized purposes beyond that intended at the time of construction, or to extend services to new beneficiaries (areas), requires authorization by Congress. There may be instances where reporting officers find that proposed significant changes to a completed project may be desirable, in which case investigations may be undertaken to document the need for and the feasibility of such project modifications. To the extent practicable, such changes should be accomplished under existing authorities. However, the circumstances under which such modifications can be approved and made are limited, as discussed in the ER, and are briefly summarized below.

b. For projects constructed, operated and maintained by the Corps, the Corps may, as part of its operations and maintenance efforts, make reasonable changes and additions needed to

CECW-PB

SUBJECT: Policy and Procedural Guidance for the Approval of Modification and Alteration of Corps of Engineer Projects

properly operate the project or minimize maintenance. In addition, multiple purpose projects operated and maintained by the Corps may be modified within existing authorities for dam safety assurance, changes in water control plans, addition of water supply, changes to meet water quality needs, and recreation and fish and wildlife enhancement, as discussed in the ER. The Chief of Engineers also has limited discretion to modify navigation projects. For Corps-constructed projects operated and maintained by local interests, any proposed Federal work at these projects usually requires congressional authorization, with the exception of work required to correct a design deficiency.

c. Guidance on the responsibilities for the operation and maintenance of local protection projects is found in 33 CFR 208.10. This regulation describes local sponsors' responsibilities for operating and maintaining the structural soundness and functionality of the project in order to assure that the project meets its authorized purposes. Specifically, 33 CFR 208.10 a (5) requires that "no improvement shall be passed over, under, or through the walls, levees, improved channels or floodways, nor shall any excavation or construction be permitted within the limits of the project right-of-way, nor shall any change be made in any feature of the works without prior determination by the District Engineer" that such changes will not adversely affect the functioning of the protective facilities. The types of changes that can be considered and approved by a District Engineer under 33 CFR 208.10 are relatively minor, low impact modifications, such as pipes or pipelines proposed to pass over or through a Federal work, or a road or similar type of infrastructure improvement proposed to pass over a Federal levee. Such minor proposed modifications are considered part of a District Engineer's responsibilities related to normal O&M of such facilities. Any proposed modification of a Federal work, such as a levee or channel, which would involve significant changes to the authorized project's scope, project purpose, or functioning, cannot be approved by the District Engineer, but instead must be forwarded through the Division Commander for the approval of the Chief of Engineers, as explained hereinafter. That is, any proposed change to a Federal work exceeding the level of ordinary District O&M responsibilities for a project must be sent through the Division Commander to the Chief of Engineers for approval, as discussed in the following paragraphs.

d. Any proposed modification to an existing Corps projects (either federally or locally maintained) that go beyond those modifications required for normal O&M require approval under 33 USC 408. 33 USC 408 states that there shall be no temporary or permanent alteration, occupation or use of any public works including but not limited to levees, sea walls, bulkheads, jetties and dikes for any purpose without the permission of the Secretary of the Army. Under the terms of 33 USC 408, any proposed modification requires a determination by the Secretary that such proposed alteration or permanent occupation or use of a Federal project is not injurious to the public interest and will not impair the usefulness of such work. The authority to make this determination and to approve modifications to Federal works under 33 USC 408 has been delegated to the Chief of Engineers.

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SUBJECT: Policy and Procedural Guidance for the Approval of Modification and Alteration of Corps of Engineer Projects

#### 4. POLICY.

Any significant alteration or modification to either a locally or federally maintained Corps of Engineers project must be approved by the Chief of Engineers under 33 USC 408 unless covered by ER 1165-2-119. Modifications to a Corps projects beyond those necessary to properly operate the project or to minimize maintenance costs as well as any significant alteration or modification requested by any non-Federal interest for their own benefit also requires the Chief's approval under 33 USC 408.

#### 5. PROCEDURES.

a. The following information will be provided with any request for the approval of significant modifications or alterations to a locally or federally maintained Corps project requiring the Chief of Engineers approval under 33 USC 408.

1. A written request by the non-Federal interests for approval of the project modification/alteration.
2. A physical and functional description of the existing project
3. A detailed description of the proposed modification
4. The purpose/need for the modification
5. A description of any related, ongoing Corps studies/efforts in the watershed
6. A Public Interest Determination
7. Appropriate NEPA documentation
8. Any Administrative Record
9. A discussion of indirect effects
10. A discussion of E.O. 11988 Considerations
11. Technical Analysis
  - Technical adequacy of the design
  - Changes in water surface profiles and flow distribution
  - Assessment of anticipated local and system-wide resultant impacts, i.e., impacts on system integrity
  - Upstream and downstream impacts of the proposed alterations, including potential impacts to existing floodplain management and water control management plans of Federal projects within the basin
  - A discussion of residual risk

b. If there is an associated Section 404/10 permit action, the required public interest and technical evaluations under 33 USC 408 can be done concurrently with that action. Upon completion of the public interest determination and of the technical analyses regarding the impact of the proposed modification on the usefulness of the project, the District Engineer will make a recommendation (with supporting documentation) through the Division Commander to

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SUBJECT: Policy and Procedural Guidance for the Approval of Modification and Alteration of Corps of Engineer Projects

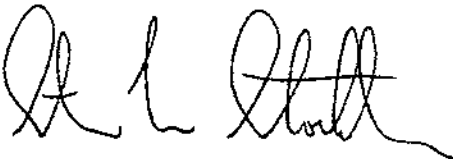
the Chief of Engineers (Attn: Appropriate RIT) for his consideration and approval under 33 USC 408. The District Engineer will make the final Section 404/10 permit decisions following the Chief of Engineers decision under 33 USC 408. A minimum of 30 days must be allowed for HQUSACE review.

c. For locally operated and maintained Corps projects, the operations and maintenance for any approved project modifications or alterations will be the responsibility of the non-Federal sponsor and the Project Cooperation Agreement or other appropriate document must be updated to address non-Federal sponsor responsibilities for the approved modifications.

6. If the desired modifications cannot be suitably pursued or approved under any of the preceding approaches, additional congressional authorization may be required. Section 216 of the Flood Control Act of 1970 is the appropriate authority to use to consider such modifications.

7. Consideration will be given to further delegation of the approval authority to a lower level as we gain more experience with the types of changes that are proposed for approval under 33 USC 408.

FOR THE COMMANDER:

  
for DON T. RILEY  
Major General, USA  
Director of Civil Works



## DEPARTMENT OF FISH AND GAME


<http://www.dfg.ca.gov>

South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 467-4201



RECEIVED  
SEP 24 2008

September 19, 2008

Mr. Ron Kosinski, Deputy District Director   
Division of Environmental Planning  
Caltrans, District 7  
100 South Main Street, MS 16A  
Los Angeles, CA 90012

**Subject: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Interstate 710 (I-710) Corridor Project, Los Angeles County (SCH #2008081042)**

Dear Mr. Kosinski:

The California Department of Fish and Game (Department) has reviewed the August 15, 2008, Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Interstate 710 (I-710) Corridor Project in the County of Los Angeles. The Department received the NOP on August 18, 2008. The California Environmental Quality Act (CEQA) Lead Agency and preparer of the NOP is the California Department of Transportation (Caltrans). The proposed project is the construction of freeway improvements to Interstate 710 from Ocean Boulevard in the City of Long Beach to State Route (SR) 60 in East Los Angeles, a distance of approximately 18 miles, including adding lane(s) to the freeway mainline and construction of a goods movement corridor.

The Department appreciates this opportunity to comment on the proposed project relative to impacts to plant, fish and wildlife resources. The Department is both a Trustee and Responsible Agency pursuant to CEQA, Sections 15386 and 15381 respectively. As a Trustee Agency, the Department must be consulted by the Lead Agency during the preparation and public review for project-specific CEQA documents. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species pursuant to the California Endangered Species Act (CESA).

#### NOP Comments

To assist Caltrans in avoiding or minimizing potential impacts to sensitive native plants and wildlife and to enable our staff to adequately review and comment on the proposed project from the standpoint of the protection of biological resources, the Department recommends the following information be included in the DEIR for the I-710 Corridor Project:

1. A complete discussion of the purpose and need for, and description of, the proposed project, including all staging areas, access routes, utility relocations, etc. to the construction and staging areas.
2. Although the project area is highly developed and includes land uses such as warehousing, transportation uses, industrial shipyards, commercial buildings and residential uses, potentially significant impacts to biological resources have been identified in the NOP.

*Conserving California's Wildlife Since 1870*

- A) The portion of I-710 proposed for modification traverses several drainages, including the Los Angeles River, Rio Hondo River, Compton Creek and Ports of Long Beach and Los Angeles. The habitats associated with these waterways and preserves may support many sensitive species and provide important biological functions and values, including habitat for resting and foraging migratory avian species. Therefore, the proposed project could result in regionally significant impacts by further increasing the area of sensitive habitats that is negatively affected by direct and indirect human disturbance. However, the proposed project may also present an opportunity to enhance waterway crossings by lengthening bridges, redesigning bridge abutments and armoring, and modifying interchanges. The DEIR should include an analysis of direct and indirect impacts to all waterways in the project area (See also Nos. 4 and 5).
3. A complete list and recent assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying State or federally listed rare, threatened, endangered, or proposed candidate species, California Species of Special Concern and/or State- Protected or Fully- Protected species, and any locally unique species and sensitive habitats (Attachment 1; revised May 8, 2000). Specifically, the DEIR should include:
- A) A thorough recent assessment of Rare Natural Communities on site and within the area of impact, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities (Attachments 1 and 2). The Department considers these communities as threatened habitats having both regional and local significance.
- B) A current inventory of the biological resources associated with each habitat type on-site and within the area of impact. The Department's California Natural Diversity Data Base (CNDDDB) in Sacramento should be contacted at (916) 327-5960 to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. Also, any Significant Ecological Areas (SEAs) or Environmentally Sensitive Habitats (ESHs) or any areas that are considered sensitive by the local jurisdiction that are located in or adjacent to the project area must be addressed. Please note that absence of a record of a species in the CNDDDB within a project's area of potential effect does not indicate absence of the species (i.e., it means only that no records of observations have been submitted to the CNDDDB).
- C) A detailed discussion, including both qualitative and quantitative analyses, of the potentially affected listed and sensitive species (fish, wildlife, plants), and their habitats on the proposed project site, area of impact, and alternative sites, including information pertaining to their local status and distribution. The anticipated impacts of the project on these species and habitats should be fully addressed.
- D) A complete recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service (FWS).

- E) An inventory of rare, threatened, and endangered species on site and within the area of impact. Species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, § 15380).
  - F) Discussions regarding seasonal variations in use by sensitive species of the project site as well as the area of impact on those species.
4. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts should be included. All facets of the project should be included in this assessment. This discussion should focus on maximizing avoidance, and minimizing impacts. Specifically, the DEIR should provide:
- A) A complete and accurate regional setting. CEQA Guidelines, Section 15125(c), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
  - B) Specific acreage and descriptions of the types of wetlands, coastal sage scrub, and other sensitive habitats that will or may be affected by the proposed project or project alternatives. Maps and tables should be used to summarize such information.
  - C) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.
  - D) The anticipated or real impacts of the project on listed and sensitive species and habitats. As to plants species, all plants included on CNPS' List 1B and List 2 meet the definitions of Section 1901, Chapter 10 (Native Plant Protection Act) or Sections 2062 and 2067 (California Endangered Species Act) of the Department's Fish and Game Code and are eligible for listing. Any impacts to these species must be fully analyzed under CEQA pursuant to Section 15380 of the CEQA Guidelines.
  - E) Project impacts should be analyzed relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, adjacent natural habitats, and riparian ecosystems. Impacts to, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas should be fully evaluated and provided.
  - F) A discussion of potential conflicts resulting from wildlife-human interactions, including potential adverse impacts from lighting, noise, vibration, human activity, increased vehicle traffic, changes in drainage patterns, polluted runoff, hazardous materials spills, soil erosion and/or sedimentation, with mitigation measures proposed to alleviate such impacts, must be included.
  - G) An analysis of cumulative effects, as described under CEQA Guidelines (Section 15130). General and specific plans, and past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

- H) Impacts to migratory wildlife affected by the project should be fully evaluated including proposals to remove/disturb native and ornamental landscaping and other nesting habitat for native birds. Impact evaluation may also include such elements as migratory butterfly roost sites and neo-tropical bird and waterfowl stop-over and staging sites. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.
  - I) Impacts to all habitats from City or County required Fuel Modification Zones (FMZ). Areas slated as mitigation for loss of habitat shall not occur within the FMZ.
  - J) Proposed project activities (including disturbances to vegetation) should take place outside of the breeding bird season (February 1- September 1) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). If project activities cannot avoid the breeding bird season, nest surveys should be conducted and active nests should be avoided and provided with a minimum buffer as determined by a biological monitor (the Department recommends a minimum 500-foot buffer for all active raptor nests).
5. Mitigation measures for adverse project-related impacts on sensitive plants, animals, and habitats from project-related impacts should be included in the DEIR.
- A) Mitigation measures should emphasize avoidance, and where avoidance is infeasible, reduction of project impacts. For unavoidable impacts, the selection of on-site or off-site restoration and/or enhancement, or clearly identified location(s) of off-site mitigation through habitat acquisition and preservation of the affected habitats in perpetuity, should be determined based on a thorough analysis of the context of each impact and how the proposed compensation measure(s) will completely mitigate for all lost habitat functions and values.
  - B) The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts. Measures to fully avoid and otherwise protect Rare Natural Communities (See Attachment 2) from project-related impacts should be included in the DEIR.
  - C) The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.
  - D) Areas reserved as mitigation for project impacts must be conserved as habitat in perpetuity and should be protected from future direct and indirect impacts. The DEIR should include measures to perpetually protect the targeted habitat values where preservation and/or restoration are proposed. The objective should be to offset the project-induced qualitative and quantitative losses of wildlife habitat values. Issues that should be addressed include restrictions on access, proposed land dedications, conservation easements, monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, fire, etc.

- E) Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques. Each plan should include, at a minimum: (1) the location of the mitigation site; (2) the plant species to be used, container sizes, and seeding rates; (3) a schematic depicting the mitigation area; (4) time of year that planting will occur (planting schedule); (5) a description of the irrigation methodology; (6) measures to control exotic vegetation on site; (7) success criteria; (8) a detailed monitoring program; (9) contingency measures, should the success criteria not be met; and (10) identification of the party that will guarantee achieving the success criteria and provide for conservation of the mitigation site in perpetuity.
6. An appropriate range of alternatives should be analyzed to ensure that alternatives to the proposed project, which would avoid or substantially lessen significant effects on fish, wildlife and native plants of the state, are fully considered and evaluated. In order for the Department to utilize the final document as a Responsible Agency, the alternatives must include those which avoid or otherwise minimize impacts to sensitive biological resources that are regulated by Fish and Game Code. Specific alternative locations should be evaluated in areas of lower resource sensitivity where appropriate.
- A) Due to the potential for biological resources, including jurisdictional waterways, to occur within the project's area of potential direct and indirect impacts, it is very important that the DEIR "describe a *range of reasonable alternatives* to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but *would avoid or substantially lessen any of the significant effects of the project*, and evaluate the comparative merits of the alternatives" [Section 15126.6(a), emphases added], cognizant of the rule of reason which "requires that the EIR sets forth only those alternatives necessary to *permit a reasoned choice*," and that "... the EIR need examine in detail only the [alternatives] that the lead agency determines could feasibly attain most of the basic objectives of the project" [Section 15126.6(f), emphases added].
- B) Each alternative, including the proposed alternative, should be designed to minimally retain the existing habitat functions and values, or optimally provide opportunities to improve the existing biological conditions. Each of the alternatives' biological implications should be evaluated in both a local and regional context, with comprehensive impact analyses of movement corridors for wildlife and aquatic species, hydrologic regimes, and water quality, that have been degraded and that could be improved through the design and incorporation of appropriate features within the project corridor.
7. If the proposed project has the potential to "take" any federally listed species, either directly or indirectly (i.e., foraging, reduction in habitat) over the life of the project, "take" authorization will need to be obtained from the FWS through Section 10 or Section 7 of the federal Endangered Species Act (ESA). Regardless of whether project-related incidental take of federally-listed species is addressed through Section 7 or 10 of ESA, it is essential that the Department be involved in all regulatory discussions about those species that are State-listed under CESA. This is particularly important for take of any federally- and State-listed plant species, because the FWS does not provide authorization for take of plant species.

8. A CESA Permit (Section 2081 of the Fish and Game Code) or, if applicable, a Consistency Determination (Section 2080.1 of the Fish and Game Code), must be obtained if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to a project and mitigation measures may be required to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a 2081 permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a 2081 permit. The Department, acting as a Responsible Agency under CEQA, may adopt the lead agency's CEQA document for the project. For these reasons, the following information is requested.
  - A) An analysis and discussion demonstrating that: 1) each impact has been minimized and fully mitigated, 2) all mitigation measures are capable of successful implementation, and 3) adequate funding is ensured for implementation, and for monitoring compliance with, and effectiveness of, the mitigation measures.
  - B) An evaluation of the impacts that includes a discussion of the potential to jeopardize the continued existence of the species. This shall include consideration of the species' capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of: 1) known population trends, 2) known threats to the species, and 3) reasonably foreseeable impacts on the species from other related projects and activities.
  - C) The analysis of the impacts of the taking must include all impacts on the species that result from any act that would cause the proposed taking.
  - D) Biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.
  - E) A Department-approved Mitigation Agreement and Mitigation Plan are required for plants listed as rare under the Native Plant Protection Act.
9. The Department cannot authorize take of State Fully-Protected Species. The DEIR should identify the locations of any State Fully-Protected Species within the project corridor, and address how potential impacts to these species will be avoided, including specific measures that will be implemented to ensure avoidance will occur.
10. The Department opposes the elimination of watercourses (including concrete channels) and/or the channelization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The Department recommends a minimum natural buffer of 100 feet from the outside edge of the riparian zone on each side of a drainage.
  - A) The Department requires a Streambed Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant prior to any direct or indirect impact to a lake or stream bed, bank or channel or associated riparian resources. The Department's issuance of a SAA may be a project that is subject to CEQA. To facilitate our issuance of the Agreement when CEQA applies, the Department as a responsible agency under CEQA may consider the Lead Agency's

document for the project. To minimize additional requirements by the Department under CEQA the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. A notification form for the agreement may be obtained by writing to the Department of Fish and Game, 4949 Viewridge Avenue, San Diego, California 92123-1662, or by calling (858) 636-3160, or by accessing the Department's web site at [www.dfg.ca.gov/1600](http://www.dfg.ca.gov/1600).

11. The DEIR should identify and thoroughly discuss all project-related potential edge effects and propose measures to avoid or minimize them. Edge effects are defined as undesirable anthropogenic disturbances beyond urban boundaries into potential reserve habitat (Kelly and Rotenberry 1993). Edge effects, such as disturbance by humans and non-native predators (pets), exotic ants, trampling, noise, and lighting, and decreases in avian productivity (Andren and Angelstam 1988), are all documented effects that have negative impacts on sensitive biological resources in southern California. These edge effects can penetrate up to 200 meters from the actual reserve boundary (CBI 2000). Surrounding natural habitat could be permanently destroyed by human or domestic animal encroachment, trampling, bushwhacking, and frequent fires; therefore, development and open space configurations should minimize adverse edge effects (Soulé 1991). We are particularly concerned about biological effects from construction noise, and construction and operational light, glare, and hydrological changes.
  - A) Regarding artificial night lighting, illumination of riparian corridors by night lighting has the potential to adversely affect birds. Physiological, developmental, and behavioral effects of light intensity, wavelength, and photoperiod on bird species are well-documented. In the wild, urban lighting is associated with early daily initiation of avian song activity (Bergen and Abs 1997). Avian species are known to place their nests significantly farther from motorway lights than from unlighted controls (de Molenaar et al, 2000). Placement of nests away from lighted areas implies that part of the home range is rendered less suitable for nesting by artificial light. If potential nest sites are limited within the bird's home range, reduction in available sites associated with artificial night lighting may cause the bird to use a suboptimal nest site that is more vulnerable to predation, cowbird parasitism, or extremes of weather. We recommend that no additional lighting be added to the I-710 and associated infrastructure within the vicinity of both upland and wetland sensitive habitats, and if possible that existing lighting within such areas be removed.
  - B) As to noise, the DEIR should propose and fully describe methods to attenuate project-related construction and operational noise levels in excess of ambient levels at the edge of sensitive habitats to avoid or minimize further degradation by noise of conditions for wildlife, particularly, avian species.
  - C) References that may provide useful insight into the analysis of indirect impacts include Longcore and Rich,<sup>1</sup> and the National Cooperative Highway Research Program.<sup>2</sup> Of particular importance to avoid are construction and operational

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<sup>1</sup> Longcore, Travis and Catherine Rich. 2001. A Review of the Ecological Effects of Road Reconfiguration and Expansion on Coastal Wetland Ecosystems. The Urban Wildlands Group, Inc.

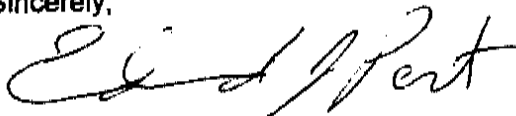
<sup>2</sup> National Cooperative Highway Research Program. 2002. Interaction Between Roadways and Wildlife Ecology; A Synthesis of Highway Practice. NCHRP Synthesis 305, Transportation Research Board, Washington, D.C.

activities that would disrupt avian breeding behavior or wildlife movement beyond extant disruptive conditions.

12. The DEIR should provide a detailed discussion of construction and post-construction structural best management practices (BMPs). The discussion should identify the specific BMPs and their locations, include figures of the project area with an overlay of the development footprint and the locations of the BMPs (e.g., attenuation, and filtration), describe the maintenance (e.g., frequency, season, activities) that Caltrans would conduct on the BMPs to ensure that they function as intended. The quantification of habitat loss, if any, should include the loss resulting from the BMPs. The BMPs should be designed to obviate the need for riprap or other attenuation measures within sensitive habitat.

Thank you for this opportunity to comment on the NOP for the proposed I-170 Corridor project. For any questions regarding this letter and further coordination on these issues, please contact Randy Rodriguez, Staff Environmental Scientist, at (858) 637-7100 or rrodriguez@dfg.ca.gov.

Sincerely,



Edmund J. Pert  
Regional Manager  
South Coast Region

- Attachments:
1. Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities (revised May 8, 2000).
  2. Sensitivity of Top Priority Rare Natural Communities in Southern California

cc: Randy Rodriguez, San Diego  
Helen Birss, Los Alamitos  
Naeem Siddiqui, Los Alamitos  
Terri Dickerson, Laguna Niguel  
Erinn Wilson, Fountain Valley  
HabCon-Chron, Department of Fish and Game  
State Clearinghouse, Sacramento

Literature Cited

- Andren, H. and P. Angelstam. 1988. Elevated predation rates as an edge effect in habitat islands: experimental evidence. *Ecology* 64: 1057-1068.
- Bergen, F. and M. Abs. 1997. Etho-ecological study of the singing activity of the blue tit (*Parus caeruleus*), great tit (*Parus major*) and chaffinch (*Fringilla coelebs*). *Journal fur Ornithologie* 138(4):451-467
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- Kelly, P. A. and J. T. Rotenberry. 1993. Buffer zones for ecological reserves in California. In J. E. Keeley, ed. *Interface Between Ecology and Land Development in California*. Southern California Academy of Sciences, Los Angeles
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# Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities

State of California  
THE RESOURCES AGENCY  
Department of Fish and Game  
December 9, 1983  
Revised May 8, 2000

The following recommendations are intended to help those who prepare and review environmental documents determine **when** a botanical survey is needed, **who** should be considered qualified to conduct such surveys, **how** field surveys should be conducted, and **what** information should be contained in the survey report. The Department may recommend that lead agencies not accept the results of surveys that are not conducted according to these guidelines.

1. Botanical surveys are conducted in order to determine the environmental effects of proposed projects on all rare, threatened, and endangered plants and plant communities. Rare, threatened, and endangered plants are not necessarily limited to those species which have been "listed" by state and federal agencies but should include any species that, based on all available data, can be shown to be rare, threatened, and/or endangered under the following definitions:

A species, subspecies, or variety of plant is "endangered" when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is "threatened" when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is "rare" when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.

Rare natural communities are those communities that are of highly limited distribution. These communities may or may not contain rare, threatened, or endangered species. The most current version of the California Natural Diversity Database's List of California Terrestrial Natural Communities may be used as a guide to the names and status of communities.

2. It is appropriate to conduct a botanical field survey to determine if, or to the extent that, rare, threatened, or endangered plants will be affected by a proposed project when:

- a. Natural vegetation occurs on the site, it is unknown if rare, threatened, or endangered plants or habitats occur on the site, and the project has the potential for direct or indirect effects on vegetation; or
- b. Rare plants have historically been identified on the project site, but adequate information for impact assessment is lacking.

3. Botanical consultants should possess the following qualifications:

- a. Experience conducting floristic field surveys;
- b. Knowledge of plant taxonomy and plant community ecology;
- c. Familiarity with the plants of the area, including rare, threatened, and endangered species;
- d. Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,
- e. Experience with analyzing impacts of development on native plant species and communities.

4. Field surveys should be conducted in a manner that will locate any rare, threatened, or endangered species that may be present. Specifically, rare, threatened, or endangered plant surveys should be:

- a. Conducted in the field at the proper time of year when rare, threatened, or endangered species are both evident and identifiable. Usually, this is when the plants are flowering.

When rare, threatened, or endangered plants are known to occur in the type(s) of habitat present in the project

area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the species are identifiable at the time of the survey.

b. Floristic in nature. A floristic survey requires that every plant observed be identified to the extent necessary to determine its rarity and listing status. In addition, a sufficient number of visits spaced throughout the growing season are necessary to accurately determine what plants exist on the site. In order to properly characterize the site and document the completeness of the survey, a complete list of plants observed on the site should be included in every botanical survey report.

c. Conducted in a manner that is consistent with conservation ethics. Collections (voucher specimens) of rare, threatened, or endangered species, or suspected rare, threatened, or endangered species should be made only when such actions would not jeopardize the continued existence of the population and in accordance with applicable state and federal permit requirements. A collecting permit from the Habitat Conservation Planning Branch of DFG is required for collection of state-listed plant species. Voucher specimens should be deposited at recognized public herbaria for future reference. Photography should be used to document plant identification and habitat whenever possible, but especially when the population cannot withstand collection of voucher specimens.

d. Conducted using systematic field techniques in all habitats of the site to ensure a thorough coverage of potential impact areas.

e. Well documented. When a rare, threatened, or endangered plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form, accompanied by a copy of the appropriate portion of a 7.5 minute topographic map with the occurrence mapped, should be completed and submitted to the Natural Diversity Database. Locations may be best documented using global positioning systems (GPS) and presented in map and digital forms as these tools become more accessible.

5. Reports of botanical field surveys should be included in or with environmental assessments, negative declarations and mitigated negative declarations, Timber Harvesting Plans (THPs), EIR's, and EIS's, and should contain the following information:

- a. Project description, including a detailed map of the project location and study area.
- b. A written description of biological setting referencing the community nomenclature used and a vegetation map.
- c. Detailed description of survey methodology.
- d. Dates of field surveys and total person-hours spent on field surveys.
- e. Results of field survey including detailed maps and specific location data for each plant population found. Investigators are encouraged to provide GPS data and maps documenting population boundaries.
- f. An assessment of potential impacts. This should include a map showing the distribution of plants in relation to proposed activities.
- g. Discussion of the significance of rare, threatened, or endangered plant populations in the project area considering nearby populations and total species distribution.
- h. Recommended measures to avoid impacts.
- i. A list of all plants observed on the project area. Plants should be identified to the taxonomic level necessary to determine whether or not they are rare, threatened or endangered.
- j. Description of reference site(s) visited and phenological development of rare, threatened, or endangered plant(s).
- k. Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms.
- l. Name of field investigator(s).
- m. References cited, persons contacted, herbaria visited, and the location of voucher specimens.

### Sensitivity of Top Priority Rare Natural Communities in Southern California

Sensitivity rankings are determined by the Department of Fish and Game, California Natural Diversity Data Base and based on either number of known occurrences (locations) and/or amount of habitat remaining (acreage). The three rankings used for these top priority rare natural communities are as follows:

- S1.# Fewer than 6 known locations and/or on fewer than 2,000 acres of habitat remaining.
- S2.# Occurs in 6-20 known locations and/or 2,000-10,000 acres of habitat remaining.
- S3.# Occurs in 21-100-known locations and/or 10,000-50,000 acres of habitat remaining.

The number to the right of the decimal point after the ranking refers to the degree of threat posed to that natural community regardless of the ranking. For example:

- S1.1 = very threatened
- S2.2 = threatened
- S3.3 = no current threats known

#### Sensitivity Rankings (February 1992)

<u>Rank</u>	<u>Community Name</u>
S1.1	Mojave Riparian Forest Sonoran Cottonwood Willow Riparian Mesquite Bosque Elephant Tree Woodland Crucifixion Thorn Woodland Allthorn Woodland Arizonan Woodland Southern California Walnut Forest Mainland Cherry Forest Southern Bishop Pine Forest Torrey Pine Forest Desert Mountain White Fir Forest Southern Dune Scrub Southern Coastal Bluff Scrub Maritime Succulent Scrub Riversidean Alluvial Fan Sage Scrub Southern Maritime Chaparral Valley Needlegrass Grassland Great Basin Grassland Mojave Desert Grassland Pebble Plains Southern Sedge Bog Cismontane Alkali Marsh

- S1.2 Southern Foredunes  
Mono Pumice Flat  
Southern Interior Basalt Flow Vernal Pool
- S2.1 Venturan Coastal Sage Scrub  
Diegan Coastal Sage Scrub  
Riversidean Upland Coastal Sage Scrub  
Riversidean Desert Sage Scrub  
Sagebrush Steppe  
Desert Sink Scrub  
Mafic Southern Mixed Chaparral  
San Diego Mesa Hardpan Vernal Pool  
San Diego Mesa Claypan Vernal Pool  
Alkali Meadow  
Southern Coastal Salt Marsh  
Coastal Brackish Marsh  
Transmontane Alkali Marsh  
Coastal and Valley Freshwater Marsh  
Southern Arroyo Willow Riparian Forest  
Southern Willow Scrub  
Modoc-Great Basin Cottonwood Willow Riparian  
Modoc-Great Basin Riparian Scrub  
Mojave Desert Wash Scrub  
Engelmann Oak Woodland  
Open Engelmann Oak Woodland  
Closed Engelmann Oak Woodland  
Island Oak Woodland  
California Walnut Woodland  
Island Ironwood Forest  
Island Cherry Forest  
Southern Interior Cypress Forest  
Bigcone Spruce-Canyon Oak Forest
- S2.2 Active Coastal Dunes  
Active Desert Dunes  
Stabilized and Partially Stabilized Desert Dunes  
Stabilized and Partially Stabilized Desert Sandfield  
Mojave Mixed Steppe  
Transmontane Freshwater Marsh  
Coulter Pine Forest  
Southern California Fellfield  
White Mountains Fellfield
- S2.3 Bristlecone Pine Forest  
Limber Pine Forest

**NATIVE AMERICAN HERITAGE COMMISSION**

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S

september 8, 2008

Mr. Ronald Kosinski *RK***CALIFORNIA DEPARTMENT OF TRANSPORTATION - DISTRICT 7**

100 South Main Street  
 Los Angeles, CA 90012

Re: SCH# 2008081042: CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for the Interstate 710 Improvement Project - Ocean Boulevard to S.R. 60, Los Angeles County, California

Dear Mr. Kosinski:

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

- √ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the 'Information Center' nearest you is available from the State Office of Historic Preservation in Sacramento (916/653-7278). The record search will determine:
  - If a part or the entire (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
  - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have information on cultural resources in or near the APE. Please provide us site identification as follows: USGS 7.5-minute quadrangle citation with name, township, range and section. This will assist us with the SLF.
  - Also, we recommend that you contact the Native American contacts on the attached list to get their input on the effect of potential project (e.g. APE) impact. In many cases a culturally-affiliated Native American tribe or person will be the only source of information about the existence of a cultural resource.
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f) of the California Code of Regulations (CEQA Guidelines). In areas of identified archaeological sensitivity, a certified archeologist and a culturally affiliated Native American, with knowledge in cultural resources, is recommended should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

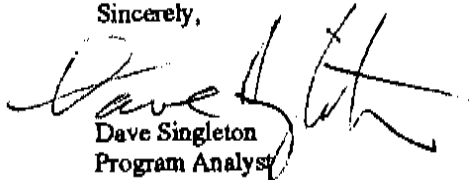
0√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigations plans.

- CEQA Guidelines §15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American groups, identified by the NAHE, to ensure the appropriate and dignified treatment of Native American human remains and any associated grave goods.
- Health and Safety Code §7050.5, Public Resources Code §5097.98 and CEQA Guidelines §15064.5(d) mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in CEQA Guidelines §15370 when significant cultural resources are discovered during the course of project planning or execution.

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

Sincerely,



Dave Singleton  
Program Analyst

Attachment: Native American Contact List

Cc: State Clearinghouse

**Native American Contacts**

Los Angeles County

September 9, 2008

LA City/County Native American Indian Comm  
Ron Andrade, Director  
3175 West 6th Street, Rm. 403  
Los Angeles , CA 90020  
(213) 351-5324  
(213) 386-3995 FAX

Ti'At Society  
Cindi Alvitre  
6515 E. Seaside Walk, #C Gabriellino  
Long Beach , CA 90803  
calvitre@yahoo.com  
(714) 504-2468 Cell

Tongva Ancestral Territorial Tribal Nation  
John Tommy Rosas, Tribal Admin.  
Gabrielino Tongva  
tattnlaw@gmail.com  
310-570-6567

Gabrielino/Tongva San Gabriel Band of Mission  
Anthony Morales, Chairperson  
PO Box 693 Gabriellino Tongva  
San Gabriel , CA 91778  
ChiefRBwife@aol.com  
(626) 286-1632  
(626) 286-1756 - Home  
(626) 266-1262 Fax

Gabrielino/Tongva Council / Gabrielino Tongva Nation  
Sam Dunlap, Tribal Secretary  
761 Terminal Street; Bldg 1, 2nd floor Gabrielino Tongva  
Los Angeles , CA 90021  
office @tongvatribes.net  
(213) 489-5001 - Office  
(909) 262-9351 - cell  
(213) 489-5002 Fax

Gabrielino Tongva Indians of California Tribal Council  
Robert Dorame, Tribal Chair/Cultural Resources  
P.O. Box 490 Gabriellino Tongva  
Bellflower , CA 90707  
gtongva@verizon.net  
562-761-6417 - voice  
562-925-7989 - fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008081042; CEQA Notice of preparation (NOP); draft Environmental Impact Report (DEIR) for the Interstate 710 Improvement Project - Ocean Boulevard to State Route 60; Los Angeles County, California.



SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

**Member Agencies:**  
Los Angeles County  
Metropolitan Transportation  
Authority.  
Orange County  
Transportation Authority.  
Riverside County  
Transportation Commission.  
San Bernardino  
Associated Governments.  
Ventura County  
Transportation Commission.  
**Ex Officio Members:**  
Southern California  
Association of Governments.  
San Diego Association  
of Governments.  
State of California.

September 10, 2008

**RECEIVED**  
**SEP 22 2008**

Mr. Ron Kosinski *RK*  
Deputy District Director  
Caltrans District 7 Division of Environmental Planning  
100 South Main Street MS 16A  
Los Angeles, CA 90012

RE: Notice of Preparation for the DEIR/DEIS for the I-710 Corridor Project

Dear Mr. Kosinski:

Thank you for the opportunity to review the NOP for the I-170 Corridor Project. The project area intersects Metrolink service along the Burlington Northern Santa Fe Railway (BNSF) and Union Pacific (UP)-owned tracks on which Metrolink commuter rail service operates, and SCRRA welcomes the opportunity to participate in the project planning.

As you know, SCRRA is a five-county Joint Powers Authority (JPA) that operates the regional commuter rail system known as Metrolink. Additionally, SCRRA provides rail engineering, construction, operations and maintenance services to its five JPA member agencies. The JPA consists of the Los Angeles County Metropolitan Transportation Authority (MTA), San Bernardino Associated Governments (SANBAG), the Orange County Transportation Authority (OCTA), the Riverside County Transportation Commission (RCTC) and the Ventura County Transportation Commission (VCTC).

Within the project boundaries, Three Metrolink routes operate through the I-710 project area. Through a contract with BNSF, Metrolink operates the Orange County Line and the 91 Line, over the BNSF's San Bernardino subdivision, which includes 28 weekday trains and 4 trains on Saturdays and Sundays. Service expansion plans identified in the SCRRA Strategic Assessment forecast an increase in Metrolink service to 52 weekday trains through the project area by 2020. Metrolink also operates the Riverside Line service on the UP's Los Angeles subdivision with 12 weekday trains today with service expansion planned to 40 trains by 2020.

The following are comments and recommendations being conveyed by SCRRA after reviewing the NOP:

1. The freeway corridor project crosses over the rail rights-of-way in two key places, at the BNSF's Hobart Yard and at the UP's East Yard. Construction of the project should protect and preserve the current BNSF and UP rights-of-way and accommodate future rail improvements and rail expansion projects necessary for continued passenger and

freight rail operations.

2. Metrolink service in the project area offers Southland commuters a viable option to driving in the project area corridor. Service reliability and schedule adherence are important to attracting and keeping Metrolink customers. The SCRRA requests coordination with Caltrans during the project planning and construction phases to minimize service disruptions and provide timely communication to Metrolink passengers on upcoming construction impacts.

Once again, thank you for requesting SCRRA's input during this stage of this environmental process. As the project moves forward, we request and expect to receive timely notice, in accordance with Public Resources Code Section 21092.5 and State CEQA Guideline Section 15088, of subsequent environmental documents relating to this project, and the time and place of any scheduled public meetings or public hearings by the agency decision makers at least 10 days prior to such a meeting. If you have any questions regarding these comments please contact Elizabeth Mahoney, Government and Regulatory Affairs Manager at 213 452-0259 or [mahoneye@scrra.net](mailto:mahoneye@scrra.net).

Sincerely,



David Solow  
Chief Executive Officer

- c. Patricia Chen, Metro  
Susan Chapman, Metro  
Rosa Munoz, CPUC  
Dan Miller, UPRR  
Walt Smith, BNSF  
Abbe McClenahan, OCTA  
Wendy Garcia, OCTA



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • www.aqmd.gov

RECEIVED

SEP 24 2008

FAX: SEPTEMBER 19, 2008

September 19, 2008

Mr. Ronald Kosinski *UK*  
Division of Environmental Planning  
Caltrans District 7  
100 S. Main Street, MS 16-A  
Los Angeles, CA 90012

## **Review of the Notice of Preparation for a Draft Environmental Impact Report (Draft EIR) for the Interstate 710 (I-710) Project**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. As Caltrans is aware The California Air Resources Board (CARB) identified particulate matter (PM) from diesel-fueled engines as a toxic air contaminant (TAC) in 1998, following an exhaustive 10-year scientific assessment process. In addition, as part of the identification process, the Office of Environmental Health Hazard Assessment (OEHHA) evaluated the potential for diesel exhaust to affect human health. OEHHA found that exposure to diesel PM resulted in an increased risk of cancer and an increase in chronic non-cancer health effects including a greater incidence of cough, labored breathing, chest tightness, wheezing, bronchitis, and asthma.

There are a number of studies that show a correlation of adverse health impacts of diesel PM and proximity to roadways. CARB recommends avoiding development of urban roads with 100,000 vehicles/day, that are within 500 feet of sensitive land uses due to increased cancer risk from diesel PM<sup>1</sup>. The health effects from diesel PM can and must be quantified in the Draft EIR. There are a variety of air dispersion models available, including but not limited to CAL3QHCR and AERMOD to conduct air dispersion modeling of mobile source emissions. Additional information on these models can be obtained at: [www.epa.gov/scram001/dispersion\\_prefrec.htm](http://www.epa.gov/scram001/dispersion_prefrec.htm).

The I-710 Project will likely result in increased transportation of freight and goods to and from the Port of Long Beach generating additional vehicular trips, especially, from heavy-duty diesel fueled vehicles. The SCAQMD staff urges the Lead Agency to perform a health risk assessment (HRA) that includes air dispersion modeling, quantified

<sup>1</sup> California Air Resources Board, April 2005. "Air Quality and Land Use Handbook: A Community Health Perspective." Accessed at <http://www.arb.ca.gov/ch/landuse.htm>

health risk, and a significance determination in the Draft EIR from implementation of the proposed project. There are several guidance documents available for air dispersion modeling and HRAs. Below is a discussion to assist the Lead Agency in developing a HRA for the proposed project.

#### HRA Guidance

The SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis and be found at: [http://www.aqmd.gov/ceqa/handbook/mobile\\_toxic/mobile\\_toxic.htm](http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.htm). Also, both Ports of Los Angeles and Long Beach have SCAQMD approved HRA protocols, ARB has air dispersion guidance in Appendix 7 of the Diesel Risk Reduction Plan, which, can be found at: <http://www.arb.ca.gov/diesel/documents/rrpapp.htm>, and HARP can be downloaded from the ARB website at: <http://www.arb.ca.gov/toxics/harp/harp.htm>.

If the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis is used, the health risk estimates should be completed according to OEHHA's cancer potency methodology. The SCAQMD's recommended threshold for cancer risk should not exceed 10 in one million at any receptor location, when compared to the pre-project risk.

#### Dispersion Modeling

CALINE3 and CAL3QHCR are the current EPA regulatory models for estimating maximum CO concentrations at roadways. Carcinogenic risk is estimated based on annual average concentrations over 70 years for residential and sensitive receptors and 40 years for worker receptors. Chronic non-carcinogenic risk is also estimated based on annual average concentrations. CAL3QHCR can be used to estimate carcinogenic health risk for roadway risks.

AERMOD and ISCST3 can be used to estimate carcinogenic health risk for both roadway and non-roadway sources. AERMOD is the current EPA approved model for general air dispersion modeling. Since CAL3QHCR and AERMOD are the current EPA approved models, either may be used for air dispersion modeling. For CEQA modeling, SCAQMD staff recommends use of any of these models (AERMOD, ISCST3, or CAL3QHCR) or HARP, which uses ISCST3.

#### Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Additionally, the lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2007 Model. This model is available on the SCAQMD Website at: [www.aqmd.gov/ccqa/models.htm](http://www.aqmd.gov/ccqa/models.htm).

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources, area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM<sub>2.5</sub> emissions from construction and operational activities and processes. In connection with developing PM<sub>2.5</sub> calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD staff requests that the Lead Agency quantify PM<sub>2.5</sub> emissions and compare the results to the recommended PM<sub>2.5</sub> significance thresholds. Guidance for calculating PM<sub>2.5</sub> emissions and PM<sub>2.5</sub> significance thresholds can be found at the following internet address: [http://www.aqmd.gov/ceqa/handbook/PM2\\_5/PM2\\_5.htm](http://www.aqmd.gov/ceqa/handbook/PM2_5/PM2_5.htm).

In addition to analyzing regional air quality impacts the SCAQMD staff recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LSTs can be used in addition to the recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/ceqa/handbook/LST/LST.htm>.

### **Mitigation Measures**

In the event that the project generates significant adverse air quality impacts, CEQA Guidelines §15126.4 requires the Draft EIR to describe which could minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. A list of mitigation measures can be found on the SCAQMD's CEQA webpages at the following internet address: [www.aqmd.gov/ceqa/handbook/mitigation/MM\\_intro.htm](http://www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.htm)

Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local

Planning. This document can be found at the following internet address:  
<http://www.aqmd.gov/prdas/aqguide/aqguide.htm>.

**Contact**

Pursuant to CEQA Guidelines §15086 the SCAQMD requests that the Lead Agency send a copy of the Draft EIR upon its completion. The above comments are recommendations for analyzing potential air quality impacts from the proposed project that should be included in the Draft EIR. The SCAQMD staff is available for consultation with the Lead Agency to address any questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,



Susan Nakamura  
Planning and Rules Manager  
Planning, Rule Development & Area Sources

Attachment

SN:SS:DG



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Bruce W. McClendon FAICP  
Director of Planning

September 17, 2008

Ronald Kosinski, Deputy District Director *RK*  
Caltrans District 7 – Division of Environmental Planning, MS 16A  
100 South Main Street, Suite 100  
Los Angeles, CA 90012

**SUBJECT: I-710 Corridor Project Notice of Preparation**

Dear Mr. Kosinski,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the I-710 Corridor Project from Long Beach to East Los Angeles. The County appreciates this early opportunity for input into this transportation project.

As the project terminates in the unincorporated territory of East Los Angeles, the County has some concerns that it would like to see addressed in the Environmental Impact Report/Environmental Impact Statement (EIR/EIS).

I understand that the I-710 Corridor Project will be the first freeway project in the state to include an Air Quality and Health Risk Assessment in the EIR/EIS and that the project's Need and Purpose specifically states that it is the goal of the project to improve air quality. I believe this is a positive first step as air quality and health concerns are of great importance to the residents of East Los Angeles. Many freeways traverse the area, including the I-5, I-10, and SR-60, generating great traffic, air quality, and health impacts. The County would like to ensure that future highway projects do not exacerbate these problems. Moreover, the County would like to see that the project's land use impacts are kept to a minimum and are adequately mitigated. The EIR/EIS should thoroughly look at impacts to residential buildings, community facilities, businesses, and other structures in the community that may be displaced or otherwise impacted by the project.

I understand there are six alternatives under consideration for the 710 Corridor Project, including No Build, Transportation Systems Management/Transportation Demand Management (TSM/TDM), Goods Movement Enhancement by Rail and/or Advanced Technology, Arterial Highway and I-710 Congestion Relief Improvements, Mainline I-710 Improvements, and the Locally Preferred Strategy Hybrid Design which would combine elements of all build alternatives.

**I-710 Corridor Project Notice of Preparation**  
**Page 2**

The County is pleased that there is an alternative (TSM/TDM) that will examine public transportation as a viable solution, and I hope that alternative gets full consideration in both the environmental document and in the decision-making process. Furthermore, the County believes that alternatives which stress capacity enhancement for automobiles and trucks be rigorously justified and that the assumptions used to rationalize such alternatives be given ample scrutiny. The project's design is being based on year 2035 projections of population growth, employment increase, and growth in freight passing through the ports of Los Angeles and Long Beach. It is assumed that these increases will necessarily translate into greater vehicular use, thereby further impacting the freeway corridor.

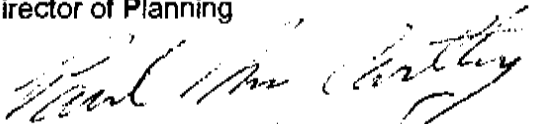
The County questions, however, if this will truly be the case. With fuel prices rising recently, many social commentators have questioned if Americans will be using automobiles and trucks in the future as much as they currently use them. This leads to the question: Will the construction of additional lanes on the freeway simply be a waste of resources, and would not those resources be better spent on alternative means of transport?

The EIR/EIS should also examine whether there is additional capacity on the Alameda Corridor rail system. If there is the possibility of increasing capacity on the Alameda Corridor, then the need for the project's capacity-enhancement alternative must be further questioned.

If you need clarification on any of the issues raised in this letter, please contact me or Anthony Curzi of my staff at (213) 974-6461 or at [pmccarthy@planning.lacounty.gov](mailto:pmccarthy@planning.lacounty.gov) or [acurzi@planning.lacounty.gov](mailto:acurzi@planning.lacounty.gov) between 7:30 a.m. and 5:30 p.m., Monday through Thursday. Our offices are closed on Friday.

Sincerely,

**DEPARTMENT OF REGIONAL PLANNING**  
Bruce W. McClendon, FAICP  
Director of Planning



Paul McCarthy, Supervising Regional Planner  
Impact Analysis Section

BWM:PM:amc



# COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400  
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998  
Telephone: (562) 699-7411, FAX: (562) 699-5422  
www.lacsd.org

STEPHEN R. MAGUIN  
Chief Engineer and General Manager

September 2, 2008

File No: 01-00.04-00  
02-00.04-00  
03-00.04-00  
08-00.04-00

Mr. Ronald Kosinski, Deputy District Director  
Division of Environmental Planning  
Caltrans District 7  
100 South Main Street, MS 16-A  
Los Angeles, CA 90012

Dear Mr. Kosinski:

## Interstate 710 Corridor Project

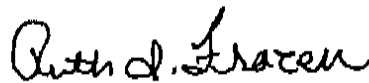
The County Sanitation Districts of Los Angeles County (Districts) received a Notice of Preparation of a Draft Environmental Impact Report for the subject project on August 18, 2008. The proposed project is located within the jurisdictional boundaries of Districts Nos. 1, 2, 3, and 8. We offer the following comments:

1. The proposed project may impact existing and/or proposed Districts' trunk sewers over which it will be constructed. Existing and proposed Districts' trunk sewers are located directly under and/or cross directly beneath the proposed project alignment. The Districts cannot issue a detailed response to or permit construction of the proposed project until project plans and specifications that incorporate Districts' sewer lines are submitted. In order to prepare these plans, you will need to submit a map of the proposed project alignment, when available, to the attention of Ms. Martha Tremblay of the Districts' Sewer Design Section at the address shown above. The Districts will then provide you with the plans for all Districts' facilities that will be impacted by the proposed project. Then, when revised plans that incorporate our sewers have been prepared, please submit copies of the same for our review and comment.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Stephen R. Maguin

  
Ruth I. Frazen  
Customer Service Specialist  
Facilities Planning Department

RIF:rf  
c: M. Tremblay

Doc #: 1095818.1



# CITY OF COMMERCE

*Tina Baca Del Rio*  
Mayor

September 17, 2008

**RECEIVED**

SFP 23 2008

Mr. Ronald Kosinski, Deputy District Director *rk*  
Division of Environmental Planning  
CALTRANS  
100 South Main Street, MS 16A  
Los Angeles, California 90012

Re: City Comments on I-710 Corridor Project EIR/EIS

Dear Mr. Kosinski:

Below are comments from the City of Commerce which we believe your agency should consider and address as part of the scoping and preparation of the EIR/EIS for the proposed project. The City of Commerce believes that throughout this project a key objective to consider should be a commitment to public health and wellness and the project should be analyzed with this in mind. Please note these comments reflect our concerns based on previous studies. Community participation and input is vital to this process. The City encourages a frequent and up-to-date dialogue with your agency as it is our desire to insure that all stakeholders in the community are fully informed throughout this process. In addition, the City reserves the right to make future comments regarding its concerns as the project scope develops.

Many of these comments reflect feedback and input from our current I-710 Local Advisory Committee as well as previous recommendations of the Tier I and Tier II Community Advisory Committees. Many of these comments were incorporated as recommendations or community ideas in the I-710 Major Corridor Study completed in 2005.

1. Make sure that full and complete communication is maintained with the I-710 Local Advisory Committee (LAC) regarding all aspects of the proposed project (from initial feasibility, to environmental review, and implementation/construction). Provide the I-710 LAC with a complete status and update on a regular basis. At all phases of the project, identify all items needing local consensus or approval with a clear communication of the action needed and deadline for such response. In addition, all project information, including technical studies, should be made available in Spanish.
2. The community suffers tremendously from existing road and rail facilities in the area. These environmental health impacts are well documented. There is community-wide concern about health impacts caused by any increases in roadway capacity given current

residents close proximity to roads, railroads, and vehicular pollution. The proposed EIR/EIS for the project should include a Health Risk Assessment detailing the cumulative effects within our community of this added pollution. This includes an analysis of the public health care costs associated with air pollution and reduced mobility. In addition, the project should be analyzed for compliance with both the state and federal air quality standards.

3. Identify and fully study air pollution impacts to all sensitive receptors in the city. This includes identifying the health affects at local schools and parks focusing on respiratory illness including asthma. In addition, environmental factors potentially impacting educational attainment levels (including but not limited to traffic safety) and air pollution should be identified and analyzed for all schools located within 1 mile of the 710 freeway.
4. Identify and fully study the global warming impacts including greenhouse gas emissions generated by the proposed project.
5. Identify and fully mitigate any noise-related impacts associated with the project. Identify federal thresholds and standards for noise impacts. In addition to the federal noise standards for roadway projects, standards for ambient noise levels contained within the city noise ordinance, including the general plan, should be applied and where necessary fully mitigated.
6. Background assumptions as well as growth assumptions for the EIR/EIS traffic modeling and air quality modeling as well as Health Risk Assessment should take into account any and all projects/improvements proposed by the BNSF and UP railroads at their facilities in the region. With a planning horizon of 2035, all related public projects, including projects and improvements at the Ports of Long Beach, need to be identified and the growth-inducing impacts studied.
7. Identify and mitigate all construction-related impacts including but not limited to businesses impacted by construction activity (i.e. disruptions to business activities as well as impacts to air quality and noise generated by construction activity and equipment). Develop a program to mitigate such impacts including signage and access for businesses affected by construction, utilize clean air technology for the construction equipment including noise attenuation devices including best management practices.
8. The EIR/EIS study should perform a comprehensive socioeconomic impact study including a cost benefit analysis analyzing the potential loss of property values, and determine whether the health threats outweigh the benefits. The environmental study should look at noise impacts, economic development impacts, public health impacts, traffic and safety impacts, congestion and mobility induced impacts, and community resources including parks and environmental justice considerations. The growth inducing impacts of the project should be analyzed. In addition, the benefits from the proposed project to long-term congestion relief need to be quantified within the planning horizon of the project.

9. The proposed EIR/EIS should take into account *all reasonably foreseeable future projects (both public and private)* and assume them as background to the project for the purposes of all environmental analysis.
10. In addition to applicable federal, state, and county-wide standards, project impacts must be analyzed taking into account any and all applicable local standards/thresholds including local noise standards.
11. Include as background and consider all previous comments from the previous Tier I and Tier II Community Advisory Committees.
12. Coordination of all studies for the segment of the 710 freeway north of Washington with both this project and the I-5 project is critical.
13. In the future, any improvements that propose the realignment of the existing connectors between the I-5 and I-710 must be presented back to the I-710 Tier 1 LAC and the City of Commerce for review in order to provide an alternative recommendation, if necessary.
14. The proposed dedicated truck lanes which are part of the Locally Preferred Strategy (Alternative 6), which include at-grade and elevated configurations, must be clearly studied to identify the nature of the impacts on the community from noise, to air quality and aesthetics.
15. Provide a full traffic analysis identifying all trips generated by the project, especially those related to the movement of goods in the area. This includes the identification of the type including trucks, route, and ultimate destination of the vehicle trips and their effects on local traffic. This includes trip generation as well as full traffic counts.
16. Identify all traffic impacts including trip volume and trip generation (truck trips to be identified separately) with and without the closure of the Washington Boulevard on and off ramps.
17. Identify all traffic impacts including trip volume and trip generation (truck trips to be identified separately) with and without the proposed Slauson Avenue on and off ramps.
18. Provide details on all proposed HOV lanes (i.e. number, geometry, access). Clarify options of using the proposed dedicated truck lanes identified in the Locally Preferred Strategy (Alternative 6) for magnetic levitation or other alternative technologies for goods movement.
19. Improve all arterial intersections between the I-710 and I-5 freeways.
20. What are the impacts to both private and public property including existing street grid and alignments including Washington Boulevard (to name a few)?

21. What are the impacts to our primary arterials based on any closures or modifications to interchanges?
22. How will future Caltrans improvements to other freeways in the vicinity, including 1-5 and State Route 60, impact the proposed project?
23. The EIR/EIS should identify all project alternatives including mass transit and increased ridership as well as specific projects (both rail and bus projects including the proposed MTA Gold Line Eastside Connection, and Greenline (to name a few) and analyze each within the scope of socioeconomic impact. Fully study these alternatives to meet the objectives of increased mobility and fully mitigate significant impacts. Other project alternatives that should be considered include future transit options for the movement of people and goods including proposed magnetic levitation technology projects, high speed rail, etc.
24. In addition to the Alternative 6, the EIR/EIS should fully study Alternative 3 as identified in the Locally Preferred Strategy.
25. Elements of the proposed project, including sound walls and bridge/ramp design (to name a few), should be designed to reflect a high degree of architectural and aesthetic sensibility. Areas adjacent to ramps should incorporate lush landscaping and decorative hardscape, while sound walls and bridge/ramp structures should be designed with architectural features/elements to enhance and celebrate the community's identity.
26. The City is impacted by current storm water runoff and drainage from the existing freeway and is subject to TMDL limits and discharge restrictions into the storm drain system. The EIR/EIS must take this into account and propose mitigations to address this issue including but not limited to storm water discharge controls, upgraded connections to the system, filtration, retention, debris management, etc. In addition, the EIR/EIS must address the programmatic issues of Caltrans ongoing maintenance and operations of the drain system and discharge they are responsible for.
27. Disclose and fully analyze the assumptions for growth in containerized cargo volume at the Ports of Long Beach and Los Angeles. The assumptions should take into account the effect other ports would have on growth assumptions including the proposed Punta Colonet port in Baja California.
28. Identify and fully study the health effects on residents using recreation facilities at parks adjacent to the I710 and I-5 Freeways. The study should identify health effects on users of the facilities as well as the impediments to usage of such facilities due to the existing high air pollution and noise exposure levels in the area.
29. The Health Risk Assessments from the California Air Resources Board prepared for the four Commerce rail yards must be a primary source document in the preparation of a Health Risk Assessment and study in the EIR/EIS.

Letter to Mr. Ronald Kosinski, Deputy District Director  
September 16, 2008  
Page 5

Please don't hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Tina Baca Del Rio". The signature is written in black ink and is positioned to the right of the typed name.

Tina Baca Del Rio  
Mayor



# CITY OF LONG BEACH

Long Beach Development Services

333 West Ocean Boulevard, 5th Floor Long Beach, CA 90802 (562) 570-6004 FAX (562) 570-6008

\$50.00 FILING FEE

## NOTICE OF INTENT TO ADOPT

To: Office of the County Clerk  
Environmental Filings  
12400 E. Imperial Highway, Room 2001  
Norwalk, CA 90650

From: Long Beach Development Services  
Planning Bureau  
333 West Ocean Boulevard, 5<sup>th</sup> Floor  
Long Beach, CA 90802

In conformance with Section 15082 of the State CEQA Guidelines, please post this notice for a period of 20 days. Enclosed is the required fee of \$50.00 for processing.

Notice is hereby given that the Long Beach City Planning Commission, Lead Agency for purposes of CEQA, proposes to adopt a Mitigated Negative Declaration for the project listed below:

**1. Project Location:**

3332 Magnolia Avenue

**2. Project Title:**

Pacific Baptist Church

**3. Project Description:**

The proposed project would be the development of a two-story, 45,101 square foot church and private day school. The project would include the removal of two single-family residential units from the project site. Parking would be provided both on-site and at private businesses off-site via parking agreements. The required discretionary actions include: Site Plan Review and Standards Variance for building height.

**4. Review period during which the Lead Agency will receive comments on the proposed Negative Declaration:**

Starting Date: September 23, 2008      Ending Date: October 13, 2008

**5. Public Meeting of the Planning Commission for ND 08-08:**

Date: October 16, 2008

Time: 5:00 p.m.

Location: City Council Chambers  
Long Beach City Hall  
333 West Ocean Boulevard, Plaza Level

6. Copies of the report and all referenced documents are available for review by contacting the undersigned, or on the web at: [www.longbeach.gov/plan/pb/epd/er.asp](http://www.longbeach.gov/plan/pb/epd/er.asp).
7. The site is not on any list as enumerated under Section 65965.5 of the California Government Code.
8. The Initial Study may find significant adverse impacts to occur to the following resource areas:  
Aesthetics, Cultural Resources, Noise, Transportation and Traffic

For additional information contact:

Jaime Ustin  
Planner  
Long Beach, CA 90802  
333 West Ocean Blvd 5th Floor  
(562) 570-6004



ANTONIO R. VILLARAIGOSA  
Mayor

Commission  
NICK PATSAOURAS, *President*  
EDITH RAMIREZ, *Vice President*  
LEE KANON ALPERT  
WALLY KNOX  
FORESCEE HOGAN-ROWLES  
BARBARA E. MOSCHOS, *Secretary*

H. DAVID NAHAI,  
*Chief Executive Officer and General Manager*

September 30, 2008

RECEIVED  
OCT 08 7:00 AM

Mr. Ron Kosinski, Deputy District Director *KK*  
State of California  
Department of Transportation  
District 7, Division of Environmental Planning  
100 South Main Street, MS 16A  
Los Angeles, CA 90012

Dear Mr. Kosinski:

**Subject:** Invitation to Become a Participating Agency and Notice of Preparation for a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 710 (I-710) Corridor Project

This is in response to your letters dated August 15, 2008, regarding the Los Angeles Department of Water and Power's (LADWP) involvement as a participating agency and issuance of the Notice of Preparation for the I-710 Corridor Project. As discussed between Mr. Garrett Damrath of your staff and Mr. Mark Sedlacek of my staff, the response deadline for agencies has been extended from September 15, 2008 to September 30, 2008.

LADWP agrees to be a participating agency and looks forward to providing input during the preliminary design and environmental planning process. As stated in your letter, our involvement as a participating agency does not imply that LADWP supports any specific alternative.

LADWP's comments on this project are focused on potential impacts to the major transmission line that runs parallel to the I-710 freeway. Our primary consideration with the preferred alternative is that it will depend on the use of right-of-way that currently supports four high-voltage transmission circuits that connect to a critical generating station located in the southern half of LADWP's electrical system. Since these four circuits are the only circuits connecting to this station, they must remain in service to ensure a reliable supply of power to Los Angeles. In order to address this issue, my staff has met with the I-710 Major Corridor Study Project Team (Project Team) on a number of occasions. The Project Team has proposed two plans for dealing with the relocation of these circuits: relocate the circuits to a more compact structure perched atop a vertical retaining structure that forms a new channel wall for the Los Angeles River, and relocate to an underground transmission system.

Section 6 of the study, "Development of a Hybrid Strategy," shows in cross-section the proposed concept of a more compact structure. In particular, Figure 6.3-8 shows LADWP facilities relocated to the edge of a retaining structure along a modified Los Angeles River

## Water and Power Conservation ... a way of life

111 North Hope Street, Los Angeles, California 90012-2607 Mailing address: Box 51111, Los Angeles 90051-5700  
Telephone: (213) 367-4211 Cable address: DEWAPOLA



Mr. Ron Kosinski  
Page 2  
September 30, 2008

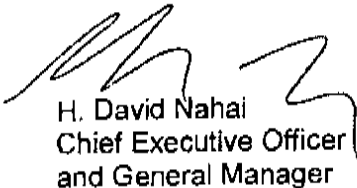
channel. This plan as presented in the study and at meetings with the Project Team is not a viable option in its current form. Details presented at meetings suggested that the high-voltage transmission towers would need to be reengineered in a more compact form than is currently the case and perched atop a large retaining structure that would form the vertical side of the Los Angeles River. It was indicated at meetings that this plan would need to yield roughly 100 additional feet of right-of-way. From the perspective of LADWP's transmission and structural engineering groups, this does not appear to be a viable plan, nor can it yield the required width of right-of-way for those alternatives that rely on this key idea. There simply is not enough clearance between circuits and between circuits and ground to meet established industry criteria for safe and reliable operation. In addition, it does not allow for the operation and maintenance of the affected transmission circuits.

Relocating the overhead lines to underground may also not be a viable option in the affected areas due to groundwater. This important concern is mentioned as a problem in other areas of the report as it relates to other infrastructure, but it takes on more serious significance where it relates to extensive undergrounding of four high-voltage transmission circuits. The feasibility of this alternative will depend on fully evaluating potential impacts and constraints from the design.

The study carefully analyzes impacts concerning traffic flow, community, agriculture, geology, hydrology, hazardous materials, noise, cost, community, and other concerns. There is less consideration given to the critical transmission corridor adjacent to the project. The Project Team has stated that this problem involves too much detail for this stage of the project, so it has not addressed the situation in the study. However, when a potential, critical design flaw is known at this stage, and is treated equally with more simple design problems, it provides a misleading ranking of alternatives. In order to address concerns about the viability of the various options, a more detailed engineering analysis must be performed. By conducting a more detailed analysis at this stage, the ability to compare and score different alternatives, some of which have this flaw and some of which do not, will be improved.

As part of the environmental planning and design process, the feasibility of the preferred alternative with respect to continued operation of the transmission lines must be resolved. As a participating agency, we look forward to working with your office to fully address these issues early in the process. For additional information, please contact Mr. James H. Caldwell Jr., Assistant General Manager of Environmental Affairs, at (213) 367-0926.

Sincerely,



H. David Nahai  
Chief Executive Officer  
and General Manager

SRB:sc/rp  
c: Mr. James H. Caldwell Jr.



# City of Maywood

4319 East Slauson Avenue • Maywood, California 90270  
Tel: (323) 562-5000 • Fax: (323) 773-2806

September 6, 2008

Ron Kosinski, Deputy District Director  
Division of Environmental Planning  
Caltrans, District 7  
100 S. Main Street, MS 16A  
Los Angeles, CA 90012

Dear Ron Kosinski:

We need to have an off ramp and on ramp on the 710 Freeway at Slauson Avenue in Maywood/Bell/Commerce crossroads area. There has been support from this from the Council of Local Governments (the COG) before and also Congresswoman Lucille Roybal-Allard's office in Washington D.C. is aware of this request and need.

The drivers need to drive to Vernon at Bandini/Atlantic and or Florence Ave. in Bell and this causes additional smog and stress. This is not good for the South East community in Los Angeles County, which needs more outlets for traffic to exit or enter the 710 freeway in that area.

We need the exit at Slauson Avenue in order to cut the drive time and also cut traffic at the 5 Freeway and 710 Freeways area. For to many years this request and need has been there and I wanted you to not let this go un-noticed by you and the Cal Trans' planners.

This is very important that we have this exit and on-ramp at Slauson Ave on the 710 Freeway. Environmentally it makes the quality of life better for the residents here and the residents of Maywood and the South East want this. It also makes economic sense to have this there, because trucks will exit easier to their respective businesses in Commerce, Vernon, Bell, Bell Gardens, Huntington Park and Maywood and people will not have to drive through other communities to enter the freeway.

Sincerely,

Thomas Martin  
Councilmember, City of Maywood  
(323) 228-1274



**CITY OF SIGNAL HILL**

---

2175 Cherry Avenue • Signal Hill, California 90755-3799

October 3, 2008

Ron Kosinski, Deputy District Director *RK*  
Division of Environmental Planning  
Caltrans District 7  
100 South Main Street  
Los Angeles, CA 90012

Subject: Notice of Preparation – Draft EIR for Interstate 710 Project

Dear Mr. Kosinski:

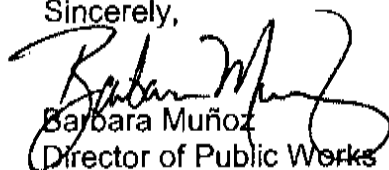
This is in response to your request for comments on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Interstate 710 Corridor Project.

The 710 Freeway corridor study area includes the City of Signal Hill. Cherry Avenue is a major north and south arterial highway for the City and is essential to local traffic flow. The collector distribution roads along the 405 Freeway causes traffic to back up on this major arterial. Due to the close proximity to the 710 Freeway, the traffic impacts to the Cherry Avenue and 405 Freeway interchange should be analyzed as part of this draft EIR.

Moreover, the SR-91/I-605/I-405 Corridor Study does not include the Cherry Avenue and 405 Freeway Interchange. The limits for the I-405 study area extend from Lakewood Boulevard to SR-22.

Thank you for taking our comments and concerns into consideration. We look forward to receiving and reviewing the draft EIR for the project. If you have any questions or concerns, please do not hesitate to call me at (562) 989-7356.

Sincerely,

  
Barbara Muñoz  
Director of Public Works

cc: Larry Forester, City Councilman, I-710 Project Committee Member  
Ken Farfing, City Manager

MOTRO

Dear Roy Choi 9-16-08

I Got your I-710 corridor Project card in the mail on 8-27-08. My mom and I could not make it last week on Wednesday on 9-10-08. We don't have a car and we don't have any body to take us there so I am writing this comment on this letter. My mom is on SSN she is 89 years old and I lost my job. We don't have the money to move and rent is too high. We live here about 30 years. It is not a good idea to build this free way. Not only the rent is too high. Because if you build freeway wider it will cause more traffic. Last time you build a freeway it was I-5 freeway and people you move out of their houses and apartments 3 or 4 years later. Now there is traffic again on both side I-5 freeway. I use to be a driver I drive on 710 Freeway going south to I-5 west ~~there~~ were traffic and coming back. It happens in morning and afternoon and now you are going to build 405 freeway wider I saw that on the news so that means it will get worse and worse when you build these freeways wider and get people out of their houses and apartments we people pay taxes every thing goes up then people will soon live in streets and ask for money to get something to eat or they will die because you have to build a freeway. So I will write to the congress and senators Governor. Denny Hamby I copy this letter comments

ALINE BEAUSETOUR

Mr. Denny Hamby  
6541 Marlow Ave.  
Bell, CA 90201-3033

LOS ANGELES CA 900

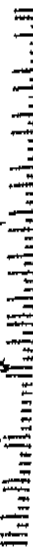
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ATTENTION  
ATTENTION  
ROY CHOI, PROJECT MANAGER  
METRO ONE GATEWAY PLAZA  
MS 99-2254  
LOS ANGELES CA 90012

CA 90012

80012/3583





JENTEC  
ENGINEERING, TECHNOLOGY, & CONSULTING  
P.O. BOX 694 • LAWNSDALE, CA 90260  
(310) 371-8469

To: Mr. Ron Kosinski, Caltrans *PK*  
From: Dale Jensen  
Subject: I-710 Corridor Project, EIR/EIS

Reference: Anonymous, I-710 Corridor project, EIR/EIS, Los Angeles Times, 18 August 2008

Dear Mr. Kosinski;

In accordance with the referenced advertisement, I am submitting this letter to be included in the public record regarding the project.

There are two important considerations.

1. The restoration of the Los Angeles river and its riparian environment.
2. The separation of automobile and truck traffic into separate rights of way.

The restoration of the river and its riparian environment is important to the people of the area so that we have room to escape to a tranquil natural environment to relax, enjoy life, exercise, recreate, enjoy beauty, enjoy nature, and provide room for wildlife. This effort should include maintaining the bicycle path along the river from Union Station to Long Beach.

The separation of truck and automobile traffic seems obvious. The 710 freeway traffic is unendurable. A new right of way needs to be built for trucking only to relieve the congestion. An extension of the existing Terminal Island freeway along the railroad rights of way ( along Wilmington or Alameda ) to the 60 freeway would be the ideal solution.

It remains for you, Mr. Kosinski, to get this concept brought to the attention of those who can implement this plan.

Cordially,

*Dale L. Jensen*

Dale Lawrence Jensen, P.E.  
Executive Engineer

cc: Sierra Club

Mr. Ron Kosinski re  
Caltrans District 7  
100 S. Main Street  
MS 16A  
Los Angeles, CA. 90012

August 18, 2008

Dear Mr. Kosinski:

In doing the EIR/EIS for the I-710 Corridor Project I have several concerns to raise that should be addressed in the report.

First, what effect will the project have on completion of the Riverlink Project. The Riverlink project hopes to enhance and protect the Los Angeles River. What impact will the project have on the willow street wetlands for example?

In addition, endangered species live along the project including

the endangered California Least Tern in San Pedro Bay. What impact would the various alternatives have on this species?

In addition, the Peregrine Falcon nests on the bridges connecting Long Beach and Wilmington to Terminal Island. Please describe the impacts of the project on this species.

I live two blocks from the 710 and wonder if the project will impact my own health, as well.

Will there be adverse impacts to the historic Willmore City neighborhood that I own a house in?

Thanks,

Dave Hall

1047 Chestnut Ave

Long Beach, CA 90813

SEP 10, 2008

TO: ROY CHOI, PROJECT MANAGER.

I-710 CORRIDOR PROJECT EIR/EIS WILL COST  
\$\$\$... MILLIONS OF DOLLARS.

THE PROPOSED PROJECT GOALS DO NOT REACH THE  
OBJECTIVES, AND SPEND TOO MUCH MONEY (TAX COLLECTING  
FROM WORKING FAMILIES AND THE BENEFIT ARE MINIMUM.)

IF YOU REALLY WANT BENEFITS FOR THE  
COMMUNITY

1. USE THE TECHNOLOGY: <sup>THE</sup> WE PEOPLE NEED  
ELECTRIC CARS.

\* 2. PUBLIC TRANSPORTATION ON ALL FREEWAYS  
OWNERS OPERATORS (MINI BUS).

\* 3. CALTRANS WILL ESTABLISH A BUS STOP ON  
EACH EXT OF FREEWAYS.  
THIS LAST ONE WILL COST \$ THOUSANDS OF DOLLARS.  
LESS OF 10% COST OF EIR/EIS.

EXAMPLE 01 HOUR OF TRAFFIC ; 20 MILLAS.

01 BUS - 15 PASSENGERS = 15 CARS OUT OF FWY  
06 BUS/HOUR. - 90 PASSENGERS = 90 CARS OUT OF FWY

AVERAGE ENGINE DIESEL 7 MILLAS/GALON

AVERAGE ENGINE GASOLINE 20 MILLAS/GALON.

01 BUS USE 3 GALONS ≠ 01 CAR USE 1 GALONS.

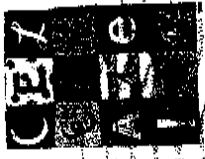
06 BUS USE 18 " ≠ 90 CAR USE 90 "

Joseph M. Hennessy \$  
4279 LOS FLORES BLVD. :  
LYNWOOD CA 90262. :

JAIIME HETTERER  
4879 LOS FLORES BLVD.  
LYNWOOD CA 90262

LOS ANGELES CA 90012

19 SEP 2008 PM 5:17



ROY CHOI, PROJECT MANAGER  
METRO ONE GATEWAY PLAZA  
MS 99-22-4  
LOS ANGELES, CA 90012

**From:** Kendall Rainwater [mailto:[ken.gail@verizon.net](mailto:ken.gail@verizon.net)]

**Sent:** Wednesday, August 27, 2008 5:51 PM

**To:** 710EIR

**Subject:** Conveyor Belts

At the meeting at the Dana Branch Library on Tuesday August 26<sup>th</sup>, there was reference to conveyor belts moving containers. Would someone at your office explain how conveyor belts would enhance the movement of containers? Also, please include the names of the companies that would participate in bidding for such an application.

Thanks

Kendall Rainwater  
612 West 37<sup>th</sup> Street  
Long Beach, CA 90806

[ken.gail@verizon.net](mailto:ken.gail@verizon.net)

**From:** Kendall Rainwater [ken.gail@verizon.net]  
**Sent:** Friday, September 12, 2008 10:47 AM  
**To:** '710eir@metro.net'  
**Subject:** Hello

Hello,

I have a copy of the 2008 I-710 Major Corridor Study Hybrid Design Concept that includes two 11 X 14 fold outs. Could I get another copy of this? My copy is getting pretty worn from the notes that I've attached to it.

Would you put this piece of information on your website in a format that a person could zoom in on what particular area that person is interested in? The writing on the copy that I have is small and I need a magnifying glass to read it.

The transition from the N/B 710 to the S/B 405; where will the transition join the S/B 405? There are two parks that are to be built in the Wrigly Heights area (Wardlow Road at Magnolia to the south, 405 S/B to the north, Pacific Place to the east, and the Los Angeles River to the west). The Wrigly Heights neighborhood needs to know if these parks are going to be impacted by the transition.

Where will the supports for such a transition be placed? How secure is the earth and the concrete in the Los Angeles River? Can the River support the transition?

When I first asked the question about the transition above to the consulting staff at a neighborhood meeting, no one was aware of the parks. Communicating with the office of Dennis Eschen (Long Beach Parks), what I believe I heard was that Dennis Eschens office had not heard of the transition. Tonia Reyes Uranga is the Council Person for District 7 in Long Beach and is on one of your advisory committees. Does the fault lie with your group or with the City of Long Beach (Council Person for District 7 in particular) in what appears to be two identities not talking to each other

I'm against double decking the 710 freeway. I'm for what ever the Alameda Corridor needs to be able to handle rail traffic.

The container yards that are in the San Bernardino, Riverside, and the outlying parts of the Los Angeles Counties, will rail be available to transport the containers from the Ports to these locations?

Thanks

Kendall Rainwater  
612 West 37<sup>th</sup> Street  
Long Beach, CA 90806

5462-426-0883

[Ken.gail@verizon.net](mailto:Ken.gail@verizon.net)



**BUSINESS DEPARTMENT - Business Services**  
**Facilities Development & Planning Branch**  
Donald K. Allen Building Services Facility  
2425 Webster Ave., Long Beach, CA 90810  
(562) 997-7550 Fax (562) 595-8644

September 29, 2008

Via Fax and US Mail

Mr. Ronald Kosinski *PK*  
Deputy District Director,  
Division of Environmental Planning,  
Caltrans District 7,  
100 S. Main Street, MS 16-A,  
Los Angeles, CA 90012  
Fax- (213) 897-0360

**Re: Comments on the Notice of Preparation of Draft EIR/EIS for the I-710 Corridor Project, California**

Dear Mr. Kosinski:

The Long Beach Unified School District (LBUSD ) appreciates the opportunity to comment on the Notice of Preparation (NOP) for the Interstate 710 (I-710) Corridor Project (Project). The LBUSD received the NOP on September 4<sup>th</sup> and attended a public scoping meeting for the project on September 11<sup>th</sup>.

The California Department of Transportation (Caltrans), in coordination with the Los Angeles Metropolitan Transportation Authority (Metro), is initiating the Environmental Impact Report (EIR) for the Project. The Project proposes to improve I-710 in Los Angeles County from Ocean Boulevard in the City of Long Beach to SR-60, a distance of approximately 18 miles.

LBUSD schools are potentially impacted by the air quality, traffic and noise from the I-710 Project. An overview of the LBUSD's concerns and a summary of our general and specific comments on the NOP are provided below.

**OVERVIEW**

Long Beach Unified School District was originally established in 1885 with fewer than a dozen students meeting in a borrowed tent and is now fully responsible for providing school facilities and public education services to approximately 88,000 students in 95 public schools in the cities of Long Beach, Lakewood, Signal Hill, and Avalon on Catalina Island. It is the third-largest school district in the state of California and employs more than 8,000 teachers and staff, making it the largest employer in the City of Long Beach

---

Mary Stanton	Felton Williams	Michael Ellis	Jon Meyer	David Barton
District 1	District 2	District 3	District 4	District 5
Member	Vice President	Member	President	Member

In addition to establishing high standards of academic excellence for its students, LBUSD is committed to providing a safe environment and school facilities for its students and employees. Thus, the LBUSD's primary concern in its review of the NOP is to note generally the environmental impacts that must be properly addressed, analyzed, and mitigated in the draft EIR to assure an environment conducive to learning. We are particularly concerned with potential impacts on schools due to toxic air contaminants, traffic and noise from the Project.

## GENERAL COMMENTS

### Proximity to Schools

**Comment # 1 (General):** LBUSD schools are potentially impacted by Project emissions, noise and traffic associated with construction and operation of the Project. The LBUSD requests that the draft EIS/EIR clearly identify the location of schools in the vicinity of the Project so that impacts to schools can be evaluated.

LBUSD owns and operates 23 educational facilities within approximately 1 mile of the I-710. Four schools are within approximately 0.25 mile from the Project (Garfield ES, Los Cerritos ES, Powell MS, and Lindsay MS). We believe that LBUSD schools would be directly and indirectly impacted to varying degrees depending upon which of the alternatives is selected and the distance of the school from the Project boundary, nature and timing of construction activities, and traffic routes.

School facilities within 1 mile of the Project area boundary that are potentially impacted by the lead agency's action are listed below; approximate distance and direction from the Project is also indicated.

- Chavez ES: 730 W. 3<sup>rd</sup> St., Long Beach, CA; 1,500 feet E
- Edison ES: 625 Maine Ave., Long Beach, CA; 1,800 feet E
- International ES: 700 Locust Ave., Long Beach, CA; 4,800 feet E
- Renaissance HS: 235 E. 8<sup>th</sup> Ave., Long Beach, CA; 4,800 feet E
- Washington MS: 1450 Cedar Ave., Long Beach, CA; 3,800 feet E
- Cabrillo HS: 2001 Santa Fe Avenue, Long Beach, CA; 2,500 feet W
- Bethune Center: 2021 San Gabriel Ave., Long Beach CA; 4,800 feet W
- Garfield ES: 2240 Baltic Avenue, Long Beach, CA; 1,100 feet W
- Reid Continuation HS: 2152 W. Hill St., Long Beach, CA; 3,400 feet W
- Hudson K8: 2335 Webster Ave., Long Beach, CA; 3,700 feet W
- Birney ES: 710 W. Spring Street, Long Beach, CA; 1,200 feet E

Los Cerritos ES: 515 W. San Antonio Dr, Long Beach, CA; 1,300 feet NE

Muir ES: 3038 Delta Avenue, Long Beach, CA; 850 feet W

Webster ES: 1755 W. 32nd Way, Long Beach, CA; 2,700 feet W

Stephens MS: 1830 W. Columbia Street, Long Beach, CA; 2,500 feet W

Addams ES: 5320 Pine Avenue, Long Beach, CA; 3,700 feet E

Dooley ES: 5075 Long Beach Blvd., Long Beach, CA; 3,200 E

Grant ES: 1854 Britton Drive, Long Beach, CA; 4,900 feet E

Hamilton MS: 1060 E. 70th Street, Long Beach, CA; 2,800 E

King ES: 145 E. Artesia Blvd., Long Beach, CA; 2,200 feet W

Powell Academy: 150 Victoria Street, Long Beach, CA; 600 feet W

Jordan HS: 6500 Atlantic Avenue, Long Beach, CA; 2,400 feet E

Lindsay MS: 5075 Daisy Avenue, Long Beach, CA; 1,200 feet E

**Comment # 2 (General):** LBUSD requests that the DEIS/EIR evaluate the impacts of truck verses rail goods movement.

The LBUSD understands a stated purpose of the Project is to address projected growth in population, employment, and activities related to goods movement to and from the ports of Long Beach and Los Angeles. We also recognize that significant uncertainty exists regarding the potential impacts (direct, indirect, and cumulative) associated with the Project. For example, a range of opinions have been expressed (e.g., at the September 11<sup>th</sup> public scoping meeting) regarding potential adverse and beneficial impacts of increasing rail activity as a means to minimize truck traffic on the I-710. It has been asserted by some that regional health risks associated with goods movement could be reduced as a result of increasing rail and decreasing truck traffic. The LBUSD believes this may be an oversimplified and misleading assertion. Increased use of rail could increase emissions from “near-dock” rail yards, such as Union Pacific Railroad’s Intermodal Container Transfer Facility [ICTF] rail yard. The ICTF near-dock rail yard currently is one of the most heavily polluting rail yards in the state. Because the ICTF is located in close proximity to several LBUSD schools as well as many residences, increased emissions from this “near-dock” rail yard would have adverse health impacts on the local community. However, increased “on-dock” rail activity generally would have less adverse health impact on sensitive receptors than increased “near-dock” rail activity.

**Comment # 3 (General):** The DEIS/EIR should include a comprehensive analysis of potential air quality, public health, transportation and noise impacts to schools.

Notwithstanding the concern expressed above in “Comment # 2,” the LBUSD recognizes that the I-710 currently poses significant air quality, traffic and noise impacts that may adversely affect schools. We request that the DEIS/EIR provide a complete analysis of potential impacts to LBUSD schools from the proposed Project, including the no project alternative.

**Comment # 4 (General):** The LBUSD is concerned that our ability to fully understand direct, indirect and cumulative impacts to schools, and determine the project alternative with the least impacts, is limited by the fact the NOP was not accompanied by an Initial Study.

Various Project alternatives have been discussed and evaluated during public outreach activities in recent years. However, for the reasons stated in the preceding comments, it is uncertain which alternative has the least impact on schools – and how impacts from other goods movement proposals would be affected by the Project. The DEIS/EIR should comprehensively indicate how each Project alternative would increase or decrease impacts associated with *other* interrelated goods movement activities in the vicinity of the ports (and schools). For instance, the DEIS/EIR should evaluate how and to what extent each alternative would affect the volume of goods movement (and resultant air emissions and health risks from truck, train and loading equipment activity) at the Union Pacific ICTF rail yard. As previously noted, the ICTF “near-dock” rail yard is located in close proximity to several schools in west Long Beach and is a major source of air pollution and significant health risks in the surrounding community.

## **SPECIFIC COMMENTS**

### **Health Risk**

#### ***Risk Assessment Methodology***

**Comment # 5 (Health Risk):** The LBUSD is pleased that the DEIS/EIR will include a health risk assessment (HRA). However, we note that HRA methodology is imperfect and health impacts can be underestimated due to limitations in the methodology. The HRA methodology used in the DEIS/EIR should employ methods to avoid underestimating adverse health impacts known to result from exposure to diesel particulate matter and other project related emissions. When limitations of the HRA methodology exist they should be clearly and prominently emphasized in the report.

Specific non-cancer health effects known to result from diesel particulate matter (DPM) exposure that may be ignored or underestimated by HRA methodologies include:

- Decreased lung function in children
- Aggravated Asthma
- Respiratory and cardiovascular hospitalizations

- Premature death from non-cancer effects such as respiratory and heart diseases (which may occur at a greater frequency than death from cancer)

The HRA should specify – clearly and consistently throughout the document, including the conclusions -- which health effects are being assessed, and which are not.

The LBUSD does not assert that the lead agency intends to use an HRA methodology with unique limitations. Rather, the LBUSD request that where inherent limitations in the HRA methodology exist, the implications of those limitations should be explained and discussed prominently in the document.

**Comment # 6 (Health Risk):** The DEIS/EIR should clearly state whether the HRA results account for risk from Ultra-fine Particles.

Research conducted and reviewed over the past 6 or 7 years by investigators at the University of California at Los Angeles (UCLA), the Southern California Particle Center (SCPC) and elsewhere indicates significant and relatively new health concerns associated with exposure to Ultra-fine Particles. As noted by South Coast Air Quality Management District (SCAQMD), the California Air Resources Board (CARB) and others, children are especially susceptible to air pollution – including Ultra-fine Particles -- because their bodies are still developing and they breathe more rapidly than adults. The LBUSD requests that the DEIS/EIR and HRA address this issue. Specifically, the DEIS/EIR should make it clear whether or not risks from Ultra-fine Particles are embodied in the HRA results

**Comment # 7 (Health Risk):** The DEIS/EIR should clearly indicate the limitations inherent in estimating non-cancer chronic health impacts of diesel particulate matter (DPM) inhalation based on a health hazard index (HHI) calculated using the available Reference Exposure Level (REL) for diesel particulate matter.

The HRA for the proposed Project may use a non-cancer REL of 5 ug/m<sup>3</sup> for inhalation of DPM in the calculation of non-cancer chronic HHI. According to the Draft Health Risk Assessment (HRA) for the nearby Union Pacific (UP) ICTF rail yard, published by the California Air Resources Board on February 26, 2008, this REL is “*essentially the U.S. EPA Reference Concentration first developed in the early 1990s based on histological changes in rats.*” The ICTF HRA further states: “*...it should be noted that the REL does not reflect the adverse impacts of particulate matter on cardiovascular and respiratory disease and deaths, exacerbation of asthma, and enhancement of allergic response.*” The information in this footnote is *central* to the issue of non-cancer health hazard estimation and should be *emphasized* in the DEIS/EIR for the I-710 Project.

### ***Cumulative and Indirect Impacts***

**Comment # 8 (Health Risk):** The DEIS/EIR should specify which approved and pending projects in the area have been evaluated for indirect and cumulative impacts – particularly for air quality, health risk, and traffic -- and the impacts from these other projects/actions should be documented and evaluated. In particular, the LBUSD requests

evaluation of two proposed “near-dock” intermodal rail yard projects and the Middle Harbor Redevelopment project.

The DEIS/EIR should analyze cumulative impacts by considering other approved or pending actions within the area that would have the potential to contribute to cumulatively considerable impacts. In particular, the DEIS/EIR should address the cumulative impacts of two proposed large-scale near-dock rail yard projects in the port area: 1) expansion of the existing ICTF rail yard and 2) development of a new BNSF Southern California International Gateway (SCIG) rail yard. Similarly, the DEIS/EIR should address the cumulative impacts from the Middle Harbor Redevelopment Project proposed by the Port of Long Beach. The ICTF, SCIG and Middle Harbor projects, if implemented, would have significant implications for air quality, health risk and traffic impacts. These projects would contribute cumulatively to the I-710 Project’s impacts.

### **Ground Transportation/Traffic**

**Comment # 9 (Transportation/Traffic):** The DEIS/EIR should analyze impacts with regard to traffic, access, circulation, and safety conditions at the LBUSD schools. Additionally the DEIS/EIR should include cumulative traffic impacts on LBUSD schools.

Additional train traffic along the rail corridors and truck traffic along roads that serve the ports would affect access and safety at LBUSD schools and would result in additional noise, air quality, and other environmental impacts at the schools.

### **Noise**

**Comment # 10 (Noise):** Pile driving and other activities associated with construction of the proposed Project may result in noise levels that exceed significance thresholds for exterior noise at LBUSD schools. The DEIS/EIR should include analysis of noise impacts on LBUSD schools.

Significant noise impacts from pile driving can occur within several thousand feet of such construction activities. As a result LBUSD schools that are located close enough to the project area boundary would be subject to potentially significant noise impacts. The DEIS/EIR should identify and evaluate appropriate and feasible mitigation measures to reduce the noise and vibration impacts from the construction phase of the Project on sensitive receptors, including the LBUSD schools. The DEIS/EIR should consider whether certain phases of construction could be completed when schools are not in session (i.e., summer) to reduce the Project’s noise and vibration impacts. In addition, the LBUSD requests that the analysis and mitigation measures consider the school hours of operation which are Monday through Friday 7:00 am to 4:00 pm, and testing periods (specific dates to be determined) during the school year, to avoid potentially significant noise and vibration impacts during these time periods.

## **Construction Schedule**

**Comment # 11 (Schedule):** The LBUSD hereby requests formal advance notification of construction schedules and any public meetings regarding the Project.

The LBUSD is concerned that our ability to fully understand the impacts to schools is limited by the absence of definitive information regarding the nature and timing of future construction activities. The LBUSD would like the opportunity to discuss mitigation measures to reduce noise impacts to our schools from the project construction activities.

## **CONCLUSION**

The LBUSD believes existing health risks and other impacts from goods movement must be reduced to acceptable levels. Therefore we support the stated purposes of the Project to improve air quality, public health and traffic safety. The LBUSD requests that the DEIS/EIR specifically address schools as sensitive receptors for noise, traffic, air quality, and public health impacts. We also believe that the DEIS/EIR and draft HRA should articulate and emphasize for the general public any limitations of the risk assessment process and methodology in terms of health impacts considered. In addition, the LBUSD reserves the right to supplement and provide additional comments regarding the Project in the future.

The LBUSD appreciates the opportunity to participate in this process. We look forward to working with Caltrans and Metro in a continuing review and assessment of impacts from the Project, and the development and implementation of effective mitigation.

If you have any questions, please feel free to contact me at (562) 997-7550.

Sincerely,



Carri M. Matsumoto  
Executive Director  
Facilities Development & Planning Branch  
Long Beach Unified School District

CM:khr,sa

cc: Chris Steinhauser – LBUSD Superintendent of Schools  
Kim Stallings – LBUSD Chief Business & Financial Officer  
Karl Rodenbaugh – The Planning Center  
Facilities File

**Via Facsimile and U.S. Mail**

September 30, 2008

Ronald Kosinski   
Deputy District Director  
Division of Environmental Planning, District 7  
100 South Main Street, Suite 100  
Los Angeles, CA 90012  
Tel: (213) 897-0703

*Re: Scoping Comments on Interstate 710 Improvements*

Dear Mr. Kosinski:

On behalf of the Coalition for Environmental Health and Justice (CEHAJ), a coalition of community-based public health, environmental and environmental justice groups, and partner organizations, we submit these scoping comments. There are a number of critical issues that must be addressed in the Environmental Impact Report/Environmental Impact Statement ("EIR/EIS"). In August 2004, the Tier 2 Community Advisory Committee released the report – I-710/Major Corridor Study: Major Opportunity/Strategy Recommendations and Conditions. Those recommendations and conditions should serve as the starting point for any freeway improvements and goods-movement strategies in the I-710 corridor and, therefore, we would reiterate and reinforce everything contained in that Report.

As lead agency for the I-710 project, the California Department of Transportation (CalTrans) must comply with the procedural and substantive requirements for environmental review under both the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 102(2) *et seq.*, and the California Environmental Quality Act ("CEQA"), CA Pub. Res. Code § 21000 *et seq.* As you are aware, these decisions have far-ranging implications and irreversible effects on the local and regional environment, health, and quality of life. To this end, we hereby incorporate by reference our comments submitted during the scoping meetings, which address the scope of issues that are implicated by the proposed activity.<sup>1</sup> In addition we offer the following comments and recommendations.

#### **I. GENERAL REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT**

Enacted by Congress in 1969, NEPA establishes a national policy to "encourage productive and enjoyable harmony between man and his environment" and "promote

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<sup>1</sup> In some instances, we have provided relevant source materials. In addition to the comments and the attached exhibits, we request and expect that CalTrans will also consider, and incorporate into the record, the materials referenced by our comments, which, although not attached as exhibits, are publicly available.

efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man.”<sup>2</sup> Central to NEPA is its requirement that, before any federal action that “*may* significantly degrade some human environmental factor” can be undertaken, agencies must prepare an environmental impact statement.<sup>3</sup> The fundamental purpose of an EIS is to force the decision-maker to take a “hard look” at a particular action – at the agency’s need for it, at the environmental consequences it will have, and at more environmentally benign alternatives that may substitute for it – before the decision to proceed is made.<sup>4</sup> The law is clear that the EIS must be a pre-decisional, objective, rigorous, and neutral document, not a work of advocacy to justify a decision that has already, in essence, been made.

Accordingly, in preparing its EIR/EIS, CalTrans cannot artificially segregate expansion of the I-710 freeway from the full suite of environmental consequences analyzed in its EIR/EIS. All of the environmental impacts that flow from the I-710 project – including the construction, off-site operation effects, and traffic- and growth-inducing impacts – are part of the cumulative and indirect impacts of CalTrans’ permitting decision that the EIR/EIS must consider and that must be taken into account when CalTrans takes its “hard look” at the proposed action.<sup>5</sup> Such a hard look is impossible, if the agency has pre-determined to ignore some of the potential environmental impacts, alternatives, or mitigation measures discussed in the EIR/EIS.

Additionally, any EIR/EIS must include the following elements:

*First*, Caltrans must consider impacts flowing directly from the project, but the cumulative impact of the project in conjunction with other past, present, and reasonably foreseeable future significant public and private actions as well.<sup>6</sup>

Thus, for example and as discussed further below, it will be necessary in this case to consider at least the cumulative impacts of greenhouse gases, foreseeable port growth, and foreseeable inland growth on air quality and public health.

Similarly, Caltrans’ analysis cannot be limited only to the activities’ direct effects, *i.e.*, effects that occur at the same time and place as the proposed activities themselves.<sup>7</sup> It must also take into account their indirect effects, which, though reasonably foreseeable, may occur later in time or at a farther remove, such as expansion of goods-movement infrastructure throughout the basin, including increases in rail activity, trucking, warehouse construction, etc.<sup>8</sup> This requirement is particularly critical in the present case given that the I-710 is an important goods-movement corridor and its expansion would facilitate and accommodate port expansion.

<sup>2</sup> 42 U.S.C. § 4321.

<sup>3</sup> *Steamboaters v. F.E.R.C.*, 759 F.2d 1382, 1392 (9th Cir. 1985) (emphasis in original).

<sup>4</sup> 40 C.F.R. §§ 1500.1(b), 1502.1; *Baltimore Gas & Electric v. NRDC*, 462 U.S. 87, 97 (1983).

<sup>5</sup> 40 C.F.R. § 1508.8; *See also, Fuel Safe Washington v. F.E.R.C.* 389 F.3d 1313 (2004). *See, e.g., California v. Block*, 690 F.2d 753, 768 (9th Cir. 1982); *NRDC v. Evans*, 279 F.Supp.2d at 1164-66; *NRDC v. U.S. Department of the Navy*, 857 F.Supp. 734, 739-40 (C.D. Cal. 1994).

<sup>6</sup> *See id.* § 1508.7.

<sup>7</sup> *See id.* § 1508.8(a).

<sup>8</sup> *See id.* § 1508.8(b).

*Second*, Caltrans must make every attempt to obtain and disclose data necessary to its analysis. The simple assertion that “no information exists” will not suffice; unless the costs of obtaining the information are exorbitant, NEPA requires that it be obtained.<sup>9</sup> If the costs are deemed excessive, then the EIR/EIS must explain the relevance of incomplete information, summarize existing credible scientific evidence on the issue, and evaluate impacts using theoretical approaches or research methods generally accepted in the scientific community.<sup>10</sup> Similarly, scientific disagreement on relevant issues cannot be ignored. Throughout the document, the agency is required to “insure the professional integrity, including scientific integrity,” of its discussions and analyses.<sup>11</sup>

*Third*, disclosure of the specific activities contemplated by CalTrans is essential if the EIR/EIS process is to be a meaningful one.<sup>12</sup>

*Fourth*, and perhaps most fundamentally, the EIR/EIS must also “inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.”<sup>13</sup> This requirement has been described in regulation as “the heart of the environmental impact statement.”<sup>14</sup> The agency must therefore “[r]igorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”<sup>15</sup> In addition, the EIS must include a discussion of measures designed to mitigate the project’s impact on the environment.<sup>16</sup> Consideration of alternatives is required by and must conform to the independent terms of both sections 102(2)(C) and 102(2)(E) of NEPA.<sup>17</sup> In analyzing the I-710 project it is critical that CalTrans give full consideration to all reasonable alternatives for the purpose of minimizing harm, including in particular but not limited to the implementation of zero-emission goods movement technology in the I-710 corridor.

## II. GENERAL REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

As the state analogue to NEPA, CEQA’s procedural requirements are sometimes duplicative of what is required under NEPA. But CEQA contains several additional substantive mandates that, if not met, render the EIR/EIS inadequate. Under CEQA, the

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<sup>9</sup> See *id.* § 1502.22(a).

<sup>10</sup> *Id.* § 1502.22(c).

<sup>11</sup> *Id.* § 1502.24 (emphasis added).

<sup>12</sup> See, e.g., *LaFlamme v. F.E.R.C.*, 852 F.2d 389, 398 (9th Cir. 1988) (noting that NEPA’s goal is to facilitate “widespread discussion and consideration of the environmental risks and remedies associated with [a proposed action]”).

<sup>13</sup> 40 C.F.R. § 1502.1.

<sup>14</sup> *Id.* § 1502.14.

<sup>15</sup> *Id.* § 1502.14(a).

<sup>16</sup> See, *id.* § 1502.14(f).

<sup>17</sup> Section 102(2)(E) of NEPA requires all federal agencies to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.” 42 U.S.C. § 4332(2)(E). This requirement is independent of, and in addition to, the alternatives analysis mandated for the EIS.

purpose of the EIR is to “inform the public and decision makers of the environmental consequences of agency decisions before they are made.”<sup>18</sup> CEQA requires public agencies first to analyze all of a project’s reasonably foreseeable environmental effects in the EIR and to analyze mitigation measures and alternatives to the project.

Specifically, the 710 EIR will have to include, among other things, the following elements:

*First*, CEQA requires that an agency provide an accurate and detailed description of the proposed project’s objectives, as well as the project’s technical, economic and environmental characteristics.<sup>19</sup> The project description must be accurate and consistent throughout an EIR. Courts have found that “[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.”<sup>20</sup>

*Second*, an EIR must analyze “cumulative impacts.” Cumulative impacts are defined as “two or more individual effects which, when considered together, are considerable or... compound or increase other environmental impacts.”<sup>21</sup> Stated another way, “a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts.”<sup>22</sup> CEQA outlines the two-step analysis, which can be reviewed under CEQA Guidelines § 15130 and *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4<sup>th</sup> 98.<sup>23</sup> “The requirement for a cumulative impact analysis must be interpreted so as to afford the fullest possible protection of the environment within the reasonable scope of the statutory and regulatory language.”<sup>24</sup> CEQA Guidelines § 15130(b) provides guidance from the California Resources Agency on the minimum, necessary elements to an adequate discussion, which include either a “list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency,” or a summary of projections... which described or evaluated regional or areawide conditions contributing to the cumulative impact.”

*Third*, an adequate alternatives analysis will be a critical component of CEQA compliance in this instance. CEQA requires that the environmental assessment discuss alternatives to the project (including the possibility of not moving forward with the project),

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<sup>18</sup> See *Woodward Park Homeowners Ass'n, Inc. v. City of Fresno*, (April 13, 2007) 2007 Cal.App.5 Dist., 2007, WL 1096885.

<sup>19</sup> California Public Resources Code §§15124(b), (c).

<sup>20</sup> *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 (italics in original); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 738; *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4<sup>th</sup> 713, 730.

<sup>21</sup> 14 C.C.R. § 15355.

<sup>22</sup> 14 C.C.R. § 15130(a)(1).

<sup>23</sup> See also 14 C.C.R. § 15130.

<sup>24</sup> *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431-432, citing *Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.

... which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly.<sup>25</sup>

The EIR “shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.”<sup>26</sup> CEQA and California common law require that an environmental assessment must provide “information to the public to enable it to understand, evaluate and respond ...” to the proposed project.<sup>27</sup> More specifically, “[t]he key issue is whether the selection and discussion of alternatives fosters informed decisionmaking and *informed public participation*.”<sup>28</sup>

*Fourth*, CalTrans must analyze and adopt all feasible mitigation measures for the project’s significant impacts. CEQA asks that agencies describe “feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.”<sup>29</sup> Under CEQA, “it is the policy of the state that public agencies should not approve projects as proposed if there are . . . feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.”<sup>30</sup> Governmental agencies must “mitigate or avoid the significant effects on the environment... whenever it is feasible to do so.”<sup>31</sup> In addition, CEQA requires agencies to adopt a monitoring program for all mitigation measures that will ensure that implementation of those measures occurs.<sup>32</sup>

## II. THE PROJECT DESCRIPTION MUST BE FINITE AND STABLE

The EIR/EIS must provide a stable and finite description of the project. At the current time, little information has been made available as to the project under review. The Notice of Intent published on August 20, 2008 in the Federal Register provides only a cursory examination of the project with such imprecise language as “[d]epending on the alternative selected, the project may also include modifications to the I-405, State Route 91, I-105, State Route 60, and I-5 interchanges.” The public must be afforded a stable and finite project description by which to understand and comment on the proposed action under review. It is our understanding that those engineering studies related to freeway construction must be performed prior to, and without moneys made available for, environmental review.

Further, CalTrans must provide a rationale for segmenting out truck and rail into two separate approaches to move goods. In the Major Corridor Study, the Los Angeles County Metropolitan Transportation Agency (MTA) has only looked at a high-speed rail

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<sup>25</sup> CEQA, at §15126.6(b).

<sup>26</sup> CEQA, at §15126.6(d).

<sup>27</sup> *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.*, 47 Cal.3d 376, 403 (1988).

<sup>28</sup> *Id.*

<sup>29</sup> CEQA, at §15126.4(a)(1).

<sup>30</sup> *Los Angeles Unified School District*, 58 Cal.App.4th at 1024-25.

<sup>31</sup> Pub.Rcs.Code § 21002.1(b).

<sup>32</sup> CEQA, at §§15091, 15097; *see also* Pub. Res. Code §21081.6.

alternative for passenger rail, but not freight rail. In the future, CalTrans must ensure the project examines freight rail strategies using zero and/or near zero emission technologies.

### **III. THE PROJECT PURPOSES ARE INSUFFICIENT AND DETERMINISTIC**

The stated project objectives are fivefold: (1) improve air quality and public health, (2) improve traffic safety, (3) address design deficiencies, (4) address projected traffic volumes, and (5) address projected growth in population, employment, and economic activities related to goods movement. These purposes are insufficient and deterministic.

As an initial matter, throughout the development of the Major Corridor Study and subsequent activities, the main justifications for the project have been to improve safety along the freeway by facilitating the movement of goods. As a result, the project's purpose should represent that the I-710 corridor is a goods movement corridor and that the main consideration is how best to facilitate the movement of goods. The statement to "address projected traffic volumes" does not adequately capture that the underlying purpose is how to move goods throughout the region as the ports expand. It appears to focus on the symptom, not the disease. This project must analyze a range of goods-movement alternatives that will remove trucks from the road that cause the current and projected traffic volumes. Simply building out the current freeway will only induce further traffic and fail to achieve any reduction in traffic volumes.

In addition, the purpose to "improve traffic safety" and "address design deficiencies" must not be used to justify wholesale expansion of the I-710. Those considerations are separate and distinct from the considerations related to facilitating goods movement. Wholesale freeway expansion must not be promoted under the guise of safety improvements. Simply improving safety would require a project far smaller in scope.

### **IV. THE ENVIRONMENTAL IMPACTS ANALYSIS AND ALTERNATIVES MUST NOT BE LIMITED OR MISLEADING**

#### ***Baseline and Projections***

There are serious problems with the current proposed project for the I-710 based on an analysis of the Major Corridor Study. In the past, MTA and other agencies claimed that greatly expanding the freeway results in air quality benefits even though there are more trucks on the road: "faster freight, cleaner air." This argument wholly ignores the traffic- and port growth- inducing impacts of freeway expansion. But, in addition, there is a more fundamental problem with the modeling/projections underlying the Major Corridor Study. Here are some questions that must be answered in the draft EIR/EIS.

*First*, can the lead agency provide a current example of a freeway that has a volume to capacity (v/c) ratio as high as 1.23? Currently, this is the future average v/c ratio for the no build alternative—e.g. no project happening on the I-710. In fact, the

1.23 number is the average among all segments studied in the Major Corridor Study, so some segments may be higher. Our research could not reveal any examples of freeways with this level of congestion and, therefore, this appears to be an absurd v/c upon which to analyze and understand the no project alternative and baseline environmental conditions.

*Second*, can CalTrans provide an example of a freeway segment that has 72,000 truck trips per day on it? This is the assumption from the Major Corridor Study of what will happen in 2025 in the most truck traveled segment of the I-710 in 2025 if the project is not built. See Major Corridor Study at page 5-30.

*Third*, has CalTrans or any other agency performed an analysis to determine the degree of inelasticity of the goods movement industry? This would answer a fundamental flaw in the analyses performed to date: whether under a v/c ratio of 1.23 on sections of the I-710, industry would still send additional trucks down the I-710. For example, in comparing page 5-30 of the Major Corridor Study to existing traffic conditions, the Major Corridor Study assumes that by 2025, there will be 72,000 trucks traveling between the PCH-to-Willow segment on the I-710. In 2006, the truck volume at that intersection was 23,023. Thus, the comparison is one of future conditions under a new project to this more than tripling of trucks on that segment that is claimed to occur if the project were not built. As CalTrans is well aware, in the Regional Transportation Plan, the Southern California Association of Governments (SCAG) estimates that delays in transporting goods due to congestion could increase the costs of goods by 50% to 250%.<sup>33</sup> It seems illogical to assume that cargo would still come to the region, congesting the roads and freeway, if these increased costs are realized.

CalTrans' current approach skews the benefits of the project by comparing the future expected conditions when the project is built to absurd future conditions under the no-build alternative. This information must be made available and provided in order to weigh the benefits and burdens of the project.

### ***Diesel Particulates***

The EIR/EIS must include a detailed analysis of the effects of diesel particulates on those living and working near the freeway expansion project. The EIR/EIS must also include mitigation measures to prevent harm caused by diesel particulates. Harmful particulates are emitted into the air by diesel trucks in the form of diesel exhaust.<sup>34</sup> On-road mobile sources, especially heavy-duty trucks, contribute the majority of total diesel exhaust PM10 emissions in California.<sup>35</sup> Diesel engine exhaust contains small carbonaceous particles and a large number of chemicals that are adsorbed onto these particles or present as vapors.<sup>36</sup> These particles have been the

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<sup>33</sup> See Goods Movement Chapter of RTP.

<sup>34</sup> Findings of the Scientific Review Panel On The Report on Diesel Exhaust, as adopted at the Panel's April 22, 1998 meeting, This page last reviewed July 29, 2008 found at <http://www.arb.ca.gov/toxics/diesel/tac/de-fnds.htm>

<sup>35</sup> Id.

<sup>36</sup> Id.

subject of many studies because of their adverse effects on human health and the environment.<sup>37</sup>

Diesel exhaust includes over 40 substances that are listed by the United States Environmental Protection Agency (U.S. EPA) as hazardous air pollutants and by the Air Resources Board (ARB) as toxic air contaminants.<sup>38</sup> Fifteen of these substances are listed by the International Agency for Research on Cancer (IARC) as carcinogenic to humans, or as a probable or possible human carcinogen.<sup>39</sup>

### **Health**

The EIR/EIS must evaluate and examine all potential health effects caused by the freeway expansion project. The EIR/EIS must also propose effective mitigation measures to prevent harmful health impacts on those who live, work, and travel near the expansion project. Currently California has the highest levels of air pollution in the nation, with the Los Angeles Metropolitan region having the worst air in the state.<sup>40</sup>

There are many harmful impacts to people exposed to diesel exhaust.<sup>41</sup> Short-term exposure to diesel exhaust can irritate the eye, nose, and throat, cause respiratory symptoms such as increased cough, labored breathing, chest tightness and wheezing, and cause inflammatory responses in the airways and the lung.<sup>42</sup> Longer-term exposure to diesel exhaust can cause chronic respiratory symptoms and reduced lung function, and may cause or worsen allergic respiratory diseases such as asthma.<sup>43</sup> In 1990, the State of California administratively listed diesel exhaust under Proposition 65 as a chemical known to the State to cause cancer.<sup>44</sup>

In addition, a person's particular genetic makeup can make him or her more susceptible to air pollution.<sup>45</sup> Diesel exhaust exposure makes allergy symptoms significantly worse in persons with certain genetic traits.<sup>46</sup> Since half of the population has these genetic characteristics, diesel exhaust may trigger allergies (or even asthma) in a large number of susceptible persons.<sup>47</sup>

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<sup>37</sup> Id.

<sup>38</sup> Id.

<sup>39</sup> Id.

<sup>40</sup> Controlling Asthma in Los Angeles County: A Call to Action; Developed by the Asthma Coalition of Los Angeles and adopted on April 10, 2006

<sup>41</sup> Office of the Environmental Health Hazard Assessment California, Environmental Protection Agency; Health Effects Of Diesel Exhaust Fact Sheet, August 2000

<sup>42</sup> Office of the Environmental Health Hazard Assessment California, Environmental Protection Agency; Health Effects Of Diesel Exhaust Fact Sheet, August 2000

<sup>43</sup> Id.

<sup>44</sup> Id.

<sup>45</sup> Controlling Asthma in Los Angeles County: A Call to Action; Developed by the Asthma Coalition of Los Angeles and adopted on April 10, 2006

<sup>46</sup> Id.

<sup>47</sup> Id.

Elevated levels of particulate matter and ozone in the outdoor air can be a major trigger for asthma.<sup>48</sup> This problem is particularly acute in Los Angeles County where unhealthy levels for sensitive groups are registered on average approximately one out of every three days.<sup>49</sup> Particulate matter from motor vehicle exhaust such as from diesel-powered engines causes or exacerbates asthma and bronchitis and leads to an estimated 1400 premature deaths annually in Los Angeles County.<sup>50</sup> Ozone, a main contributor to smog, is known to contribute to respiratory illness and decreased lung function.<sup>51</sup>

Exposure to traffic will have particularly harmful consequences on children. The EIR/EIS must evaluate ways to eliminate or minimize harmful health effect on children. Studies in Southern California indicate that growing up in more polluted communities reduces growth of lung function in children.<sup>52</sup> Children who live near busy roads, like the proposed freeway expansion, are more likely to have symptoms of asthma than children who do not live close to busy roads or freeways.<sup>53</sup> One study found that children who lived within 250 feet of major roads had a 50 percent higher risk of having had asthma symptoms in the past year.<sup>54</sup>

There are at least 82 schools that would be impacted by the I-710 expansion project. And there are several day-care centers and senior centers as well. These sites of sensitive receptors pose unique problems to populations particularly susceptible to deleterious effects of pollution. The EIR/EIS must analyze the unique impacts posed to these population sub-groups, in addition to the staff that work at these locations.

### ***Induced Traffic***

It is often stated that expanding a freeway will reduce congestion. When a new highway is built or a highway is expanded, a phenomenon known as "induced traffic" occurs; drivers who have not used the road before start to use it, because it is new and not crowded.<sup>55</sup> Within a short time (usually 1-3 years), the road is as congested as it was before the expansion. Further, in outreach efforts to community and stakeholders, project proponents argue that adding truck-only lanes to expand a freeway will make traffic for regular cars "a breeze." But, during the 2002 Port lockout, Caltrans documented a decrease of 50-60% in the heavy duty truck traffic, but other vehicle traffic dropped by only 5%, "indicating that auto drivers essentially filled the 'voids' created by the missing trucks instantaneously."<sup>56</sup> Nor do allegedly higher speeds on new or expanded freeways mean shorter travel times, reducing "exposure" of drivers to the pollution on the freeway.

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<sup>48</sup> Id

<sup>49</sup> Id.

<sup>50</sup> Id

<sup>51</sup> Id.

<sup>52</sup> Id

<sup>53</sup> Id.

<sup>54</sup> Id.

<sup>55</sup> Hansen, M. Do highways generate traffic? UC Berkeley Transportation journal, ACCESS. No. 7, Fall 1995.

<sup>56</sup> MTA Planning and Programming Committee minutes on I-710 Major Corridor Study. 01/15/03. Notes by J. Wood and R. Maekawa, [www.mta.net/board/agendas/2003/01\\_January/plnng/item11.doc](http://www.mta.net/board/agendas/2003/01_January/plnng/item11.doc)

In reality, shorter travel times may encourage vehicle drivers to make more trips, make longer trips, and change the time of day for making their trips.<sup>57</sup> These secondary effects usually occur fairly soon (within a year) of the infrastructure expansion.

Moreover, the traffic-inducing and congestion-producing impacts are not limited to the I-710 freeway. Nor should the environmental impacts analysis in the EIR/EIS be limited to the I-710. It is patently untrue that expanding the Long Beach (I-710) Freeway so it can accommodate 100,000 big rig trucks will help reduce congestion in the region, e.g., on the I-10 Freeway and the Pomona Freeway (SR-60). Indeed, the I-710 expansion will eliminate a bottleneck, releasing thousands of additional trucks into LA's freeway system. Many of the trucks heading north on the Long Beach Freeway are going to the Commerce/East L.A. rail yards, but thousands more are heading to the distribution centers (warehouses) in Riverside and San Bernardino. These resulting impacts are within the scope of this EIR/EIS.

In addition, the EIR/EIS must analyze the impact of the phenomenon known as "trans-loading," whereby trucks hauling 40-foot containers from the ports pull off in Carson, Cudahy, and other cities along the I-710 corridor and "transload" their cargo to domestic 53-foot containers. Any analysis should include the impacts of transloading from I-710 expansion, which will likely greatly increase this practice and, thus, increase traffic impacts on surface streets feeding to the 710. By drastically increasing truck capacity only on the I-710, there could be "gridlock" on the freeways into which the I-710 "empties." In fact, plans are already underway to consider adding truck lanes to either the I-10 or the Pomona Freeway, or both – the project known as the "I-10 National Freight Corridor."<sup>58</sup> These impacts must also be analyzed.

In short, the EIR/EIS must take into account the full range of impacts of freeway construction.

### ***Air Pollution***

As noted above, the communities along the I-710 corridor have consistently been subject to a public relations campaign promoting "faster freight, cleaner air." The argument is that expanding a freeway will allow cars and trucks to move at faster speeds and thereby reduce air pollution. This is misleading. When trucks and cars travel at high speeds, they emit more NOx, a precursor for ozone which causes smog. When automobile traffic moves very slowly, ultrafine particle levels are low; when the traffic speeds up, the levels of these tiny particles get higher.<sup>59</sup> In addition, and in support, it is claimed that the California Air Resources Board "EMFAC" model for emissions shows

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<sup>57</sup> Noland RB. Relationships between highway capacity and induced vehicle travel. Transportation Research Part A 35, 47-72. 2001.

<sup>58</sup> See, e.g., PPIC by Hanack and Baldessare. 2005. California 2025: Taking on the Future, [www.ppic.org/content/pubs/R\\_605MB2R.pdf](http://www.ppic.org/content/pubs/R_605MB2R.pdf); PPIC by Hanack and Baldessare. 2005. California 2025: Taking on the Future, [www.ppic.org/content/pubs/R\\_605MB2R.pdf](http://www.ppic.org/content/pubs/R_605MB2R.pdf); Presentations to POLA Harbor Commissioners on Maglev, Mega-rail and other innovative technologies for moving cargo, 2006; I-10 National Freight Corridor report, [http://www.i10freightstudy.org/7\\_reports.html](http://www.i10freightstudy.org/7_reports.html)

<sup>59</sup> See, e.g., Zhu et al. Concentration and size distribution of ultrafine particles near a major highway. Air & Waste Manage. Assoc. 52:1032-1042. 2002.

that we can keep expanding freeways and still reduce pollution because engines are cleaner today.<sup>60</sup> But CARB announced that the emissions model it has been using since 2002 seriously underestimates the levels of emissions coming out of vehicles in “real-world” (as opposed to laboratory) conditions.<sup>61</sup> New models show that NOx levels, even from new vehicles, are much higher than previously predicted.

### ***Los Angeles River***

Revitalization of the LA River is significantly constrained by abutting transportation infrastructure, including railyards and freeways. Recently, the City of Los Angeles adopted the Los Angeles River Revitalization Master Plan to promote river revitalization along the river’s upper portion (with the City of Los Angeles’ jurisdiction). The biggest threat to river revitalization for the lower portion of the river is further intrusion from disruptive rail and freeways, such as the I-710 freeway. The EIR/EIS must consider irreversible impacts to habitat, navigable waterways, recreation resources, and water quality that freeway expansion would bring about.

### ***Cumulative Impacts and Foreseeable Port and Inland Empire Growth***

The I-710 freeway is a major goods-movement corridor. An expansion of the corridor to facilitate goods movement will spur further expansion of goods movement infrastructure at the ports and in the Inland Empire. An assessment of environmental and cumulative impacts must include an analysis of future activity in connection with the project, e.g., the growth-inducing effects expected from freeway expansion or other goods-movement improvements, such as rail and mag lev.<sup>62</sup> Therefore, in addition to approved projects, related projects currently under environmental review qualify as probable future projects to be considered in a cumulative analysis,<sup>63</sup> and even projects anticipated beyond the near future should be analyzed for their cumulative effect.<sup>64</sup> In performing a cumulative impact analysis, the agency preparing the environmental impact report has a duty to consider related projects under the administrative jurisdiction of other agencies, including city, state, and federal agencies.<sup>65</sup>

The EIR/EIS must not unnecessarily limit the related and cumulative projects in geographic scope. The list of related and cumulative projects will clearly encompass projects beyond the I-710 corridor, and must include an analysis of cumulative effects on air quality in the South Coast Air Basin.<sup>66</sup> In the absence of information regarding related

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<sup>60</sup> CARB, EMFAC Modeling Change Technical Memo, 2002, [www.arb.ca.gov/msci/onroad/downloads/revision/Web\\_Specdjr1.doc](http://www.arb.ca.gov/msci/onroad/downloads/revision/Web_Specdjr1.doc)

<sup>61</sup> CARB announcement at AQMD AQMP meeting of 7/11/06, Diamond Bar.

<sup>62</sup> Laurel Heights Improvement Assn. v. Regents of University of California, 47 Cal. 3d 376, 253 (1988).

<sup>63</sup> San Franciscans for Reasonable Growth v. City and County of San Francisco, 151 Cal. App. 3d 61

<sup>64</sup> City of Santee v. County of San Diego, 214 Cal. App. 3d 1438, 263 Cal. Rptr. 340 (4th Dist. 1989), reh’g denied and opinion modified, (Nov. 21, 1989).

<sup>65</sup> San Franciscans for Reasonable Growth v. City and County of San Francisco, 151 Cal. App. 3d 61 (1984)

<sup>66</sup> In *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692 (1990), the environmental impact report, relied on by a city council in approving a proposed power plant and challenged as inadequate by a farm bureau and two citizens environmental groups, was held to be inadequate because it improperly

goods-movement developments in the entire air basin and beyond, the severity of the impact will be understated. In short, expansion of the I-710 and/or approval of other goods-movement infrastructure (e.g., rail or mag lev) will have dramatic, quantifiable, and foreseeable impacts throughout the basin that must be analyzed.

### *Alternatives*

The following guiding principles, outlined by the Tier 2 Committee in its report, reflect the consensus that emerged during that process:

1. This is a corridor – considerations go beyond the freeway and infrastructure.
2. Health is the overriding consideration.
3. Every action should be viewed as an opportunity for repair and improvement of the current situation.

The Committee recognized that something must be done to address the current congestion and design of the I-710 freeway. But the EIR/EIS must not conflate these two purposes. The high number of trucks on the freeway uses up capacity and the mix of cars and trucks poses a serious safety concern. In addition, the design of the freeway could be improved to promote safety. The separate and distinct purpose to facilitate the movement of goods, however, will require a look into alternatives to trucking goods through the corridors. Presumably, that will include alternatives such as rail, magnetic levitation, and expansion of the Alameda Corridor.

Please do not hesitate to contact Tim Grabiell at [tgrabiel@nrdc.org](mailto:tgrabiel@nrdc.org) and (310) 434-2300 with any questions. Thank you for your consideration.

Regards,



Tim Grabiell  
Natural Resources Defense Council

Sarah Kern  
Communities for a Better Environment

Malcolm Carson  
Legal Aid Foundation, Los Angeles

---

failed to include the entire air basin in the scope of the cumulative impact analysis and limited the analysis to the mid-valley area in which the project was to be located. The court supported this conclusion by citing *San Franciscans for Reasonable Growth v. City and County of San Francisco*, 151 Cal. App. 3d 61 (1984), which found that cumulative impacts analyses are legally deficient (1) when they omit projects that it was "reasonable and practical" to include, and (2) when the analysis understates "the severity and significance of the cumulative impacts."

**Communities for Better Environment • East Yard Communities for Environmental Justice • Legal Aid Foundation, Los Angeles • Long Beach Alliance for Children with Asthma • Natural Resources Defense Council • Physicians for Social Responsibility - Los Angeles**

Elina Green  
Long Beach Alliance for Children with Asthma

Katherine Attar  
Physicians for Social Responsibility – Los Angeles

Angelo Logan  
East Yard Communities for Environmental Justice

Candice Kim  
Coalition for Clean Air

**Communities for Better Environment • East Yard Communities for Environmental Justice • Legal  
Aid Foundation, Los Angeles • Long Beach Alliance for Children with Asthma • Natural Resources  
Defense Council • Physicians for Social Responsibility - Los Angeles**

# Paramount Unified School District

15110 California Avenue, Paramount, California 90723-4378  
(562) 602-6000 Fax (562) 602-8111



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*District Superintendent*

September 29, 2008

Mr. Ronald Kosinski *RK*  
Deputy District Director  
Division of Environmental Planning  
Caltrans District 7  
100 S. Main Street, MS 16-A  
Los Angeles, CA 90012

Dear Mr. Kosinski:

Paramount Unified School District has a concern regarding the environmental impact of the proposed planning for the I-710. It has come to our attention that the Notice of preparation for the I-710 EIR/EIS has been distributed and comments are due back by September 30<sup>th</sup>.

Several of our schools are very close to this freeway and the District hopes that the EIR/EIS considers the environmental impacts on the District's schools.

Please place us on Caltrans mailing list for future input and information regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Patti Cummings'.

Patti Cummings, Director of Facilities  
(562) 602-6024

*Serving the communities of Bellflower, Lakewood, Long Beach, Paramount and South Gate.*

*Great things are happening in Paramount schools*

**From:** POrona1060@aol.com [mailto:POrona1060@aol.com]  
**Sent:** Sunday, September 21, 2008 11:11 AM  
**To:** 710eir@metro.net  
**Cc:** Councilmember.Huizar@lacity.org; Gloria Molina; JoanneNO710@aol.com;  
DANIEL.FARKAS@SEN.CA.GOV; Ing.Jones@lacity.org; SENATOR.ROMERO@SEN.CA.GOV;  
Councilmember.Alarcon@lacity.org  
**Subject:** I-710 EIR/EIS CORRIDOR PROJECT

Ron Kosinski  
Caltrans District 7  
100 S. Main St. MS16A  
Los Angeles, CA 90012  
September 21, 2008

I-710 EIR/EIS Corridor Project/710 Tunnel Project EIR

The following inquiries, request, and concerns have been generated in order to ensure the health and welfare of my community. This is a response to the September 9, 2008 meeting held at Rowan Elementary School. As honorable civil servants of our community, we respectfully request the following items be addressed rigorously, and competently.

1. Provide a number estimate of traffic that will move from the Port of Long Beach to the beginning southern portal of the proposed 710 Tunnel. The number should include projected number of cars, commercial trucks, and other vehicles.
2. What are all the transportation relationships between the 18 mile I-710 Corridor Project Proposed Alternatives, and the 710 Tunnel/Valley Blvd.-Alhambra Ave. Connector Road Project?
3. How does the 710 Tunnel/Valley Blvd.-Alhambra Ave. Connector Road affect the implementation of the I-710 Project proposed alternatives?
4. What other urban transportation plans do the other governmental agencies have planned near/along the I-710 and Meridian Corridors?

September 4, 2008

RECEIVED  
SEP 08 2008

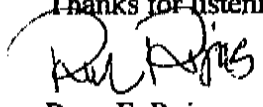
Mr. Ron Kosinski ~~DK~~  
Caltrans District 7  
100 South Main Street  
MS 16A  
Los Angeles, CA 90012

Dear Mr. Kosinski:

Unfortunately I am unable to attend any of the Scoping Meetings for the I-710 Corridor Project in person. I would like to let you know my concerns for the project though. Having grown up in East Los Angeles, and still having my mother and mother-in-law living in the environmental impact area, I am concerned about the community as a whole. A safe and clean environment is important to all in this world, country and especially in this local community. The I-710 is not known for its beauty or greenery but rather for the use of concrete. What type of trees are being considered to make this a more attractive freeway? Will they use trees that minimally emit various biogenic volatile organic compounds? Will Xeriscape be used with plants native to California?

Quite a few years ago my husband and I visited New Jersey, we were surprised by their freeways. I seem to remember that they had two left lanes designated for thru traffic and the right lanes were for traffic coming on and off the freeway. I think the freeway had a median of plants between the lanes and not double yellow lines like we have for our HOV lanes. Why not have designated lanes for trucks only on the left side? There would only be a few major entries onto these lanes for the trucks. These lanes would be so that trucks don't have to worry about on coming traffic and cars cutting them off. What happens when the trucks go from Long Beach to SR- 60?

Thanks for listening.

  
Rose E. Rojas  
19657 Vista Hermosa Drive  
Walnut, CA 91789  
(909) 595-7762

INTRODUCING

CFSTS*CitiCar* Fuel-Saver Transit System

The *CitiCar* Fuel-Saver Transit System provides a means to travel most freeways and highways at very high speeds — **without using petroleum fuels.**

I would like to present this as a **challenge** to you. Why? Because of its many benefits:

- 1) This is a niche business that has **tremendous** potential
- 2) Both the public and the politicals in most cities are **demanding** fuel cost relief
- 3) Current solutions are no more than a Band-Aid approach to a major problem
- 4) *CitiCar* was specifically designed to relieve fuel-wasting **congestion** from any freeway or road by moving You-In-Your-Own-Car at high speeds
- 5) *CitiCar* also provides very pleasant, fast, safe, and private, **public mass-transit**
- 6) Due to its inherent growth potential, it can become your largest and steadiest Profit Center

The projected costs are as follows:

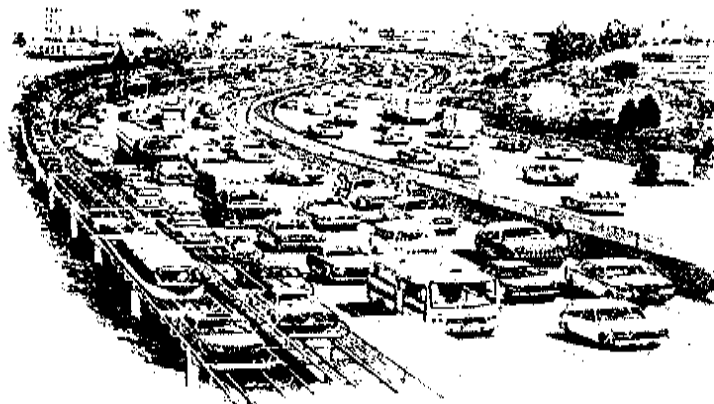
- \$ 500,000 to finalize RFP documents (Urgent)
- \$ 10,000,000 to construct the **prototype Demonstration Facility**
- \$ 20,000,000 for the extensive **software** to operate the system
- \$ 25,000,000 for Certification and for the Market Program

Where does company income come from?

- 1) Sale of systems to local, state, and foreign governments
- 2) Operation and maintenance of systems for fees
- 3) Collection of passenger fares and transport fees
- 4) Construction of terminals and aerial stations per contracts
- 5) Advertising, participating subsidies, freight, and miscellaneous revenue

Please accept this challenge and contact me at 714-872-1962 or at **CitiCar@Cox.Net**

Attached is a description of the system. Also see:  
[CitiCar.Services.officelive.com](http://CitiCar.Services.officelive.com)



## What is CFSTS?

CFSTS is a Private Public Transit system designed to **save petroleum fuel** and to eliminate **CONGESTION** from freeways and other major roadways. It consists of a sophisticated set of software programs and a very small, elevated, rail system with a large number of special rail vehicles (pallets). It is an electric/electronic transportation system that is capable of carrying pedestrian passengers, light freight, or "You-In-Your-Own-Car", direct to passenger-selected destinations non-stop at speeds up to 120 mph. It will save large amounts of gasoline and can revolutionize local travel within any metropolis.

CFSTS is composed of three parts:

- 1) A very small, elevated, guideway erected above the shoulder of a freeway or roadway
- 2) A very sophisticated **Communications and Control Software Technology System**
- 3) Many small electrically powered and automatically controlled **pallets** (*Spider*, *SkyCar*, etc.).  
A single pallet may carry an automobile, a passenger coach or light freight.

1) The **guideway** (called "*SkyRail*") consists primarily of two special steel rails supported on an open bridgework array of steel tubing above the shoulder of any freeway, roadway or other right-of-way. The guideway is supported upon slender steel columns that range in height according to location requirements. Columns are inserted into prepared holes and may be relocated whenever necessary. All parts of the guideway are factory assembled.

2) The **Communications and Control System (C&CS)** responds to, and controls, an **on-demand** transit system 24/7-365. The C&CS consists of two computers on each pallet. Each pallet communicates through an on-board transceiver and coordinating transceivers located along the guideway. Block, terminal, station, section, and system computers control the automated movements of the many pallets operating toward the many passenger-selected destinations. Each customer, upon entering into a *SkyCar* coach or driving onto a *Spider* pallet, selects his/her destination. When the coach doors close, or when the robotic arms secure your automobile, the pallet moves out, accelerates to main line speed and merges into *SkyRail* traffic. On-board Doppler units measure distance to other pallets on *SkyRail*. The on-board computers also handle video, radio, Internet data, and audio transmissions for the customer's pleasure.

3) Each mobile pallet (*Spider*) is essentially a framework resting upon two identical Propulsion Units. *Spider* collects and returns electric power from/to the guideway "third-rails". All steering is internal to the pallet and is accomplished by merely raising or lowering a set of the steering wheels.

Some of the pallets are equipped with a pleasant five-passenger coach (*SkyCar*) for pedestrian transit. Wheelchairs easily roll directly across a small gap into the coach. Here again, it is the passenger that selects the destination. Eventually, *SkyRail* extensions will be routed into hotel lobbies, malls, factories, warehouses, hospitals, airports, etc. This can transform how a city operates.

COMMENT: There are many different modes of transportation that can satisfy City Administrators; however, most of them use **batch** transit, which means that passengers are treated more like cattle than individuals. The Fuel-Saver Transit System was designed to emulate the family car in personal safety, luxury and choice of destination.

Thank you for your consideration of CFSTS

Bob Stiles 714-872-1962 [CitiCar@Cox.Net](mailto:CitiCar@Cox.Net) [CitiCar.Services.officelive.com](http://CitiCar.Services.officelive.com)

# The CitiCar ECMS

## Electric Container Mover System

Robert L. Stiles 714-872-1962 CitiCar@acox.net  
 12416 St. James Way Tustin, Calif. 92780-2429  
 CitiCar.Services.office@live.com

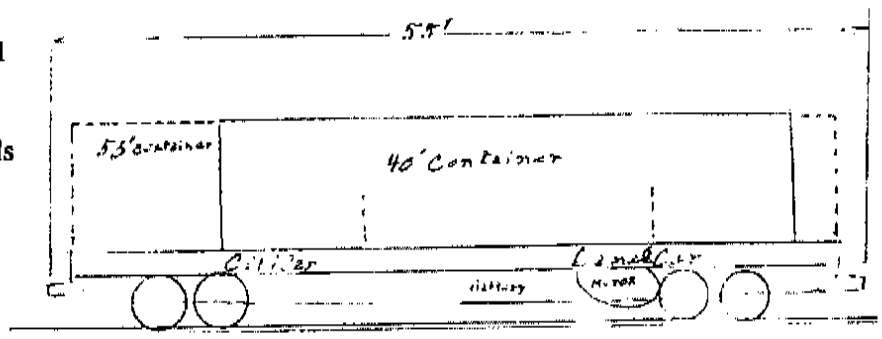
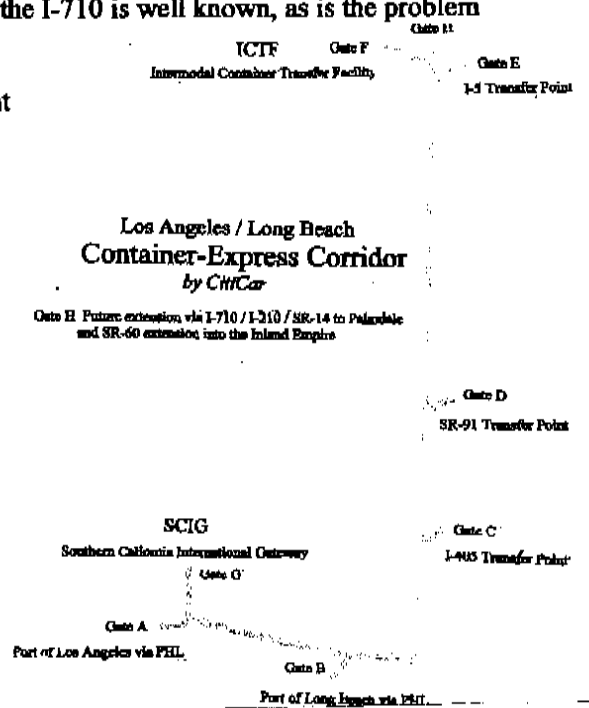
**THE PROBLEM** The problem of freeway congestion on the I-710 is well known, as is the problem with pollution from I-710 diesel trucks.

**THE SOLUTION** CitiCar proposes that any improvement of the I-710 include an ECMS Corridor containing a pair of special railroad tracks, and a special CitiCar ECMS Control System for CamelCars.

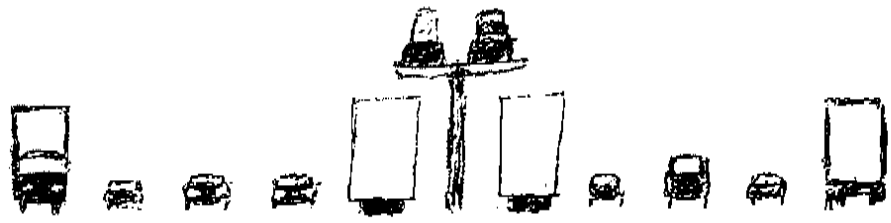
### Container-Express Corridor

The CitiCar Company will act as Prime Contractor for the ECMS and will contract out the corridor construction (probably to either UP, Pacific Harbor, or other railroad company). The corridor consists of a pair of standard railroad tracks (equipped with safety rails) with third-rail assemblies between them. The corridor has transceivers located at various points along the route to provide automated control of rail traffic. Electrically operated switches provide six crossovers and access to eight gates. Gates A and B will have over-crossings to permit unobstructed automated operation and to provide access to PHL trackage into both ports.

**CitiCar-CamelCar** The CitiCar CamelCar is equipped to carry any individual marine shipping container. The CitiCar Company will purchase a prototype and follow-on CamelCar vehicles from Bombardier Inc. (Bombardier's Transportation Division is a world leader in rail system equipment.) Each CamelCar is approximately 55 feet long, eight feet wide, and four feet high. It will have electric couplers and all the other equipment required for it to operate upon any standard railroad system in the U.S. In addition, it will have an on-board electric motor, electronic controls and an industrial battery. The on-board controls permit it to operate automatically in the Corridor and manually upon the Pacific Harbor Lines port track complex either by radio or by handheld TV-like remotes.



The I-710 Freeway should have at least six lanes with the CitiCar ECMS Corridor railroad tracks in the center. This sketch indicates the CitiCar CamelCars on the corridor tracks with CitiCar CFSYS above.





SOUTHERN CALIFORNIA  
**EDISON**

An EDISON INTERNATIONAL Company

Wesley K. Tanaka  
Public Affairs Director

September 25, 2008

Mr. Roy Choi, Project Manager  
LA County Metropolitan Transportation Authority  
One Gateway Plaza  
Los Angeles, CA 90012

Mr. Ronald Kosinski, Deputy Director  
Caltrans District 7  
100 South Main Street, Suite 100  
Los Angeles, CA 90012

**Subject: I-710 Corridor Project EIR/EIS Scoping Meetings  
September 9, 10, 11, 2008**

Dear Mssrs. Choi and Kosinski:

Southern California Edison (SCE) would like to thank the Metropolitan Transportation Authority (MTA) and Caltrans for inviting SCE to attend the community scoping meetings pertaining to the EIR/EIS for the proposed I-710 Freeway Corridor Project (Corridor Project). We fully recognize and appreciate the significant importance of this "goods movement" project to Southern California and the nation. As we have indicated to you, SCE will continue to collaborate with the MTA, Caltrans and other interested parties as you seek a viable solution that addresses and supports the project's goals and objectives while at the same time also recognizing SCE's specific operating needs and obligation to provide safe and reliable electric service to our customers.

As we have previously noted, the extensive SCE transmission system located in the right-of-way corridor adjacent to the I-710 freeway is critical to our ability to provide electric service to the Port of Long Beach, City of Long Beach, and the 18 cities and unincorporated County areas that parallel

P.O. Box 800  
2244 Walnut Grove Avenue  
Rosemead, CA 91770  
626-302-1942  
Fax 626-302-1977

Roy Choi, MTA  
Ronald Kosinski, Caltrans  
Page Two

portions of the freeway in the project area. In addition, these facilities are an essential and integral part of the SCE transmission grid system serving the greater Southern California region. As such, our ongoing ability to construct, operate and maintain these facilities is of critical importance.

At this time, as part of your EIR/EIS scoping process, we would like to comment for the record, our concern specific to the potential impact the Corridor Project may have on SCE facilities within the project area. We have had discussions with you about this issue in our previous meetings and want to ensure that the concerns discussed are clearly noted and adequately addressed in the Corridor Project EIR/EIS.

The hybrid design concept you presented at the September scoping meetings includes the potential need to utilize 45.5 acres of SCE's transmission right-of-way where 42 SCE facilities are located. However, during the scoping meetings, it was noted that MTA and Caltrans did not formally address the potential need to relocate any displaced SCE facilities nor the potential need to condemn property in order to accommodate these necessary relocations. We believe the scope of the EIR/EIS for the proposed Corridor Project should address the "whole of an action," and, as such, should specifically address the project's potential impacts to SCE facilities, including those impacts associated with the possible relocation of electric facilities and potential need for land acquisition and/or possible condemnation of private property that MTA and/or Caltrans may need to pursue in the project area. We believe these important issues warrant full disclosure and evaluation as part of the EIR/EIS process.

Also, please be aware, when any SCE electric facilities operating at or above 50 kV (kilovolts) require relocation, SCE construction may have environmental consequences subject to CEQA provisions, as implemented by the California Public Utilities Commission (CPUC). If those environmental consequences are identified and addressed by the lead agency in the CEQA process for the larger project, such as MTA and Caltrans in this instance, SCE may not be required to pursue a separate, mandatory CEQA

Roy Choi, MTA  
Ronald Kosinski, Caltrans  
Page Three

review later through the CPUC's General Order 131-D (GO 131-D) process. However, if the project impacts SCE facilities and causes the need to relocate any such facilities, which could possibly result in significant environmental impacts, the required additional CEQA review process could delay approval of the SCE power line relocation portion of the project for up to two years or longer.

Lastly, to assist in your project planning and to ensure SCE can continue to provide essential electric service to customers in this area, the company will conduct a comprehensive study of its long-term infrastructure and service needs for this transmission corridor affected by the proposed Corridor Project. This study is especially critical in terms of analyzing how this corridor relates to the entire transmission grid system serving the greater Southern California region. SCE expects to complete this study by Spring 2009. We believe the findings and conclusions derived from the study will be critical factors for careful consideration in order for MTA and Caltrans to determine a viable solution for the Corridor Project, including any additional real property needs proposed by the project.

Once again, SCE appreciates being included in the scoping process for the I-710 Corridor Project, and we look forward to our continued work together to address our respective important needs. If you have any questions regarding the comments or concerns expressed in this letter, please do not hesitate to contact me at (626) 302-1942.

Best Regards,

A handwritten signature in black ink, appearing to read "Ernest Morales". The signature is fluid and cursive, with the first name being more prominent.

cc: Ernest Morales (MTA)  
Jack Waldron (URS)  
Charley Wilson (SCE)

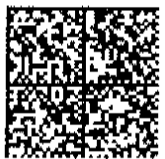
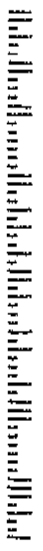


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Los Angeles, CA 90012

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