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

March 3, 2008

Mr. Cesar Perez
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Morris Angell
U.S. General Services Administration
Portfolio Management Division
Capital Investment Branch (9PTC)
450 Golden Gate Avenue
San Francisco, CA 94102

Subject: EPA Comments on the Draft Phase I Environmental Impact Statement for State Route 11 and the Otay Mesa East Port of Entry, San Diego County, California (CEQ # 20080018)

Dear Mr. Perez and Mr. Angell:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Phase I Environmental Impact Statement (Draft PEIS) for State Route (SR) 11 and the Otay Mesa East Port of Entry (POE), San Diego County, California, pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The PEIS is a joint effort of the California Department of Transportation (Caltrans) and Federal Highway Administration (FHWA). The document states that the PEIS intends to provide decision-makers and the public sufficient information to identify a corridor for future SR 11 and the future Otay Mesa POE. The FHWA and U.S. General Services Administration (GSA) will each serve as Lead Agency for subsequent project level environmental impact statements for (1) the proposed SR 11 and (2) the POE facility, respectively.

EPA is a "Participating Agency" (as defined in 23 USC 139 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)) and a "Cooperating Agency" (as defined in the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1508.5)) for this project and has participated in several working group meetings for this project. EPA previously provided comments following our review of an annotated outline for the Draft PEIS (March 2007), the May 2, 2007 Notice of Intent (NOI) for the project published in the Federal Register (June 2007), and the project's Purpose and Need and Range of Alternatives (August 2007).

Based on our review, we have rated the Draft PEIS as Environmental Concerns - Insufficient Information (EC-2). A *Summary of EPA Ratings* is enclosed.

Cumulative Impacts Analysis

One of EPA's primary concerns is the lack of cumulative impacts analysis for several resource areas in the Draft PEIS. Since Phase 1 actions do not directly result in ground disturbing activities, the Draft PEIS defers cumulative impacts analysis for these resources until the project level EISs. Considering the interdependent nature of the port of entry and highway facilities and that Phase 2 construction and operational impacts are reasonably foreseeable, EPA recommends that a full cumulative impact analysis is provided in this document rather than deferring such an analysis until separate future project level documents.

Air Quality Impacts

EPA is concerned with air quality impacts associated with heavy duty diesel trucks idling as they wait to cross the border. The project may also result in mobile source air toxics (MSAT) impacts to sensitive receptors and highly dense residential areas that would be exposed to new and increased truck traffic. EPA recommends incorporating information addressing MSATs into the Final PEIS and committing to anti-idling methods such as truck stop electrification, limits on idle duration, and other infrastructure- or efficiency-based options to minimize truck wait time at the border. The Final PEIS should also address how the POE facility will address conformity requirements.

The above-listed concerns, as well as recommendations regarding transboundary effects, purpose and need, program alternatives, energy use and utilities, and GSA's role in the PEIS are further discussed in the attachment. Thank you for the opportunity to comment on the Draft PEIS. When the Final PEIS is published for public review, please send two hard copies and, if available, two electronic copies to the address above (mail code: CED-2). If you have any questions, please contact Connell Dunning, Transportation Team Lead, at 415-941-4161, or Susan Sturges, the lead reviewer for this project. You may reach Susan at 415-947-4188 or sturges.susan@epa.gov.

Sincerely,

/s/ Connell Dunning for

Nova Blazej, Manager
Environmental Review Office

Attachments:
EPA's Detailed Comments

cc: Kelly Finn, Caltrans
Susanne Glasgow, Caltrans
Mark Cohen, U.S. Army Corps of Engineers
Susan Wynn, U.S. Fish and Wildlife Service
Andy Brinton, U.S. Customs and Border Protection

EPA DETAILED COMMENTS ON THE DRAFT PEIS FOR STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY, SAN DIEGO COUNTY, CALIFORNIA, MARCH 3, 2008

Cumulative Impact Analysis

Cumulative impacts are defined in the Council of Environmental Quality's (CEQ) National Environmental Policy Act (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 transportation and non-transportation projects, such as large-scale industrial or commercial developments, 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 resources protection (CEQ's Forty Most Frequently Asked Questions #19).

The Draft Phase Environmental Impact Statement (PEIS) for State Route (SR) 11 and Otay Mesa East Port of Entry indicates its purpose is to identify a corridor for the facilities, allow for route adoption, and support consideration and approval of a Presidential Permit for the port of entry by the U.S. Department of the State. It further identifies that no ground disturbing activities would occur as a result of those actions. EPA understands that the Federal Highway Administration (FHWA) and California Department of Transportation (Caltrans) have proposed a phased National Environmental Policy Act (NEPA) approach for the analysis of the highway and port facilities. Subsequent Phase 2 environmental analyses will evaluate construction effects in separate, future EISs for (1) SR 11 and (2) the port of entry. The Draft PEIS includes a more general analysis for the determination of right-of-way establishment and defers consideration of impacts associated with project construction or operations until Phase 2 environmental analyses. The Draft PEIS does identify, for each resource area, whether an analysis of resource impacts at the PEIS stage will, or will not, lead to informing decision-makers about avoidance of impacts in choosing where to site the road and facility. Although the Draft PEIS provides a good cumulative impacts analysis for land use and biological resources, the analysis of cumulative impacts to other resources is lacking.

Although the action that is ripe for decision at the PEIS phase is to establish and purchase right of way, the intent is to develop these areas into a future road and port of entry facility. EPA feels that Phase 2 activities, which will include ground disturbing activities, can be defined as "reasonably foreseeable future actions" in this phased approach and, therefore, their anticipated cumulative impacts should be disclosed and discussed in the Final PEIS.

The Draft PEIS defers cumulative impact analyses for several resource areas until detailed project information is provided in the separate project level EISs that will follow this document. The Draft PEIS also acknowledges that "the projects are interdependent as their

locations and designs must be compatible and neither could proceed independently of the other." Considering their interdependent nature and that Phase 2 impacts are reasonably foreseeable, EPA recommends that a full cumulative impact analysis is provided in this document verses waiting for separate analyses in project level documents. Cumulative impacts from these future phases could be discussed generally in this document and then further refined in the future project-level EISs once more detailed design and construction information is available.

Recommendations:

- Assess cumulative impacts in the Final PEIS for: 1) resources that are anticipated to be impacted by Phase 2 activities, and 2) resources currently in poor or declining health or at risk, even if Phase 2 activities are expected to be relatively small (less than significant), including, but not limited to:

  - Growth
  - Environmental Justice
  - Traffic & Transportation
  - Hydrology and Floodplain
  - Water Quality and Storm Water Runoff
  - Hazardous Wastes/Materials
  - Air Quality

  EPA recommends the use of the June 2005 *Guidance for Preparers of Indirect and Cumulative Impacts Analysis* developed jointly by Caltrans, FHWA, and EPA [http://www.dot.ca.gov/ser/cumulative_guidance/purpose.htm].

- Identify the project's potential contribution to greenhouse gas emissions and discuss the potential impacts of climate change on the proposed project, if any. Identify if there are specific mitigation measures needed to 1) protect the project from the effects of climate change, 2) reduce the project's adverse air quality effects, and/or 3) promote pollution prevention or environmental stewardship. The State of California has increased its focus on potential climate change and impacts of increasing greenhouse gas emissions. Specifically, AB32 and Executive Order S-3-05 recognize the impact that climate change can have within California and provide direction for future reductions of greenhouse gases. In addition, NEPA requires the disclosure of impacts to resources. However, the Draft PEIS does not discuss project-related greenhouse gas emissions and does not analyze the potential impacts of climate change on the project.

- Fully discuss the health of the resources at an appropriate geographic and spatial scope for each resource. Although specific project details for the highway and port of entry facilities are not available at this time, general discussion of expected cumulative impacts from projects of this type, scale, and location should be provided in the Final PEIS with a refined cumulative impact analysis provided in the future project level NEPA documents.

- To the extent that information is available and obtainable, include the associated port of entry facility proposed on the Mexican side of the border in the cumulative impacts assessment.

Air Quality

National Ambient Air Quality Standards (NAAQS)

The project is located in the San Diego Air Basin (SDAB). San Diego County is currently maintaining the previous federal 1-hour ozone standard, under a maintenance plan, and is in non-attainment for the current federal ozone standard, which is based on an 8-hour averaging period. California Air Resources Board (CARB) submitted to EPA in June 2007 an 8-hour ozone attainment plan, which details how the San Diego 8-hour ozone nonattainment area will meet the 8-hour ozone standard by the statutory deadline.

At the same time that San Diego County has faced challenges with the former and current ozone standards (set at 0.12 and 0.08 ppm, respectively), EPA is in the process of reviewing the current 8-hour ozone standard and is party to an agreement to finalize the review by March 12, 2008. EPA has formally proposed to lower the ozone standard to a value within the range 0.070 to 0.075 ppm. If the standard is lowered, San Diego County is unlikely to meet it.

In November 2006, EPA revised the standard for fine particulate matter with a diameter of 2.5 microns or less ($PM_{2.5}$), and it is possible that San Diego will be in non-attainment for $PM_{2.5}$. Direct and indirect vehicular emissions are major components of $PM_{2.5}$. The Draft PEIS does not discuss project impacts associated with the 2006 $PM_{2.5}$ NAAQS. EPA has yet to designate areas of the country for this revised $PM_{2.5}$ standard. San Diego is attaining for $PM_{2.5}$, using 2004-2006 data, but just barely. Nationally, monitored air quality values for PM2.5 have been trending upwards

Recommendation:
In the Final PEIS, address the revised $PM_{2.5}$ standard and state that Phase 2 activities will need to consider the impact on the ambient level of $PM_{2.5}$, both locally and regionally.

The Draft PEIS appears to have unintended misinformation regarding the federal attainment status for criteria pollutants. The text on page 3.14-1, third paragraph reads:

> "Under the Federal Clean Air Act, the San Diego Air Basin (SDAB) is considered to be in nonattainment for the following criteria pollutants: O_3, *PM_{10}, and $PM_{2.5}$ (California Air Resources Board 2007) Regional* conformity is concerned with how well the region is meeting the standards set for these pollutants. *California* is in attainment for all other criteria pollutants. At the regional level, local districts (in this case, the San Diego Air Pollution Control District [SDAPCD]) develop and implement rules and regulations aimed at attaining the NAAQS and CAAQS..." *(emphasis* added*)*

SDAB is, as is noted correctly in the above paragraph, in nonattainment for ozone. It would be more clear however to note that this is the case for both the federal and state standards, and to only use the CARB 2007 citation with respect to state standards. CARB's website for state designations is:

http://www.arb.ca.gov/desig/adm/adm.htm

SDAB is, contrary to the draft PEIS statement above, attaining the federal PM_{10} and $PM_{2.5}$ standards. In the Final PEIS, EPA recommends correcting the federal attainment status for SDAB for PM_{10} and $PM_{2.5}$. For the state particulate standards, however, EPA understands that CARB has designated the SDAB as having not met the state PM_{10} and $PM_{2.5}$ standards.

The statement that "*California* is in attainment for all other criteria pollutants" is incorrect for both federal and state standards. EPA recommends replacing "California" with "San Diego" in the draft PEIS paragraph above since the statement as-is is incorrect and the intent is to describe federal attainment status in the San Diego Air Basin and not for the entire state of California.

General Conformity

The Final PEIS should clearly identify the applicable requirements for future Federal Actions that require Federal Highway Administration (FHWA) funding or approval and are subject to the Transportation Conformity requirements in 40 CFR part 93, subpart A and the future Federal Actions that are subject to the General Conformity requirements in 40 CFR part 93, subpart B. Although conformity may be exempt for Phase 1 activities, the Final PEIS should disclose how conformity will be addressed in the Phase 2 NEPA documents. The Draft PEIS recognizes that SR 11 is identified in the Regional Transportation Plan, but the Draft PEIS does not specifically discuss the port of entry facility and whether its emissions will be subject to General Conformity or both General Conformity and Transportation Conformity.

Recommendation:

- Identify the applicable requirements for future Federal Actions that require Federal Highway Administration (FHWA) funding or approval and are subject to the Transportation and General Conformity requirements.
- Provide additional information in the FEIS on how conformity will be demonstrated in both Phase 2 NEPA documents.

Air Quality No Action Alternative

The air quality impacts discussion for the No Action Alternative appears to imply that the air quality in the area will degrade without the addition of SR 11 and the port of entry, and that the No Action Alternative is actually worse in terms of air quality than the Build Alternatives. EPA believes that the summary conclusion for the No Action Alternative is unsupported by the facts and reasoning provided therein. The No Action Alternative states:

> "…Although increasingly stringent emissions requirements may have a positive effect, air quality near the areas surrounding the POE exits is expected to decline over time, based on the lack of improvement to the present circulation elements, the expected increase in population growth, and the forecasted increase in bi-national vehicular movement of people,

goods and services. As these changes occur, *without the benefit of SR-11 and the Otay Mesa East POE, adverse effects to regional air quality could occur*." (*emphasis* added)

The last statement in the paragraph above appears to conclude that SR-11 and Otay Mesa East port of entry together will reduce pollution in the border area. No evidence is presented in this section to support this conclusion. The factors cited, such as population growth and vehicle miles traveled (VMT), will occur regardless of action or no action. Without further analysis, it is unclear whether the pollution emitted from these growth trends will be lower or higher in the action or no action scenarios. It is true that congestion at existing port of entries will increase in the future if no action is taken. But it seems also entirely reasonable that the flowing traffic associated with the increased throughput of adding a new port of entry would actually produce more emissions than the no action scenario. People and goods movement follow patterns that involve decision making at the individual, corporate and governmental levels, and as such, increasing the throughput of port of entries could reasonably be argued to induce growth. Such induced growth could even be greater than the projected growth referenced in the No Action Alternative paragraph.

Recommendation:
EPA recommends that the No Action Alternative impacts analysis section be revised to either: 1) state definitively that the No Action Alternative is inherently more polluting than any of the project alternatives (if that is supported by data) and provide supporting analysis for this conclusion, or 2) clearly articulate in the Final PEIS that there is uncertainty and that the nature, scope and extent of pollution increases in the border area will be established more clearly in Phase 2 analyses. EPA stresses that it should be made clear in this latter case that under all alternatives there will be an increase in pollution, but that it is currently unclear whether that increase will be greater or lesser with the various alternatives.

Emissions from Idling Trucks

Emissions from heavy duty diesel trucks include direct emissions of particulate matter, as well as precursors to particulate matter, such as sulfur oxides, volatile organic carbon (VOC), and nitrogen oxides (NOx). VOCs and NOx are also precursors to ozone. San Diego County has a history of not meeting federal ozone standards. While air quality trends for the SDAB for ozone have shown improvement, the area is expected to continue to violate the federal standard for several years, and if that standard is lowered, for longer. Further, as we have stated, $PM_{2.5}$ values are trending upwards. With the expected increase in idling and VMT truck emissions, related to the port of entry and SR11, there will be increased human exposure to these direct emissions and the secondary particulate and ozone pollutants, in an area of already degraded air quality.

The proposed project will likely result in idling of engines as heavy duty diesel trucks wait in queue for inspection by Mexican and U.S. Customs. At the existing Otay port of entry, trucks sometimes wait for hours before crossing the border. To minimize impacts to air quality, the Final PEIS should identify specific design commitments which can reduce wait time for trucks and can be adopted at the project-level subsequent EISs. Direct emissions from tailpipes,

brake surfaces and road wear, as well as indirect, secondary emissions from precursors forming particulate matter and ozone should be minimized.

Recommendations:

- Include truck stop electrification as a consideration for right of way footprint in the Final PEIS and as a Phase 2 mitigation option to reduce emissions from truck idling. Truck stop electrification provides an off-site location for trucks to stop, turn off their engines, and hook to the grid to provide for air conditioning and other electrical needs, thereby eliminating idling.

- As mitigation for future actions associated with Phase 2, consider other infrastructure- and efficiency-based improvements to reduce idling and improve throughput at the port of entry, such as:
  - A more automated system to streamline truck processing;
  - Incentives to cross the border at different times to stagger the flow of trucks;
  - Removal of barriers to join the U.S. Customs and Border Protection's Fast and Secure Trade (FAST) program and the increased use of the FAST lanes by fleet owners. (FAST, a bilateral initiative between the U.S. and Mexico designed to ensure security and safety while enhancing the economic prosperity of both countries, improves the efficiency of screening and clearing commercial traffic);
  - A sufficient number of lanes to reduce the maximum wait time to an acceptable level, possibly 30 minutes or less.

Mobile Source Air Toxics (MSAT)

At the PEIS level, choice between corridors should consider proximity of new and increase truck traffic to sensitive receptors, low income communities, and densely populated areas south of the border. The project has the potential to introduce a large amount of truck traffic to neighboring residential communities in Mexico where it currently does not exist. The Final PEIS should consider options to avoid and minimize possible MSAT impacts to these communities.

Any change in traffic density resulting from the Proposed Alternatives is likely to lead to both an increase in MSAT impacts at one location (associated with the new facilities) and a decrease in MSAT impacts at another location (such as the existing Otay Mesa port of entry facility). The net result of this change may be either unacceptable or beneficial, and is especially dependent on the relative locations of sensitive receptors, but is difficult to determine without further analysis of changes in ambient concentration as a result of each alternative.

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 that informs decision-making between Corridor Alternatives and informs avoidance, minimization, and mitigation options. 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). 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).

The Draft PEIS references the February 2006 FHWA MSAT interim guidance which describes how to assess MSAT impacts for transportation projects during the NEPA process. While there are positive elements to this guidance, especially the acknowledgement of potential MSAT concerns, EPA continues to disagree with major elements of this approach nationally. This 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.

Recommendations:

- In the Final PEIS, identify homes and sensitive receptors, on both sides of the border, located at least 300 meters from where there would be increases in truck traffic or idling and compare these numbers between alternatives. If the project would likely contain a large facility with multiple lanes and high average daily traffic (10,000 average daily traffic (ADT), for example), then the Final PEIS should at least identify the total tons per year anticipated for the six most significant MSATs, namely diesel particulate matter

(DPM), acrolein, acetaldehyde, formaldehyde, benzene, and 1,3-butadiene for each alternative.

- The Final PEIS should discuss areas where Corridor Alternatives may lead to increased MSAT impacts or provide environmental benefits. Identify available options for each alternative to further minimize MSAT impacts.

- Identify a methodology in the Final PEIS to further assess these impacts for the project level EISs. EPA recommends following recommendations provided in the above-referenced March 2007 report entitled "Analyzing, Documenting, and Communicating the Impacts of Mobile Source Air Toxic Emissions in the NEPA Process".

Transboundary Impacts

The Draft PEIS does not identify how FHWA, GSA, and Caltrans will address transboundary impacts from the proposed project. The proposed roadway and port of entry are located at the Mexico border and will facilitate a large amount of truck traffic to and from Mexico. Page 1-6 of the Draft PEIS in the Purpose and Need Section indicates that northeastern Tijuana near the future East Otay Mesa port of entry has limited potential undeveloped sites "...due to industrial development and increasing encroachment by low income, high density, unregulated residential settlements." The proposal can directly and/or indirectly affect resources and communities across the national border. The PEIS is the appropriate venue to clearly identify how the PEIS, as well as the subsequent project-level EISs for the SR 11 and the port of entry facility, will analyze and identify potential mitigation for transboundary impacts.

Recommendation:
Include an analysis of impacts from reasonable foreseeable future actions. Impacts to the environment and communities on the Mexico side of the border, including air quality, water quality, land use, community cohesion and character, and changes to truck traffic in the Draft PEIS should be assessed. Address impacts using the July 1, 1997 *Council on Environmental Quality Guidance on NEPA Analyses for Transboundary Impacts* [http://www.nepa.gov/nepa/regs/transguide.html].

Purpose and Need Statement

The Draft PEIS identifies several ongoing and planned border port projects in the Purpose and Need Statement. EPA understands that there are ongoing discussions of a possible new Jacumba port of entry east of the project area by old Highway 80. The Draft PEIS does not discuss the Jacumba port of entry project.

Recommendation:
Include a discussion of the status of a possible new Jacumba port of entry and how its implementation may affect the need for the project.

Program Alternatives

Transportation System Management / Transportation Demand Management

The Draft PEIS indicates sufficient design detail is not available to include Transportation System Management (TSM) and Transportation Demand Management (TDM) Alternatives at the PEIS phase and that they will be included in the project level EISs. It is unclear if this also includes the consideration of TSM and TDM at existing port of entry facilities.

Recommendation:
In the Final PEIS, clarify if analysis of possible alternatives that consider TSM- and TDM-only (i.e. not tied solely to the Western and Central Alternatives) will also be considered in the project-level EISs. Also clarify if the project-level EISs will consider alternatives with a combination of TSM and/or TDM improvements at existing facilities and possible smaller new facilities. EPA is concerned that by not discussing these TSM and TDM alternatives at the PEIS stage, the least environmentally damaging alternative may be prematurely eliminated from consideration in the project-level EISs. The Purpose and Need Statement discusses the limitations of potential of expansion and operational improvements of existing port of entry facilities to meet the projected increases of regional port of entry use. If these limitations also include TSM and TDM options, then this should be explicitly stated in the Purpose and Need Statement.

Truck Stop Electrification

As discussed during our interagency workgroup meetings, Caltrans and FHWA are exploring the potential of truck stop electrification as a way to reduce air quality impacts associated with idling trucks waiting to cross the border.

Recommendation:
EPA recommends that the Program Alternatives incorporate a discussion about efforts to explore truck stop electrification as this would influence right-of-way (ROW) footprint considerations.

Energy Use and Utilities

The Draft PEIS identifies the potential of post-operational energy use associated with the port of entry and increased fuel consumption and that construction of the project will require new water, sewer, and power to service the new port of entry facilities.

Recommendation:
EPA recommends expanding these discussions so the public is aware of the extent of new infrastructure that will be required as a part of the proposed highway or port facilities.

Comments and Coordination

GSA Role and Responsibility with the PEIS

The Draft PEIS briefly states that GSA is a cooperating and participating agency (Section 6.3 SAFETEA-LU 6002 Coordination Plan) and that GSA will serve as a Lead Agency for the project level NEPA document for the port of entry.

> *Recommendation:*
> EPA recommends the Final PEIS clarify GSA's role and participation in the development of the PEIS. The Summary and Chapter 1 Introduction Sections of the Final PEIS should provide additional information on GSA's role and responsibilities, including any of their federal actions associated with Phase 1 activities. The Final PEIS should also describe the relationship of GSA's subsequent NEPA document for the port of entry facility to the PEIS, such as possible tiering to or referencing of the PEIS.

EPA Comments and Coordination

On June 1, 2007, EPA provided comments on the project's Notice of Intent (NOI) published in the Federal Register on May 2, 2007. Our scoping comment letter referenced earlier March 17, 2007 comments provided by EPA on the project's working draft annotated outline for the Draft PEIS. The draft outline detailed information to be included in the Draft PEIS for SR 11 and Otay Mesa East port of entry facility.

The Comments and Coordination Section of the Draft PEIS indicates that U.S. Fish and Wildlife Service was the only agency to submit comments on the NOI and summarizes their comments. EPA recommends including in the Final PEIS that EPA also provided NOI comments and to include our comments in this Section. EPA also notes that page 6-6 of the Draft PEIS indicates that Caltrans received comments from EPA after a June 6, 2007 public scoping meeting and summarizes comments received from EPA. EPA did not attend this scoping meeting. EPA recommends removing the reference of EPA attendance at the public scoping meeting and the EPA comments from this section of the Draft PEIS.